

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

2026:PHHC:048663



(214)

CRR-136-2010 (O&M)

Reserved on : 11.03.2026

Pronounced on : 30.03.2026

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Prem Singh

.....Petitioner

Versus

Jaspal Singh & others

.....Respondents

CORAM : HON'BLE MR.JUSTICE RAMESH CHANDER DIMRI

Present:- Mr.J.S.Cooner, Advocate, for the petitioner.

Mr.Keshav Pratap Singh, Advocate and
Mr.Ekteshwar Sidhu, Advocate, for respondent Nos.1 to 6.

Mr.A.K.Khubbar, Addl.A.G., Haryana.

RAMESH CHANDER DIMRI, J. :

1. This judgment shall dispose of a Criminal Revision Petition filed against the judgment dated 27.07.2009 passed by the Learned Addl.Sessions Judge, Ambala (for brevity, “Appellate Court”) by which an appeal filed by the respondents/accused (for brevity, “accused”) was disposed of and the judgment of conviction dated 27.07.2007 was modified to the extent that the accused-Narinder Singh was acquitted of the charge framed against him whereas other accused were ordered to be released on probation subject to they furnishing requisite bonds in the sum of Rs.30,000/- each with one surety in the like amount each.

2. As per the prosecution case, the complainant-Prem Singh has four brothers, one Ram Pal Singh being youngest of them. All of them were residing separately. Some land of Prem Singh and his nephew

Mangat Singh was comprised in Abadi Deh of Village Rampur situated near baithak of accused Roop Singh (since deceased) where cowdung cakes had been stacked and certain wooden logs were also stored. On 28.11.1990 at about 8.30 a.m., Prem Singh and his nephew Mangat Singh as well as Sunil Kumar had gone to dig a foundation on the said land for raising a boundary wall. When they started digging the foundation, accused Jaspal Singh, Roop Singh, Des Raj, Surinder Singh, Nepal Singh, Krishan and Babli, with Narinder Singh, armed with lathis and gandas, came there. They proclaimed that said land belongs to them. Such proclamation led to exchange of words. In result, Roop Singh got infuriated and provoked others to teach a lesson to Prem Singh etc. He inflicted a lathi blow on head of Prem Singh. He then gave its blow on his forehead. Third blow thereof was given on ear of Prem Singh. Accused Des Raj gave a lathi blow on right shoulder of Prem Singh whereas the accused Narinder Singh gave lathi blows on his right shoulder as well as his right elbow. Accused Surinder Singh gave a lathi blow on his right hand and another blow thereof on his left ankle. Prem Singh fell down. Accused Roop Singh gave a lathi blow on his right shoulder whereas accused Nepal Singh gave lathi blows on his ankle and left elbow. Accused Jaspal Singh gave a reverse-side blow of gandasi on right hand of Prem Singh. Said accused also caused injuries to Sunil Kumar and Mangat Singh. On raising alarm, one Som Nath son of Surat Singh and Surat Singh as well as Atma Ram came to the spot. They rescued Prem Singh from the accused. After criminally intimidating Prem Singh, the accused fled from the spot with their respective weapons. All three injured

were taken to hospital. On getting information about admission of injured to the Civil Hospital, SI Jai Ram etc. reached Civil Hospital, Mullana and recorded statement of Prem Singh. On its basis, a DDR and then an FIR was registered on that very date. Investigation was started. Medical evidence was collected. Statements of witnesses were recorded. On completion of investigation, final report under Section 173 of the Code of Criminal Procedure, 1973 (for brevity, "1973 Code") was prepared. It was presented before the concerned Area Magistrate.

3. After complying with the provisions contained in Section 207 of the 1973 Code, the Learned Magistrate, vide order dated 23.10.1998, charge-sheeted the accused for commission of offences under Section 148 as well as Sections 323, 325, 506 read with Section 149 of the Indian Penal Code, 1860 (for brevity, "1860 Code"). The accused pleaded not guilty to the charges and claimed trial.

4. In its evidence, prosecution examined 6 witnesses. It also proved documents referred to by the Learned Courts below in the impugned judgment/s.

