

CRR-979 of 2017

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

CRR-979 of 2017

Date of Decision: 24.02.2020

Roshan Lal

....Petitioner

Versus

Kulwant Singh and others

....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Mr. Randeep Singh, Advocate, for the petitioner.
Mr. Saurabh Sharma, Advocate, for respondents No.1 to 8.
Mr. Amrik Narwal, DAG, Haryana.

RAMENDRA JAIN, J. (ORAL)

Through this revision, complainant has laid challenge to order dated 22.11.2016 of the Sessions Court, remanding the case to the Court of learned Magistrate after setting aside order dated 08.11.2016.

Briefly, petitioner – Roshan Lal – lodged FIR No.168 dated 07.05.2007 under Sections 148, 149, 323, 324, 326 and 506 IPC at Police Station Pehowa, District Kurukshetra, that in the night of 06.05.2007, respondents No.1 to 8 (hereinafter referred to as 'private respondents') along with 5/6 more persons armed with deadly weapons like sword, revolver, gun, *gandasi* etc. attacked him. However, the fire shots luckily did not hit him. He had received various other grievous injuries caused by the assailants with their respective weapons.

After completion of investigation, police filed final report under Section 173(2) Cr.P.C. against private respondents before the Magistrate. Before framing of charge against private respondents under the

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aforesaid Sections, petitioner moved an application to commit the case to the Court of Sessions, alleging that private respondents were liable to be charge-sheeted under Section 307 IPC, which is exclusively triable by the Court of Sessions.

Learned Sub Divisional Judicial Magistrate, Pehowa, accepting said application of the petitioner, committed the case to the Court of Sessions vide order dated 08.11.2016.

Pursuant thereto, Sessions Court delved into the issue and finding that there was no *iota* of evidence against private respondents to chargesheet them under Section 307 IPC, setting aside aforesaid committal order, referred the case to the trial Court for further proceedings vide order dated 22.11.2016.

Heard.

Learned counsel for the petitioner has not been able to point out any infirmity in the impugned order inasmuch as injury received by the petitioner on his head through *gandasi* has been declared only grievous, for which police has filed final report against private respondents to face trial under Section 326 IPC. There is no medical opinion on the record to show that any of the injuries received by the petitioner was “dangerous to life”.

This Court while exercising its revisional powers has very limited jurisdiction, which can only be exercised, (i) when the Courts below have acted beyond jurisdiction vested in them or (ii) have not exercised the same diligently and (iii) have exercised illegally.

Learned counsel for the petitioner has not been able to show any such infirmity in the order of the Courts below.

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In view of above, this Court is not inclined to differ with the findings recorded by the Sessions Court in impugned order. Same are affirmed.

Dismissed.

Copy of this order be sent to the trial Court for expeditious trial.

February 24, 2020
R.S.

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No