

IN THE HIGH COURT OF PUNJAB & HARYANAAT CHANDIGARH

CRR-1217-2005
Reserved on 14.07.2023
Pronounced on: 20.07.2023

Jai Pal SinghAppellant

Vs.

Dev Dutt and othersRespondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Jasbir Singh Ahlawat, Advocate for the appellant.

Mr. Rajat Gautam, Addl.A.G., Haryana.

Mr. Sanjiv Kadiyan, Advocate for the respondent.

ANOOP CHITKARA J.

FIR No.	Dated	Police Station	Sections
428	19.11.1999	Old Faridabad	148/149/452/323 IPC

Criminal Appeal	RBT No.59 passed by Ld. Additional Sessions Judge, District Faridabad Date of decision: 26.08.2004
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1. Aggrieved by acquittal of all the four accused, the complainant- Jai Pal Singh had come up before this Court by filing the present criminal revision petition.
2. The facts of the case are that on 18.11.1999, the accused Dev Dutt, Mehri, Samer Singh and Mehar Singh came to the house of Jai Pal, where he was sitting with his son- Raju and nephew-Bhisham. Accused Samar Singh came to his house and asked him to come outside the house to have some talk with him. When he was coming out, all accused entered into his house. Dev Dutt gave a *lathi* blow on the palm of his right hand and when he tried to get up, he gave another lathi blow that hit his right hand. Albel fired a shot on him and he saved himself by leaning forward and that shot hit Mehar Singh his co-accused. The complainant further stated that Raju and Bhisham attempted to take weapon away from Mehar Singh in self defence. During the struggle, the weapon discharged and Mehar Singh was hit by the shot himself.
3. A counter case was also filed in which the members of complainant party were arraigned as an accused and they were convicted and sentenced for commission of offence under Section 307/320/323 IPC. Vide detailed judgment, learned Sessions Court found the present case is a counter blast with a view to save the other accused. All the

four members of the complainant party filed a joint appeal however during the pendency of the appeal, Bhisham Singh expired on 08.11.2020, Raju expired on 28.06.2016 and Harpal expired on 08.09.2018 and the only accused surviving is Bir Singh and vide a separate order passed in CRA-S-2094-SB-2004, this Court did not find any cogent evidence against Bir Singh as sufficient and acquitted him by giving him benefit of doubt.

4. An analysis of the record before this Court points out that this complaint was filed to explain the fire shots caused by the other party and injuries attributed to them i.e. appellant No.-1 Bhisham Singh, appellant No.2-Raju and appellant No.3-Harpal in cross case.

5. Learned Trial Court appreciated the evidence of the complainant and did not find it cogent. I have gone through the judgment and fully agree by the decision of Sessions Court. Even otherwise petitioner seeks conviction whereas as per Section 401 Cr.P.C., finding of acquittal cannot be converted into one of conviction by exercising revisional jurisdiction.

6. Be that as it may the present petition appears to be a counter blast by the accused party and this Court did not discuss the evidence against the main accused, for the reasons they had expired during the pendency of the appeal. An analysis of the present case does not call for any involvement of this Court, Hence, the Revision petition stands dismissed. All pending application (s), if any stands disposed of.

(ANOOP CHITKARA)
JUDGE

20.07.2023
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Whether speaking/reasoned:	Yes
Whether reportable:	No.