5. In their respective statements under Section 313 of 1973 Code, the accused denied the incriminating evidence put to them with a plea of false implication on account of prior enmity. They produced 2 witnesses in their defence. After proving documents Mark-A and Mark-A2, they closed their evidence.

6. On conclusion of evidence, concerned Area Magistrate heard the partis on merits of the case. After such hearing, it convicted the

accused under Section 148 as well as Sections 323, 325, 506 all read with Section 149 of 1860 Code. They were accordingly sentenced.

7. Aggrieved of the said conviction and order of sentence, the accused preferred an appeal before the Sessions Court. Through the impugned judgment dated 27.07.2009, the Learned Appellate Court accepted the appeal on behalf of accused Narinder Singh and acquitted him. However, appeal against conviction of the accused Jaspal Singh, Krishan, Nepal Singh, Des Raj and Surinder Singh was dismissed. However, a plea of grant of probation etc. raised on behalf of the said accused was accepted and they all were ordered to be released on probation for a period of one year without supervision. Accused Jaspal Singh, Krishan, Nepal Singh, Des Raj and Surinder Singh were also directed to pay compensation of Rs.10,000/- to Prem Singh (complainant). Amount of fine of Rs.10,000/- already deposited by them before the Trial Court was converted towards costs of proceedings and amount of fine deposited by said Narinder Singh was ordered to be refunded to him. Amount of compensation ordered by the Appellate Court was deposited by the said accused. Prem Singh had also filed a Revision Petition against the judgment passed by the Learned Trial Court. It was also accordingly disposed of. Aggrieved of the impugned judgment dated 27.07.2009, said Prem Singh is in revision before this Court.

8. I have heard Shri J.S.Cooner, Advocate for the petitioner, Shri Keshav Pratap Singh, Advocate, for respondent Nos.1 to 6 and Shri A.K.Khubbar, Learned Addl.A.G., Haryana, on merits of the Revision Petition. With their assistance, I have perused photocopies of the record.

9. Learned counsel for the petitioner has argued that accused Narinder Singh was illegally and erroneously acquitted through the impugned judgment. Benefit of probation was wrongly and illegally given to the remaining 5 accused. They were not at all entitled to such benefit. Impugned judgment, to the said extent, deserves to be set aside. Accused Narinder Singh deserves to be convicted/sentenced as ordered by the Learned Trial Court. Remaining 5 accused were rightly convicted by the Learned Trial Court. They, therefore, should undergo the imprisonment imposed by it on them.

10. On the other hand, learned counsel for respondent Nos.1 to 6 has argued that in respect of acquittal granted to respondent No.6, impugned judgment is clear and categorical. Sentence of probation imposed on respondent Nos.1 to 5 has elapsed. In view thereof, qua them nothing more survives. Impugned judgment is self-speaking calling for no interference in revision. It has taken the evidence and law applicable to the case into consideration. There is no ground to exercise revisional jurisdiction against it. He has accordingly prayed for dismissal of the Revision Petition. In support of his arguments, he has relied upon the report **“Jitender Vs. Maan Singh & another” 2025 NCPHHC 9202** and a judgment dated 10.07.2025 rendered in **Criminal Revision No.1413-2010** titled **“Ganesh Dutt Kaushik Vs. State of Haryana & another.**

11. Learned Addl. Advocate General agrees that probation period for which 5 accused were sentenced has expired.

12. After such hearing and perusal, I may state that through the impugned judgment dated 27.07.2009, the accused Narinder Singh was

acquitted of the charges framed against him in the case in question. In view of such acquittal, if the State was aggrieved of the same, in terms of Section 378(1) of the 1973 Code, an appeal was maintainable. Said sub-section is reproduced as under:-

“S. 378 Appeal in case of acquittal :-

1. Save as otherwise provided in Sub-Section (2) and subject to the provisions of Sub-Sections (3) and (5),

(a) the District Magistrate may, in any case, direct the Public Prosecutor to present an appeal to the Court of Session from an order of acquittal passed by a Magistrate in respect of a cognizable and non-bailable offence;

(b) the State Government may, in any case, direct the Public Prosecutor to present an appeal to the High Court from an original or appellate order of an acquittal passed by any Court other than a High Court [not being an order under clause (a) or an order of acquittal passed by the Court of Session in revision.”

