

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

CRR No.2440 of 2019 (O&M)

Date of Decision : 31.08.2023

Navratanpal Singh

.....Petitioner

Versus

Sandeep Singh @ Sonu @ Patki and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. B.S. Jaswal, Advocate
for the petitioner.

PANKAJ JAIN, J.

Complainant is in revision impugning judgment dated 26th of April, 2019 passed by Addl. Sessions Judge, Amritsar affirming the judgment of acquittal passed by JMIC, Amritsar dated 11.11.2016.

2. FIR was registered on the statement made by Navratanpal Singh who claimed that on 28.05.2008 at about 8.45 p.m. when he was going to purchase some domestic material, accused no.4 namely Mehar Singh along with 4-5 unidentified persons attacked him. Respondents-accused were charged for offences punishable under Section 326, 324, 34 IPC. After appreciating the evidence on record, Trial Court acquitted the respondents/accused after finding that :

1. The MLR and reports *qua* injuries alleged to have been suffered by the complainant could not be proved as the concerned doctor was not examined.
2. There were material contradictions in testimonies of the

prosecution witnesses.

3. PW1 the complainant in his own statement admitted that he was attacked by unidentified persons at night and he does not recognize them.
 4. Trial Court found that the incident is stated to be of 28.05.2008 at 8.45 p.m. and no information was given to police till 31.05.2008.
 5. Report filed by the Investigating Agency clearly mentioned that on 29.05.2008 and 30.05.2008 the complainant was fit to give statement but opted not to get his testimony recorded.
 6. The prosecution failed to examine the investigating officer.
3. In appeal the Appellate Court found that the gaps in the story of the prosecution were big enough to belie their version and even after reappreciating the entire evidence no other conclusion was possible but for the one recorded by the Trial Court.
4. Counsel for the petitioner wants this Court to reappreciate the evidence on record but even today has no explanation as to why the complainant failed to get his statement recorded immediately after the occurrence despite the fact that the doctors opined that he was fit to give his statement on 29.05.2008 and 30.05.2008 as well. Counsel also does not deny that no witness has been examined to prove the medical evidence on record.
5. In the considered opinion of this Court while exercise

revisional jurisdiction under Section 401 Cr.P.C., this Court is precluded from reappreciating the evidence unless and until some legal infirmity is brought forth.

6. Resultantly present revision petition is ordered to be dismissed.

August 31, 2023
Dpr

(PANKAJ JAIN)
JUDGE

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