

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

**CRR-2250-2019
Decided on : 30.01.2020**

Ramandeep Kaur

. . . Petitioner(s)

Versus

State of Punjab

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. Arihant Goyal, Advocate
for the petitioner(s).

MANJARI NEHRU KAUL, J. (Oral)

The instant revision petition has been preferred against the order dated 27th August, 2019, passed by the learned Additional Sessions Judge, Kapurthala (for brevity 'trial Court'), whereby, the accused were charged with Sections 323, 324, 354, 506, 307 read with Section 34 IPC, only.

It has been urged that the learned trial Court gravely erred in ignoring the fact that subsequent to the registration of the FIR in question, offence under Sections 307 IPC had been added, as there were specific allegations in the FIR that the petitioner had been subjected to physical assault by her in-laws family and the father-in-law of the petitioner while assaulting her stated that the dispute between the petitioner and the in-laws family be finished by killing her. Not only this, it was urged that the husband of the petitioner gave her a fist blow on her mouth, as a result of which, blood started oozing from her teeth. Another cousin of the husband namely Nirvail Singh as well as the father-in-law inflicted blows on her with an iron rod, with an intention to outrage her modesty. While the petitioner was lying down, her mother-in-law and sister-in-law inflicted

injuries upon her with a danda and thereafter, they tried to strangulate her with her chunni. Hence, in view of the allegations levelled against the accused as well as the injuries inflicted on the person of the petitioner, it was vehemently argued that the trial Court gravely erred in discharging all the accused for the offences punishable under Section 307 IPC.

I have heard learned counsel for the petitioner and have gone through the impugned order as well as the Medico Legal Report of the petitioner, which has been placed on record by the learned Counsel for the petitioner.

A perusal of the Medico Legal Report of the petitioner reveals that she suffered as many as eight injuries, which admittedly were found to be simple in nature, for which they were rightly booked for the offences punishable under Sections 323, 324, 325, 506 read with Section 34 IPC. As far as injury No.2 is concerned, which was on the neck of the complainant, the same was referred to a specialist for which an x-ray was advised. It is this injury which according to the learned counsel for the petitioner attracts the mischief of Section 307 IPC.

As per the opinion given by the doctor in the MLR of the petitioner, this injury was declared simple in nature, as it was not a bony and soft tissue injury. It goes without saying that had it been an injury dangerous to life, the same would have definitely found reflected in the Medico Legal Report. It was categorically stated by the Doctor that only if the extent of injury been more, could it have been life threatening. Hence, in the absence of the injury being life threatening, the accused were rightly not charged against Section 307 IPC.

In view of the above, there is no illegality or infirmity in the

impugned order and thus, no ground is made out to interfere with the same by exercising the revisional jurisdiction of this Court. Consequently, the present revision petition stands dismissed.

(MANJARI NEHRU KAUL)
JUDGE

January 30, 2020

J.Ram

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