13. A perusal of above reproduced provision shows that an appeal by the State of Haryana only was maintainable against a judgment of acquittal passed in favour of accused if such judgment was rendered prior to 31.12.2009. In the present case, the impugned judgment was rendered on 27.07.2009. Therefore, an appeal thereagainst at the instance

of the complainant was not maintainable. The complainant Prem Singh has therefore rightly filed a revision petition against the same.

14. I may also state that revisional powers of this Court can be exercised in terms of Section 401 of the 1973 Code. Therefore, present revision has to be dealt within the parameters contained in the said section. Said section is therefore reproduced as under:-

“401. High Court's powers of revision.—

(1) In the case of any proceeding the record of which has been called for by itself or which otherwise comes to its knowledge, the High Court may, in its discretion, exercise any of the powers conferred on a Court of Appeal by sections 386, 389, 390 and 391 or on a Court of Session by section 307, and, when the Judges composing the Court of Revision are equally divided in opinion, the case shall be disposed of in the manner provided by section 392.

(2) No order under this section shall be made to the prejudice of the accused or other person unless he has had an opportunity of being heard either personally or by pleader in his own defence.

(3) Nothing in this section shall be deemed to authorise a High Court to convert a finding of acquittal into one of conviction.

(4) Where under this Code an appeal lies and no appeal is brought, no proceeding by way of revision shall be

entertained at the instance of the party who could have appealed.

(5) Where under this Code an appeal lies but an application for revision has been made to the High Court by any person and the High Court is satisfied that such application was made under the erroneous belief that no appeal lies thereto and that it is necessary in the interests of Justice so to do, the High Court may treat the application for revision as a petition of appeal and deal with the same accordingly.”

15. I may also state that in terms of Section 401(3) of 1973 Code, this Court cannot convert a finding of acquittal into one of conviction. In respect of scope of revisional powers of a High Court, a three Judge Bench of Hon’ble the Supreme Court, in the report **“Pakalapati Narayana Gajapathi Raju & others Vs. Bonapalli Peda Appadu & another”, (1975) 4 SCC 477**, observed as under:-

“3. Section 439 (1) of the Code of Criminal Procedure provides that in exercise of revisional jurisdiction, the High Court may exercise any of the powers conferred on a court of appeal. This provision is made expressly subject to sub-section (4) of Section 439 under which nothing contained in the section shall be deemed to authorise a High Court to convert a finding of acquittal into one of conviction. Section 439 has been interpreted in several decisions of this Court which have taken the view that the revisional jurisdiction, when invoked by a private complainant against an order of

acquittal, ought not to be exercised lightly and that it can be exercised only in exceptional cases where the interests of public justice require interference for the correction of a manifest illegality or the prevention of a gross miscarriage of justice. (See Satyendra Nath Dutta v. Ram Narain, (1975) 3 SCC 398; Akalu Ahir v. Ramdeo Ram, (1974) 1 SCR 130; Changanti Kotaiah v. Goginoni Venkateshwara Rao, (1973) 3 SCR 867. It is clear from these decisions that the revisional jurisdiction cannot be invoked merely because the lower court has not appreciated the evidence properly. The High Court has in its judgment referred to the decisions of this Court but in applying those decisions it has transgressed the limits of its revisional powers.”

16. In respect of scope of revisional powers of a High Court, a three Judge Bench of Hon’ble the Supreme Court, in the report **“Duli Chand Vs. Delhi Administration”, (1975) 4 SCC 649**, observed as under:-

“4. Now, the jurisdiction of the High Court in a Criminal Revision Application is severally restricted and it cannot embark upon reappreciation of the evidence, but even so, the learned single Judge of the High Court who heard the revision application, examined the evidence afresh at the instance of the appellant. This was, however, of no avail, as the learned single Judge found that the conclusion reached by the lower Courts that the appellant was guilty of gross

negligence, was correct and there was no reason to interfere with the conviction of the appellant.

