

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

Sr. No.103

**CRR No.702 of 2023 (O&M)
Date of Decision : April 18, 2023**

Inderjit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Vishal Nehra, Advocate,
for the petitioner.

SUDHIR MITTAL, J. (ORAL)

CRM-12473-2023

This application has been filed for condonation of delay of 197 days in filing the petition.

For the reasons stated therein, the application is allowed and delay of 197 in filing the petition is condoned.

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The petitioner was working as a registered medical practitioner allegedly after retiring from the Army.

2. On 29.06.2013, the son of the complainant namely Manjot Singh aged about 20 years had gone out of house but did not return. She went in search of him and heard shrieks coming from the shop of the petitioner. She went inside and saw the petitioner indulging in carnal

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intercourse with her son. This led to registration of FIR No.120, dated 30.06.2013, at Police Station Dasuya, District Hoshiarpur, under Section 377 IPC.

3. The trial Court convicted the petitioner and sentenced him to undergo RI for a period of three years and to pay fine of Rs.1000/-, in default of payment of which, to further undergo simple imprisonment for a period of seven days. Appeal against the said judgment of conviction and order of sentence has been dismissed. Thus, the present revision petition has been filed.

4. Learned counsel for the petitioner has argued that in the medico legal report, it has been clearly mentioned that there are no injury marks near the anus nor there were any marks of struggle. Yet, medical opinion vide statement of Dr.Sukhdev Raj, PW-7 is against the petitioner. Further, no spermatozoa were detected as is clear from the report of chemical examiner Ex.PW3/K. Thus, the opinion of Dr. Sukhdev Raj, PW-7 is not liable to be relied upon as it is contrary to the record. There is no eye-witness to the incident and the conviction is based upon hearsay. The revision petition thus, deserves to be allowed and the conviction deserves to be overturned.

5. A perusal of the order of the Appellate Court shows that Dr. Sukhdev Raj, PW-7 has given a definite opinion of sodomy having been committed. The said witness has examined the son of the complainant after taking into consideration the medico legal report. The mother i.e. the complainant has also witnessed the act as is evident from her statement as PW-2. Victim is suffering from mental retardation to the extent of 70%,

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yet, he has appeared in the Court and has deposed against the petitioner.

Based on this evidence, the appeal has been dismissed.

6. Learned counsel for the petitioner has not been able to show any infirmity the reasons given by the Appellate Court and thus, there is no ground for interfering with the judgment of conviction and order of sentence.

7. Revision petition is without merit and is dismissed.

8. Pending miscellaneous application, if any, also stand disposed of.

April 18, 2023

Ankur

(SUDHIR MITTAL)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No