

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

240

CRR-2665-2018 (O & M)
Date of Decision:24.07.2019

Tarunjeet Singh Kohli

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Abhilaksh Grover, Advocate for the petitioner.

MANOJ BAJAJ, J.

Petitioner has preferred this criminal revision to challenge the Appellate Court judgment dated 21.03.2018 passed by the Sessions Judge, Kurukshetra, whereby it has upheld the judgment of acquittal dated 18.11.2015 passed by the trial Court.

Learned counsel for the petitioner contends that the complainant was examined, however, before his cross-examination the witness had expired. According to him, the trial Court had proceeded to acquit the accused on the ground that the prosecution has failed to prove the case as the testimony of PW-1 was ignored. It is also not disputed by the learned counsel that the occurrence had allegedly taken place on 16.10.2012 and the FIR was recorded on 20.10.2012 i.e. after a delay of 4 days.

Since the evidence of informant injured could not be taken into consideration, therefore, the Court was left with no option but to examine the prosecution version on the strength of other evidence, which was found discrepant by the trial Court. The said judgment of acquittal was further

challenged by the petitioner before the Appellate Court wherein the view adopted by the trial Court was affirmed. The relevant portion reproduced below:-

“There is yet another aspect of the matter. The incident occurred on 16.10.2012 but the matter was not reported to the police till 20.12.2012. The only explanation offered by the prosecution for the delay is that complainant remained admitted in GMCH, Sector-32, Chandigarh on 16.10.2012. As per medico-legal report Ex.PW1/A complainant suffered only two injuries, complaint of pain in abdomen and abrasion on back of left forearm. There is nothing to prove that complainant had been operated upon on an earlier occasion or that he remained admitted in GMCH, Sector-32, Chandigarh on 16.10.2012 or was advised rest. Delay in FIR thus assumes significance in the wake of admitted hostility between the parties. There was thus no impediment either for PW-6 Tarunjeet Singh or PW-1 Pargat Singh to lodge the report with police promptly. The inaction of the complainant and witness to lodge prompt report makes prosecution case suspect. On account of the delayed report to the police, in the wake of inimical relation between the parties a coloured, embroided version and false implication cannot be ruled out.”

A perusal of the above, makes it clear that the Courts have

considered the evidence on record carefully to arrive at a conclusion that the prosecution has failed to establish the charges.

A perusal of the impugned judgment reveals that the Court has adopted a possible view which is based on correct appreciation of material on record. It is also settled law that the Court of revision is not to re-appreciate the evidence.

In view of the above, this Court does not find any reason to interfere with the impugned judgment.

Resultantly, petition fails and dismissed.

24.07.2019
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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No