5.The High Court in revision was exercising supervisory jurisdiction of a restricted nature and, therefore, it would have been justified in refusing to re-appreciate the evidence for the purpose of determining whether the concurrent finding of fact reached by the learned Magistrate and the learned Additional Sessions Judge was correct. But even so, the High Court reviewed the evidence presumably for the purpose of satisfying itself that there was evidence in support of the finding of fact reached by the two subordinate courts and that the finding of fact was not unreasonable or perverse. The High Court came to the conclusion that the evidence clearly established that the death of the deceased was caused on account of the negligent driving of the bus by the appellant.”.

17. In respect of revisional powers of a High Court under Section 439 of Code of Criminal Procedure, 1898 (for brevity “1898 Code”), a three Judge Bench of Hon’ble the Supreme Court, in the report **“K.Chinnaswamy Reddy Vs. State of A.P.” AIR 1962 SC 1788** while referring to its two earlier decisions, observed as under:-

“It is true that it is open to a High Court in revision to set aside an order of acquittal even at the instance of private parties, though the State may not have thought fit to appeal; but this jurisdiction should in our opinion be exercised by the

High Court only in exceptional cases, when there is some glaring defect in the procedure or there is a manifest error on a point of law and consequently there has been a flagrant miscarriage of justice. Sub-section (4) of Section 439 forbids a High Court from converting a finding of acquittal into one of conviction and that makes it all the more incumbent on the High Court to see that it does not convert the finding of acquittal into one of conviction by the indirect method of ordering retrial, when it cannot itself directly convert a finding of acquittal into a finding of conviction. This places limitations on the power of the High Court to set aside a finding of acquittal in revision and it is only in exceptional cases that this power should be exercised. It is not possible to lay down the criteria for determining such exceptional cases which would cover all contingencies. We may however indicate some cases of this kind, which would in our opinion justify the High Court in interfering with a finding of acquittal in revision. These cases may be: where the trial court has no jurisdiction to try the case but has still acquitted the accused, or where the trial court has wrongly shut out evidence which the prosecution wished to produce, or where the appeal court has wrongly held evidence which was admitted by the trial court to be inadmissible, or where material evidence has been overlooked either by the trial court or by the appeal court, or where the acquittal is based

on a compounding of the offence, which is invalid under the law. These and other cases of similar nature can properly be held to be cases of exceptional nature, where the High Court can justifiably interfere with an order of acquittal; and in such a case it is obvious that it cannot be said that the High Court was doing indirectly what it could not do directly in view of the provisions of a. 439 (4). We have therefore to see whether the order 'of the High Court setting aside the order of acquittal in this case can be upheld on these principles.'"

18. In respect of revisional powers of a High Court, a three Judge Bench of Hon'ble the Supreme Court, in the report **"Ayodhya Dube & others Vs. Ram Sumer Singh", 1981 (Supp) SCC 83**, while referring to **K.Chinnaswamy Reddy's report (supra)**, observed as under:-

*"2. In our view the High Court has given adequate reasons for interfering with the acquittal and ordering a retrial of the appellants. We may add that the High Court also expressed the view that the instances mentioned by this Court in **Chinnaswamy vs State of Andhra Pradesh AIR. 1962 S.C. 1978** as justifying interference with orders of acquittal in the exercise of revisional powers were illustrative and not exhaustive. We agree with the view expressed by the High Court and we only wish to say that the Criminal Justice System does not admit of 'pigeon-holing.'. Life and the Law do not fall neatly into slots. When a Court starts laying down rules enumerated (1), (2), (3), (4) or (a), (b), (c), (d), it is*

arranging for itself traps and pitfalls. Categories, classifications and compartments, which statute does not mention, all tend to make law 'less flexible, less sensible and less just.'"

19. In respect of such powers, a two Judge Bench of Hon'ble the Supreme Court, in the report **"Janata Dal Vs. H.S.Chowdhary", (1992) 4 SCC 305**, observed as under:-

"130. The object of the revisional jurisdiction under Section 401 is to confer power upon superior criminal Courts - a kind of paternal or supervisory jurisdiction - in order to correct miscarriage of justice arising from misconception of law, irregularity of procedure, neglect of proper precaution or apparent harshness of treatment which has resulted on the one hand, or on the other hand in some undeserved hardship to individuals. The controlling power of the High Court is discretionary and it must be exercised in the interest of justice with regard to all facts and circumstances of each particular case, anxious attention being given to the said facts and circumstances which vary greatly from case to case.

