

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

CRR-2110-2009 (O&M)

Date of Decision: 03.03.2020

Mukhtiar Singh and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. D.S. Sidhu, Advocate for
Mr. L.S. Sidhu, Advocate for the petitioners.

Ms. Amarjit Kaur Khurana, DAG, Punjab.

H.S. MADAAN, J.

Accused Balvir Singh, Mukhtiar Singh, Surjit Singh and Jatto Bai faced trial by Addl. Chief Judicial Magistrate, Ferozepur in a case registered vide FIR No.107 dated 08.11.2001 for offences under Sections 326, 323 and 34 IPC, Police Station Guruharsahai, on the allegations that on 05.12.2001 when complainant Manjit Kaur daughter of Darshan Singh, resident of Village Jiwan Arain along with her mother Smt. Mohinder Kaur were present in their house, at about 8.00 PM, the electric bulb in their house was glowing. Complainant Manjit Kaur went to the street and saw that Mukhtiar Singh @ Pappu armed with a kulhari, Surjit Singh @ Seetu armed with a dang, Jatto Bai empty handed, Balvir Singh armed with jantar wook soti, residents of their village were standing in the street. Balvir Singh accused was touching the overhead

electric wire going to house of complainant with a stick. Resultantly, supply of electricity to the house of complainant got disrupted. The complainant asked the accused not to do so. Then accused Balbir Singh raised a lalkara that Manjit Kaur should not be left alive and she be taught a lesson for quarreling with them. Thereafter, accused Jatto Bai caught hold of complainant; accused Mukhtiar Singh gave kulhari blow on the left ear of complainant. Her left ear was cut. Then accused Surjit Singh gave a dang blow on the left side of neck of the complainant. Complainant raised hue and cry, which attracted her mother Mohinder Kaur, who came forward to save the complainant. Accused ran away from that place; injured was taken to Civil Hospital, Jalalabad for treatment, from where she was referred to Faridkot. On coming to know about admission of injured in the hospital, a police party from PS Guruharsahai had gone there and recorded statements of complainant at Civil Hospital Jalalabad, after obtaining opinion from the doctor that complainant injured was fit to make statement. The motive for the incident was stated to be that houses of complainant and accused are situated opposite to each other and on earlier occasions also, accused Balbir Singh etc. used to disrupt the supply of electricity to house of the complainant by touching the electric wire with stick and they were asked not to do so but to no effect. For said reason, they had caused injuries to the complainant. The IO had appended his endorsement below such statement of Manjit Kaur, sending ruqa to the police station, on the basis of which formal FIR was registered. The matter was investigated.

On completion of investigation, the challan against the accused was prepared and filed in the Court. After framing of charge for offences under Sections 326, 323 and 34 IPC, trial against them proceeded.

During the course of prosecution evidence, prosecution examined complainant-injured Manjit Kaur as PW1, her mother Mohinder Kaur as PW2, PW3 Dr. Anil Aggarwal, PW4 ASI Balraj Singh besides proving various documents.

Statements of the accused were recorded under Section 313 Cr.P.C., in which all the incriminating circumstances appearing against the accused were put to them but they denied the same, contending that they were innocent and had been falsely implicated in the case. The accused led evidence in defence also.

On conclusion of trial, vide judgment/order dated 29.11.2007, accused Balvir Singh and Jatto Bai were acquitted of the charge framed against them, whereas, Mukhtiar Singh and Surjit Singh were convicted for offences under Sections 326, 323 and 34 IPC and vide order of even date, Mukhtiar Singh was sentenced to undergo rigorous imprisonment for a period of 02 years and to pay fine of Rs.500/- for committing offence under Section 326 IPC and he was also sentenced to undergo rigorous imprisonment for a period of 06 months for committing offence under Sections 323/34 IPC, whereas, accused Surjit Singh was also sentenced to undergo rigorous imprisonment for a period of 06 months for committing offence under Section 323 and Section 326/34 IPC and to pay fine of Rs.200/- and in default of payment of fine, to

further undergo RI for a period of one month. Both the sentences were ordered to run concurrently.

Accused/convicts felt aggrieved by such judgment and had preferred an appeal before Sessions Judge, Ferozepur, who upheld the conviction of both the accused but with regard to sentence to Mukhtiar Singh for offence under Section 326 IPC, he was sentenced to undergo rigorous imprisonment for a period of 01 year, whereas, other part of the sentence remained the same.

Still feeling dissatisfied, the petitioners/accused have preferred this revision petition, notice of which was given to State and State is opposing the revision petition.

Heard.

Admittedly, scope of revision petition is quite limited unlike that of an appeal. The revisional Court is to interfere only if the judgment passed by the Courts below is against the settled principles of law or is perverse, arbitrary, resulting in miscarriage of justice. Here the judgments passed by the Courts below do not suffer from any illegality or infirmity, much less apparent on the face of such judgments. The judgments are rather result of proper appreciation of evidence and correct interpretation of law. No reason is there to interfere with such judgments on the point of conviction or quantum of sentence passed by the Appellate Court. The contentions raised by learned counsel for the revisionists that there is a delay of 03 days in lodging the FIR; that blood stained clothes were not produced in the Court; that injuries on the person of Balbir Singh are not

explained by the prosecution and that weapon of offence were neither recovered nor produced in the Court, have already been dealt with in detail by the Courts below and no disagreement with the Courts below on such points could be made. The conviction of the accused/convicts and the sentence are perfectly justified and no reason is there to interfere with the same while exercising revisional jurisdiction. The revision petition being without any merit stands dismissed.

03.03.2020

sumit.k

(H.S. MADAAN)
JUDGE

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