

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

CRR-108-2022

Date of Decision:-01.03.2023

Ravi

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present

:-

Mr. Ajay Partap Singh, Advocate
for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

KARAMJIT SINGH, J.

The petitioner has filed the present revision petition against the judgment dated 1.10.2019 passed by the Court of Sessions Judge, Karnal whereby the appeal filed by the petitioner against the judgment dated 14.12.2018 passed by the Court of Judicial Magistrate Ist Class, Karnal whereby the respondents were acquitted of offences punishable under Sections 323, 427, 341, 506 read with Section 34 IPC in criminal case having FIR No.164 dated 21.6.2015 Police Station Taraordi District Karnal has been dismissed.

The brief facts of the case as are narrated in the FIR are that on 20.6.2015 at about 9.00 p.m. petitioner/complainant Ravi and Kamal son of Jagan Nath were going in a car No.HR05-N-3883 and when they reached

near the crossing of their village, they were intercepted by respondent No.2-Pardeep, Amit, Monu, Ankit and Vikas and all of them started hitting the car in which the complainant was travelling with Kamal. However Kamal managed to escape from the said car. Petitioner-Ravi was removed from the said car at gun point by the aforesaid persons and taken to their Baithak, where respondent No.3 Sandeep, Rambir and Chajju were already present. Respondent No.2 hit butt of his revolver on the head of petitioner and then he was tied with a rope and then was hanged with iron chain. Amit gave blows with iron rod on the legs and arms of the petitioner while Monu gave a blow with Binda on his ear while Ankit and Vikas started beating him with iron chain and at that time all the abovesaid persons were proclaiming that after killing the petitioner they will further kill Pankaj and Vinod. They kept on beating the petitioner on which he lost consciousness and when he regained senses, the petitioner found himself in Karnal Hospital and his mobile phone and purse were missing.

On receiving the information, the police reached the said hospital and recorded the statement of petitioner and consequently FIR was registered. During investigation Amit, Monu, Ankit, Vikas, Rambir and Chajju were found innocent and accordingly offences under Section 148, 149 and 342 IPC were deleted. On completion of investigation, the police challaned respondents No.2 and 3 under Sections 323, 341, 427, 506 read with Section 34 IPC.

Finding a *prima facie* case, the learned trial Court framed charges under Sections 323, 341, 427, 506 read with Section 34 IPC against respondents No.2 and 3, to which they pleaded not guilty and claimed trial.

The prosecution in order to prove its case examined complainant/petitioner Ravi as PW-1 and also examined PW-2 EHC Ved Pal who mechanically examined the damaged car in which the complainant was travelling at the time of occurrence. Further PW-3 Dr. Krishan Kant, who medico legally examined the complainant, PW-4 SI Parveen Kumar, Investigating Officer, PW-5 Kamal an eye-witness, PW-6 Inspector Lalit Kumar who prepared the challan and PW-7 SI Prem Chand who also partly investigated the case, were also examined.

Respondents No.2 and 3 in their statements recorded under Section 313 Cr.P.C. pleaded innocence and false implication. The accused in their defence examined DW-1 Dr. Krishan Kant, who proved medico legal examination report Ex.DW1/B of respondent No.3.

The learned trial Court after going through the entire evidence led by both the parties came to the conclusion that the prosecution has failed to prove guilt of the accused persons i.e. respondents No.2 and 3 beyond reasonable doubt and accordingly both of them were acquitted vide judgment dated 14.12.2018.

Being aggrieved complainant/petitioner filed appeal but the same was also dismissed by the Court of learned Sessions Judge, Karnal vide judgment dated 01.10.2019.

Still being not satisfied the present revision has been filed by the petitioner/complainant challenging both the aforesaid judgments passed by the Courts below.

I have heard the counsel for the petitioner and the State counsel and gone through the record of the learned trial Court.

The counsel for the petitioner submits that the petitioner while appearing in the witness box as PW1 has narrated the entire occurrence and his testimony is corroborated by the medical evidence led in the shape of testimony of PW3 Dr. Krishan Kant, who tendered his affidavit Ex. PW3/A wherein he proved the MLR of the petitioner who was medico-legally examined on 20.06.2015 by the said doctor. The counsel for the petitioner further submits that in the light of aforesaid evidence led by the prosecution, the case of the prosecution stands proved beyond shadow of doubt.

Even the counsel appearing on behalf of the State also submitted that the prosecution has proved its case to the hilt.

I have considered the submissions made by the counsel for the petitioner and the State counsel.

In the present case, the prosecution in order to prove the ocular version examined complainant-injured Ravi as PW1 who reiterated the version recorded in the FIR. The prosecution also examined another eye-witness PW5 Kamal but he failed to support the case of the prosecution and also did not identify the accused persons while appearing in the witness box.

The concerned doctor who medico-legally examined complainant Ravi while appearing in the witness box as PW3 proved the medico-legal report of the injured as per which only bruises were found on body of the complainant. PW3 further clarified that the injuries found on the person of complainant were superficial in nature. As per the aforesaid medico-legal report no injury was found on the legs, arms and neck of the petitioner. The said medical evidence is not corroborating the ocular version given by the complainant while appearing in the witness box as PW1. In the

absence of any independent corroboration, the trial Court rightly disbelieved the testimony of the complainant.

Further the presumption of innocence of respondents No.2 and 3 is strengthened by the judgment of acquittal dated 14.12.2018 passed by the trial Court. The appeal filed by the petitioner was also dismissed by the First Appellate Court after appreciating the evidence led by both the parties.

The counsel for the petitioner has failed to point out any irregularity or illegality much less perversity in the impugned judgments passed by the Courts below.

In view of the matter, I am of the opinion that the trial Court has rightly acquitted respondents No.2 and 3 while giving them benefit of doubt and even the Court of learned Sessions Judge also rightly concurred with the findings given by the learned trial Court. As such, there is no merit in the present revision petition and the same is accordingly dismissed.

(KARAMJIT SINGH)
JUDGE

01.03.2023
Gaurav Sorot/P. Chawla

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