131. xxxx xxxx xxxx

132. The criminal Courts are clothed with inherent power to make such orders as may be necessary for the ends of justice. Such power though unrestricted and undefined should not be capriciously or arbitrarily exercised, but should be exercised in appropriate cases, ex debito justitiae to do real and

substantial justice for the administration of which alone the Courts exist. The powers possessed by the High Court under Section 482 of the Code are very wide and the very plenitude of the power requires great caution in its exercise. Courts must be careful to see that its decision in exercise of this power is based on sound principles.”

20. While quoting observations made in **Janata Dal’s report (supra)** with approval, a three Judge Bench of Hon’ble the Supreme Court, in the report **“T.N.Dhakkal Vs. James Basnett & another”, (2001) 10 SCC 419**, observed as under:-

“9. We are in agreement with the above exposition of law. We are of the opinion that though the High Court has revisional jurisdiction under Section 401 of the Code and can exercise its discretionary jurisdiction to correct miscarriage of justice, but whether or not, there is justification for the exercise of that discretionary jurisdiction would depend upon the facts and circumstances of each case. The controlling power of the High Court under Section 401 of the Code being discretionary is required to be exercised only in the interest of justice, having regard to all the facts and circumstances of each particular case and not mechanically.”

21. In respect of revisional jurisdiction of a High Court, a two Judge Bench of Hon’ble the Supreme Court, in the report **“State of Kerala Vs. Puttumana Illath Jathavedan Namboodiri”, (1999) 2 SCC 452**, observed as under:-

“Having examined the impugned Judgment of the High Court and bearing in mind the contentions raised by the learned counsel for the parties, we have no hesitation to come to the conclusion that in the case in hand, the High Court has exceeded its revisional jurisdiction. 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 re-appreciate 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.”

22. Observations made in Duli Chand’s report (supra) and those made in a report “State of Orissa VS. Nakula Sahu”, (1979) 1 SCC 328 as well as Puttumana Illath’s report (supra) were approved by a three Judge Bench of Hon’ble the Supreme Court in the report “Raj Kumar Vs. State of Himachal Pradesh”, (2008) 11 SCC 76.

23. Applying the said observations to the present case, I may state that the Appellate Court, while dealing with the case against the accused Narinder Singh, has categorically observed that the said accused has taken a specific stand in his statement under Section 313 of 1973 Code that he was on duty at Ramgarh, Tehsil Panchkula, on that date. It also observes that in support of his such contention, the said accused examined 2 witnesses in his defence. DW1 Sandeep Kumar presented a report of the relevant period and deposed that the said accused had issued some record to one Nathu on the date of the occurrence in question i.e. 28.11.1990. It further records that the said Nathu was examined as DW2 who identified the accused Narinder Singh and stated that the said accused issued a Fard to him on the said date at 9.00 a.m. It also mentions that in his cross-examination, PW1 Prem Singh has stated that the said accused lives at Panchkula. After recording that the said accused, on the date of occurrence in question, was stated to be at a distance of 50 kms from the place of occurrence, the Appellate Court then observed that it is still inclined to accept plea of absence of the accused Narinder Singh at the spot and to give him benefit of doubt because his brother Babli had also been named by the prosecution not only before the police but also in the Court and a specific role had been assigned to him. It further mentions that it was done so despite the fact that the accused Babli was found present on that date in Leh since he was employed/posted in ITBP. The impugned judgment of the Appellate Court also mentions that the occurrence in question had taken all of a sudden and was not pre-planned even as per the case set-forth by the prosecution and therefore presence of

the accused Narinder Singh at the spot, in such circumstances, becomes doubtful. By observing so in favour of the said accused, the Appellate Court gave him the benefit of doubt and accepted his appeal by acquitting him. The above referred to conclusion/s arrived at by the Learned Appellate Court, in the facts/circumstances of the present case, are certainly possible on the basis of the evidence on record and are reasonable conclusion/s. Even if another reasonable conclusion may have been arrived in the case in question against the said accused, this Court, in a revision petition against acquittal, will not disturb a finding of acquittal on the basis of possibility of two conclusions. By earning an acquittal through the impugned judgment of the Appellate Court, the said accused has double presumption of innocence in his favour.

