

230 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-24240-2016
Decided on : 29.05.2023

Balwant Singh

..... Petitioner

Versus

Sunil Kumar and others

..... Respondents

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. H.P.Singh, Advocate for
Mr. D.S.Malwai, Advocate
for the petitioner.

Manjari Nehru Kaul, J.(Oral)

1. The petitioner is impugning the order dated 17.05.2016 (Annexure P-2) vide which Revisional Court dismissed the revision petition preferred against the order dated 14.01.2016 (Annexure P-1) passed by SDJM, Nabha in criminal complaint No.06 of 22.07.2014 titled as Balwant Singh vs. Sunil Kumar and others.

2. Learned counsel for the petitioner *inter alia* contends that both the Courts below had failed to appreciate that on a perusal of the complaint in question an offence under Sections 3 and 4 of Scheduled Caste and Scheduled Tribes Act was clearly made out against the respondents. Learned counsel submits that the Court below failed to appreciate that there were specific allegations against the respondents of having passed casteist remarks against the petitioner, who belonged to the Ramdasia Caste, which had been declared as a Scheduled Caste by the Government. Learned counsel further submits that the

respondents had caught hold of the petitioner by his hair and thereafter thrown him on the ground. Learned counsel thus, vehemently argues that the impugned orders deserve to be set aside as the Courts had gravely erred by going into the probative value of the evidence at the stage of summoning itself, as evidence could not have been appreciated at that stage.

3. Heard learned counsel and perused the relevant material available on record including the impugned orders.

4. As per the allegations levelled in the complaint in question, the complainant had purchased medicines from respondent No.1- Sunil Kumar for his buffaloes. Other than his bald allegations qua the purchase of medicine from respondent No.1, the complainant failed to bring on record any material much less any receipt of payment qua the said medicines, which he purchased from respondent No.1. The genesis of the alleged occurrence was that the complainant had been told by a doctor that the medicines he had purchased from respondent No.1 were of substandard quality; when the petitioner approached respondent No.1 for returning them, he had abused the petitioner. Therefore, the least the complainant could have done in support of his allegations was to examine the doctor, who had told him about the medicines being of substandard quality. However, for reasons very strange, the said doctor was not even examined by the complainant in support of his case. Still further, it does not sit well with the prudence of this Court as to what would occasion respondent No.1 Sunil Kumar to take back the medicines already sold merely because a doctor had told the complainant that the medicines were of not good quality.

5. As a sequel to the above, this Court does not find any infirmity much less illegality in the impugned orders passed by the Courts below. Accordingly, the present petition being devoid of any merits, stands dismissed.

(MANJARI NEHRU KAUL)
JUDGE

29.05.2023
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Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No