



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(119)

CRR-1107-2025(O&M)
DATE OF DECISION: 10.12.2025

Om Bati

.....Petitioner

VERSUS

State of Haryana and others

.....Respondents

CORAM HON'BLE MR. JUSTICE SUBHAS MEHLA

Present Mohd. Shahid Hussain, Advocate, for the petitioner.
Mr. Karan Veer Singh, Sr.DAG, Haryana.

SUBHAS MEHLA, J (ORAL)**CRM-47340-2025**

Application is for placing on record the documents/statement with regard to submitting the CCTV footage to the learned trial Court and local police (Annexure A-1).

Allowed, as prayed for.

Annexure A-1 is taken on record, subject to all just exceptions.

CRR-1107-2025

1. Present petition has been filed against the impugned order dated 19.03.2025, whereby application under Section 319 Cr.P.C for summoning (i) Kishanwanti wife of Jagdev @ Jaidev, (ii) Alka wife of Rakesh (iii) Dhruv son of Rakesh and (iv) Himanshi daughter of Rakesh, as additional accused was dismissed by learned Additional Sessions Judge, Palwal.

2. Brief facts of the case are that complainant/petitioner made a complaint to police to the effect that on 29.09.2023 at about 1 am at night,



wife of Rakesh, all residents of village Bhiduki armed with lathi, stick and kulhadi, encroached into her house; broke aluminum door and entered her house, attacked her son Thakurlal, who was sleeping and gave injuries with kulhadi on his head and injured him seriously. They misbehaved and gave injuries to Kajal wife of Thakur Lal. On hearing hue, noise and cry, she woke up and saw that they left Thakur Lal in serious condition, presuming him to be dead. On her call at 112, police came and took his son to Government Hospital Hodal, from where he was referred to Safdarjang Hospital, Delhi, and prayed for taking legal action.

3. Learned counsel for the petitioner contended that learned Additional Sessions Judge, Palwal has erroneously dismissed the application under Section 319 Cr.P.C. filed by the petitioner for summoning respondent Nos.2 to 5 as additional accused. He vehemently contended that there is a CCTV Footage of the occurrence, in which the private respondents/accused are seen involved in the occurrence, despite that fact, the trial Court has rejected the aforesaid application.

4. Mr. Karan Veer Singh, Sr. DAG, Haryana, has appeared and accepted the notice on behalf of respondent No.1/State and stated that reply has been filed by DSP, Hodal, District Palwal and in said reply, it is specifically mentioned that a perusal of CCTV footage shows that private respondents/accused have not actively participated in the alleged occurrence and were intervening just to pacify the matter. They are found innocent after thorough inquiry.

5. Heard.

6. After hearing the contention of the learned counsel for the parties and perusing the paper book, this Court finds no merit in the present



revision petition as learned trial Court has passed a well reasoned order while dismissing the application filed by the revisionist, under Section 319 Cr.P.C, seeking to summon the respondents no.2 to 5. The learned trial Court has not committed any palpable error or illegality in giving its finding qua the fact that version of petitioner/revisionist in the initial complaint and in her examination in chief is contradictory to each other in respect of the alleged involvement of the respondents as well as to their role in the occurrence. Moreover, as per reply dated 26.11.2025, filed by the State counsel, respondents no.2 and 3 are not involved in the occurrence. The names of respondents no.4 and 5 were taken, for the first time in the examination in chief by the revisionist. As such, it is the general tendency to rope in the name of whole of the family members. Besides the oral assertions of the petitioner, there is nothing on record which renders it justifiable to set aside the impugned order dated 19.03.2025 passed by the learned Additional Sessions Judge, Palwal.

7. Moreover, Hon'ble Apex Court in **Hardeep Singh vs. State of Punjab and others** 2014 AIR Supreme Court 1400, laid down the test which is to be applied while summoning the additional accused under Section 319 Cr.P.C. In order to summon a person while invoking the provisions of Section 319 Cr.P.C, the degree of satisfaction required, is one which is more than that of prima facie satisfaction requisite at the time of framing of charge, but short of satisfaction to an extent that evidence, if goes un rebutted, would lead to conviction.

8. The scope of revisional jurisdiction is very limited. The Courts can exercise its revisional jurisdiction only if there is patent illegality, perversity, jurisdictional error, or an error apparent on the face of the record.



In revisional jurisdiction, the Courts cannot substitute its opinion with that of the Courts below. Where two views are possible and the trial Court has taken one view which is a plausible view, merely because another view is possible, the High Court should not interfere, and would be in error in interfering with the findings of the trial court in its revisional jurisdiction. High Courts cannot reappraise evidence and come to a different conclusion. The revisional jurisdiction operates within narrow contours and can be exercised only in exceptional cases where the interest of public justice so requires such an interference, to rectify a gross miscarriage of justice. In absence of any manifest error of law or procedural defects, the High Courts should refrain from interfering with the order of trial court in its revisional jurisdiction. The revisional Court does not function as a Court of appeal and the Court cannot re-appreciate evidence. Revisional jurisdiction is normally exercised only in exceptional cases where there is a glaring defect in the procedure or there is a manifest error of law and consequently there has been a flagrant miscarriage of justice. The High Court cannot interfere with findings of fact of the learned trial Court which have been arrived at after due consideration and appreciation of evidence and material on record.

9. In ***Kishan Rao v. Shankargouda, (2018) 8 SCC 165***, the Hon'ble Apex Court *inter alia* held as under:

“12. This Court has time and again examined the scope of Sections 397/401 Cr.P.C. and the ground for exercising the revisional jurisdiction by the High Court. In *State of Kerala v. Puttumana Illath Jathavedan Namboodiri, (1999) 2 SCC 452*, while considering the scope of the revisional jurisdiction of the High Court this Court has laid down the following: (SCC pp. 454-55, para 5)

“5. ... In its revisional jurisdiction, the High Court can call for and examine the record of any proceedings for the purpose of satisfying itself as to the correctness, legality or propriety of any finding, sentence or order. In other words, the jurisdiction is one of supervisory jurisdiction exercised by the High Court for correcting miscarriage of justice. But the said revisional power cannot be equated with the power of an appellate court nor can it be treated even as a second appellate jurisdiction. Ordinarily, therefore, it would not be appropriate for the High Court to reappreciate the evidence and come to its own conclusion on the same when the evidence has already been appreciated by the Magistrate as well as the Sessions Judge in appeal, unless any glaring feature is brought to the notice of the High Court which would otherwise tantamount to gross miscarriage of justice. On scrutinising the impugned judgment of the High Court from the aforesaid standpoint, we have no hesitation to come to the conclusion that the High Court exceeded its jurisdiction in interfering with the conviction of the respondent by reappreciating the oral evidence. ...”.

10. Finding no merit in the present revision petition, same is hereby dismissed.
11. All pending misc. applications, if any, be also disposed of.

10.12.2025

mamta

(SUBHAS MEHLA)

JUDGE

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No