

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRR-979-2022(O&M)

Date of Decision:-08.08.2023

Satyawan.

.....Petitioner.

Vs.

State of Haryana & Ors.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Nitin Kadian, Advocate for
Mr. Yashveer Kharb, Advocate for the Petitioner.

JASJIT SINGH BEDI, J.(ORAL)

The instant revision petition has been preferred by the petitioner against the judgment dated 01.09.2021 passed by Sessions Judge, Panipat whereby the judgment of acquittal dated 11.10.2017 passed by the Judicial Magistrate Ist Class, Panipat acquitting the respondent nos.2 & 3 herein was upheld.

2. The brief facts of the case are that petitioner Satyawan, PW-1 (hereinafter known as the complainant) got recorded his statement to the effect that on 23.07.2014 at about 10.00 am Suraj Mal (accused/respondent no.3), Devinder (accused/respondent no.2), Santosh and Seema had beaten him with the *lathies* in the fields. Seema wife of Devinder had given him *lathi* blows injuring his leg. While going back the accused had threatened him. Thereafter his wife Sushila had got him admitted at General Hospital, Panipat. Legal action was sought and the FIR came to be registered.

3. Based on the aforementioned FIR, the investigation was

conducted and the report under Section 173(2) Cr.PC was presented against the respondent nos.2 & 3 only. Santosh and Seema were placed in column no.2. The accused were charged under Section 323, 325, 341, 506, 34 IPC.

Six Prosecution witnesses were examined and a number of documents were placed on record. Pursuant to the conclusion of the Trial, the respondent nos.2 & 3 came to be acquitted vide judgment dated 11.10.2017 passed by Judicial Magistrate Ist Class, Panipat.

The complainant preferred an appeal against the said judgment which came to be dismissed by the court of Sessions Judge, Panipat vide judgment dated 01.09.2021.

4. The present revision petition has been filed against the aforementioned judgments.

5. The Counsel for the petitioner contends that the oral evidence of the complainant was duly corroborated by the medical evidence. It was proved beyond doubt that the accused had assaulted the petitioner. Undue importance had been given to the delay in the registration of the FIR without considering the fact that the petitioner had suffered serious injuries and would have had to take treatment at the first instance and only then make a complaint. The courts below had considered the minor discrepancies in the statements of the witnesses as major contradictions. The recovery of the weapons had been well proved in accordance with law. He therefore contends that as the offence had been established beyond reasonable doubt, the respondent nos.2 & 3 were liable to be convicted for having committed the offences in question.

6. I have heard counsel for the petitioner.

7. There is a considerable delay in the registration of the FIR. As per the prosecution case, the occurrence had taken place on 23.07.2014 at

about 10.00 am whereas the FIR came to be registered on 24.7.2014 at about 8.05 pm. This delay of is fatal to the case of the prosecution as the possibility of a coloured version coming up cannot be ruled out.

As per the version of the complainant his wife Sushila had accompanied him to the hospital and had got him admitted after the incident. However, Sushila wife of the petitioner was neither cited as a witness in the list of witnesses nor was any effort made to get her examined as such during the course of the Trial. On the contrary as per the record it was Surjit who had got the petitioner admitted into the hospital. This also creates doubt in the prosecution case.

Material improvements have been made by the petitioner in his statement during investigation and thereafter during the course of the Trial. During investigation Suraj Mal and Devinder, respondent nos.3 & 2 respectively had not been attributed any specific injury though Seema wife of respondent no.2-Devinder had been attributed specific injuries of having broken his legs. However, during the course of his deposition in court specific injuries were attributed to Suraj Mal and Devinder which are not corroborated with the MLR of the petitioner. As regards Seema, she along with her co-accused Satish were found innocent during the investigation and an application under Section 319 Cr.PC to summon them as accused was dismissed. Therefore, the prosecution has failed to connect the respondent nos.2 & 3 with the injuries sustained by the complainant. In fact apparently, as per the prosecution case, the respondent nos.2 & 3 had not caused any injury to the petitioner.

8. In view of the aforementioned facts and circumstances, I find no reason to interfere with the well reasoned judgments passed by the Courts below and the same are therefore upheld. Resultantly, the present revision

petition stands dismissed.

(JASJIT SINGH BEDI)
JUDGE

August 08, 2023
Vinay

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