24. Above stated reasoning/discussion shows that the impugned judgment has not caused any miscarriage of justice. It has analysed the evidence in detail to acquit the accused Narinder Singh. Reappreciation of evidence is not permissible while exercising a revisional jurisdiction. Impugned judgment is not perverse or unreasonable. A revisional jurisdiction cannot be exercised lightly and rather has to be exercised in exceptional cases where the interest of public justice require interference for correction of a manifest illegality or prevention of gross miscarriage of justice. A revisional jurisdiction is supervisory in nature and therefore is restricted jurisdiction. The case in question also does not qualify the ingredients laid down in K.Chinnaswamy Reddy's report (supra) quoted with approval in Ayodhya Dube's report (supra) for exercise of

revisional jurisdiction against the impugned judgment. I therefore find no ground to exercise such jurisdiction against it.

25. Next limb of the argument raised on behalf of the petitioner is that the Learned Appellate Court has illegally granted benefit of probation to the accused Jaspal Singh, Krishan, Nepal Singh, Des Raj and Surinder Singh (respondent Nos.1 to 5). However, as against his such argument, learned counsel for the accused has relied upon **Jitender's report (supra)** and **Ganesh Dutt Kaushik's judgment (supra)** to contend that elapsing of probation period imposed on the accused renders challenge to grant of probation as infructuous. The said reports are by a Co-ordinate Bench of this Court. No report contrary to the report/judgment relied upon by the learned counsel for the accused has been cited before me. The impugned judgment was passed by the Learned Appellate Court on 27.07.2009. Through the same, it observed as under:-

*“The accused have been facing the ordeal of trial for the last more than 19 years. They are not previous convicts and are first offenders. They are sole bread earners of their families. The appellants had been held guilty of having committed an offence under Sections 148/323/325 read with section 149 and 506 of IPC, which is not punishable with death or imprisonment for life. The offence being covered under Section 4 of the Probation of Offenders Act and considering the facts and circumstances of the case, and further in view of the ratio laid down in **State of Punjab Vs. Kuldeep Singh and others 2007(2) RCR (Criminal) 670**, I am of the opinion that*

the ends of justice would be met if the appellants/accused are released on probation. Accordingly the appellants are ordered to be released on probation subject to their furnishing requisite bonds in the sum of Rs.30,000/- each with one surety of the like amount each undertaking therein that the appellants shall maintain peace and harmony for a period of one year and in case during this period they commit any offence the sentence imposed by the learned trial court will revive. The probation will be without supervision. It is further ordered that the appellants namely Jaspal Singh, Krishan, Nepal Singh, Desh Raj and Surinder Singh shall pay a compensation of Rs.10000/- to the complainant/injured. The amount of fine to the tune of Rs.10,000/- (Rs.2000/- by each appellant) already deposited by the appellants Jaspal Singh, Krishan, Nepal Singh, Desh Raj and Surinder Singh in the trial court is converted towards the costs of proceedings..... ”

26. A perusal of the above-reproduced observations shows that the said accused were released on probation for a period of one year. Today, we are running in the year 2026. The said period of probation, therefore, has elapsed. In view thereof, **Jitender’ s report (supra)** and **Ganesh Dutt Kaushik’s judgment (supra)** are fully applicable to the case in question in respect of expiry of probation period imposed on the above-stated accused. The argument/s of learned counsel for the petitioner, in that regard, therefore, are rejected. It being so, the present

revision petition, qua the accused Jaspal Singh, Krishan, Nepal Singh, Des Raj and Surinder Singh, has been rendered infructuous.

27. For the reasoning given and discussion made in preceding portion of the present judgment, the present revision petition against the accused Narinder Singh is dismissed whereas it is disposed off as infructuous against the accused Jaspal Singh, Krishan, Nepal Singh, Des Raj and Surinder Singh (respondent Nos.1 to 5). All interim application/s also stand disposed of.

30.03.2026
Sailesh

(RAMESH CHANDER DIMRI)
JUDGE

Whether speaking/reasoned :	Yes	
Whether Reportable :	Yes	