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

**CRM-M-36134-2019
Date of decision-24.09.2019**

Rahul Mittal

...Petitioner

Vs.

Yuvraj and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Deepak Kumar Mehta, Advocate for the petitioner.

MANOJ BAJAJ, J. (Oral)

Petitioner-Rahul Mittal is aggrieved against the order dated 01.06.2019 (Annexure P-4) passed by the revisional Court, whereby it has upheld the order dated 21.07.2018 (Annexure P-3) passed by the trial Court refusing to summon additional accused, namely, Yuvraj and Giyarsi Devi upon an application filed by the complainant under Section 319 Cr.P.C.

Learned counsel for the petitioner contends that the application was filed to summon four accused persons, namely, Siya Ram, Naveen, Yuvraj and Gyarsi. He submits that the trial Court after examining the evidence of the complainant, has partly allowed the application by summoning accused Siya Ram and Naveen as additional accused. However, the prayer in respect of Yuvraj and Giyarsi Devi was declined.

Learned counsel contends that the alleged occurrence took place in the shop of the petitioner and the CCTV footage clearly establishes the participation of the two accused, Yuvraj and Gyarsi in the crime. Therefore,

it was incumbent upon the trial Court to summon them as an additional accused as well. According to him, the revisional Court has also refused to interfere with the said order and the revision petition was also dismissed.

After hearing learned counsel for the petitioner, this Court finds that the CCTV footage was examined by the Courts below while observing that these two persons were only seen in the footage, but did participate in the crime. It is not disputed that the place of occurrence is a shop and merely because two persons are seen in that CCTV footage, it would not be a sufficient evidence, for exercise the power under Section 319 Cr.P.C.

In the considered opinion of this Court, impugned orders passed by the revisional Court as well as by the trial Court are based on the correct appreciation of the material on record. Resultantly, no ground for interference is made out.

Consequently, petition is dismissed.

(MANOJ BAJAJ)
JUDGE

24.09.2019

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No