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

**Criminal Revision No. 3614 of 2017 (O&M)
Date of Decision: 05.12.2023**

Jasmal

..... Petitioner

Versus

Sonu and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Sarfraj Hussain, Advocate
for the petitioner.

HARKESH MANUJA, J.

CRM-31775-2017

Prayer in the present application moved on behalf of the applicant-petitioner is for condonation of delay of 378 days in filing the present revision petition.

For the reasons stated in the application, duly supported by the affidavit of petitioner, the same is **allowed**. The delay of 378 days in filing the revision petition is condoned.

MAIN CASE

The petitioner, by way of present petition, seeks setting aside of the order dated 08.09.2016 passed by learned Sub Divisional Judicial Magistrate, Hathin, whereby criminal complaint under Sections 148, 149, 323, 325, 452 & 506 of IPC filed against the respondents-accused was dismissed.

[2] Briefly stating, the father of petitioner purchased two bighas of land from the respondents and thereafter the petitioner constructed his

residential house thereupon and respondent No. 2-Sohan Pal filed a civil suit qua the same. On 08.05.2012 at about 7.30 a.m., when the petitioner-complainant and his nephew were levelling the soil on the said plot, respondents came on the spot and gave a *lathi* blow on the right shoulder of the petitioner; further respondent Nos. 1 & 2 (Sonu & Sohan Pal respectively) gave kick and fist blow to the petitioner and respondent No. 3 (Pankaj) attempted to give a *lathi* blow on the head of the nephew of the petitioner, which was stopped by him. Respondent No. 2 (Sohan Pal) gave a *lathi* blow on the shoulder and respondent No. 4 (Lajja) gave a *lathi* blow on the back. Respondent No. 3 (Pankaj) gave kick and fist blow to the petitioner and his nephew and then fled away from the spot. Again on 13.05.2012 at about 9.00 a.m., when the petitioner alongwith his brother was having tea on the said plot, respondent No. 2 (Sohan Pal) and his sons came on the spot with lathi and iron rod. Respondent No. 2 (Sohan Pal) gave a *lathi* blow on the left shoulder of the petitioner; respondent Nos. 3 & 1 (Pankaj & Sonu respectively) gave *lathi* blow on the back of petitioner and they fled away from the spot.

[3] The petitioner moved an application against the respondents on which police registered a case bearing FIR No. 377 dated 21.11.2012, but no action was taken. Thereafter, on 19.11.2013, a complaint was filed against the respondents, which was dismissed vide order dated 08.09.2016 by learned Sub Divisional Judicial Magistrate, Hathin. Hence, the present revision petition.

[4] It is, *inter alia*, averred that the learned trial Court did not appreciate the evidence on record while dismissing the complaint.

[5] After perusing the paper-book, no *prima facie* case is made out for interference in the impugned order dated 08.09.2016.

[6] The case of petitioner-complainant is that respondents caused injuries to him on 08.05.2012 & 13.05.2012; however, complaints (Ex. C7 to C9) moved by Sube Khan, father of the complainant, to National Human Right Commission, Prime Minister and Home Minister, Govt. of India, nowhere mention the fact that on 13.05.2012, respondents caused injuries to the complainant and his brother. Also, Ex. C10, which is a complaint moved by the complainant himself to S.P., Palwal, there is no mention of any such incident of 13.05.2012. No medical evidence has been provided by the complainant to prove injuries *qua* incident dated 08.05.2012.

[7] Accordingly, this Court does not find any illegality or perversity in the decision dated 08.09.2016, passed by learned Sub Divisional Magistrate, Hathin; the present revision petition being bereft of any merit and the same is hereby **dismissed**.

December 05, 2023
'dk kamra'

(HARKESH MANUJA)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>