

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

CRM-M-24842-2015 (O&M)

Date of decision: 09.11.2022

Nishan Singh

...Petitioner

Versus

Dr. Laddu and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Nakul Sharma, Advocate for the petitioner.

None for the respondent.

HARNARESH SINGH GILL, J. (ORAL)

Prayer in the present petition is for quashing of the order dated 21.11.2014 (Annexure P-1) passed by the learned Additional Sessions Judge, Ferozepur, as well as the order dated 15.05.2013 (Annexure P-2) passed by the learned Judicial Magistrate 1st Class, Ferozepur, whereby the complaint filed by the petitioner was dismissed.

As per the office report, the service is complete.

Learned counsel for the petitioner would vehemently argue that mere because, one injury was not found on the person of the petitioner, was no ground to discard the other injuries, which were duly established on record; that the complainant himself appeared in the witness box as CW1 and reiterated the version contained in the complaint; that all the other witnesses examined i.e. CW2-Teja Singh; CW3-Ajit Singh; CWP4-Mohinder Singh, had duly supported the version of the complainant and that even the testimony of CW6-Dr. A.B. Singh, Medical Officer, in respect of the injuries suffered, was also ignored. It is further submitted that when by way of the medical

evidence, it was established on record the injuries had been caused on the person of the petitioner, there was no occasion for the trial Court to hold that immediate admission of the injured in the hospital, cast a doubt about the case set up by the complainant.

It is further submitted that it is a settled law that at the time of framing of the charge(s), only a prima-facie case is to be seen by the Court and the Court is not required to shift and weigh the material in detail.

I have heard the learned counsel for the petitioner and have also gone through the documents on record.

The perusal of record would itself would reveals that the learned Judicial Magistrate 1st Class, Ferozepur, vide order dated 15.05.2013 dismissed the complaint of the petitioner after considering the arguments raised and documents on record. It was found that on a thorough examination of MLR would reveal that on the side of identification mark, the Doctor had given the marks amputation right index finger, which meant that right finger of the complainant was amputated well before the occurrence. Even the timing of the occurrence and admission of the injured in the hospital, was also found to be doubtful. Apart from that, it was also found that various cases were pending between the parties. No substance was found in the averments of the complaint regarding having moved an application to the police regarding the occurrence. The said findings were upheld by the learned Additional Sessions Judge, Ferozepur.

The arguments raised in the present petition, have already been dealt with by the Courts below. It could not be shown that the amputation suffered by the complainant was in the occurrence in question. Once, the medical evidence has established the amputation of the right index finger, at

prior point of time than the occurrence, the very intent on the part of the complainant shows the falsity contained in the averments made in the complaint.

In view of the above, finding no merit in the present petition, the same is hereby dismissed.

09.11.2022

Mangal Singh

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No