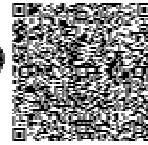


CRR-3773-2014 (O&M)

2026:PHHC:073329



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-3773-2014 (O&M)

Bhupinder Singh

....Petitioner

versus

Manjit Singh and others

....Respondents

Reserved on : May 07, 2026

Date of Pronouncement/Decision: May 11, 2026

Date of Uploading : May 11, 2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. B.D. Sharma, Advocate for the petitioner.

None for respondents No.1 to 4.

Mr. Adhiraj Singh Thind, AAG Punjab.

SUMEET GOEL, J.

Present Criminal Revision Petition has been filed seeking setting aside of the impugned Judgment dated 21.02.2013 passed by learned Additional Chief Judicial Magistrate, Amritsar (for short 'trial Court'), whereby, respondents No.1 to 4 were acquitted of the charge framed against them by giving benefit of doubt; and the impugned judgment dated 05.09.2014 passed by learned Additional Sessions Court, Amritsar (for short 'Sessions Court'), whereby, appeal preferred by the petitioner – complainant against the aforesaid judgment dated 21.02.2013 was dismissed.

2. Facts pertinent for adjudication are that the petitioner, being complainant, lodged an FIR No.113 dated 11.08.2007, under Sections 452/

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325/ 324/ 323/ 34 of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Kathunangal. In the said FIR, it was alleged that complainant, namely, Bhupinder Singh stated that on 05.08.2007, he along with Ranjodh Singh was proceeding on foot from their village towards village Nibarwind. At about 6:00 PM, Jasbir Singh met them outside the village. They requested him to lend his motorcycle for going to village Nibarwind, but he refused. This led to a minor altercation, after which Jasbir Singh allegedly abused them and went back to his house.

Thereafter, after having dinner, the complainant and his family members were sleeping on cots in the courtyard of their house, where an electric bulb was illuminated. At about 11:30 PM, the complainant woke up on hearing some noise and allegedly found Manjit Singh armed with a *dang*, Sukhbir Singh armed with a *dang*, Jasbir Singh armed with an iron bar, and Mani armed with a *kirpan* standing in the courtyard.

It is alleged that Jasbir Singh raised a *lalkara* exhorting the others to teach the complainant a lesson for using filthy language against them. Thereupon, Mani allegedly inflicted a *kirpan* blow on the complainant's head. Jasbir Singh alias Sabi allegedly gave an iron bar blow on his right knee and another iron bar blow on the left side of his forehead, causing him to fall on the ground. Thereafter, Manjit Singh allegedly struck two *dang* blows on his left leg, while Sukhbir Singh alias Bittu allegedly inflicted three *dang* blows on his back and right shoulder.

On hearing the hue and cry, the complainant's father Piara Singh, brother Gurmej Singh and wife Paramjit Kaur reached the spot and rescued him from hands of the accused persons. Thereafter, the accused

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allegedly fled from the spot along with their respective weapons after causing injuries to the complainant.

3. After the completion of investigation, challan was presented and respondents No.1 to 4 were put to trial. The learned trial Court, upon appreciation of the evidence on record as also the submissions advanced by the rival parties, acquitted respondents No.1 to 4, vide judgment dated 21.02.2013. Being aggrieved by the said judgment of acquittal, the petitioner – complainant had preferred an appeal which was also dismissed by the learned Sessions Court vide judgment dated 05.09.2014, thereby affirming the findings recorded by the trial Court.

3.1. The petitioner – complainant, aggrieved by the findings of both the Courts below, has now invoked the revisional jurisdiction of this Court, seeking setting aside of the aforesaid judgments passed by the learned trial Court as also Sessions Court. However, it is well-settled law that the scope of revision is limited and does not entail re-appreciation of evidence unless there is a manifest illegality or a serious miscarriage of justice.

4. The *petition in hand* seeks to impugn the judgment of acquittal passed by the learned Courts below. However, Section 401 (3) of Cr. P.C., 1973, imposes an explicit statutory prohibition against the High Court converting a finding of acquittal into a conviction in exercise of its revisional jurisdiction. The issue regarding maintainability, given this unequivocal status embargo, was dealt with by this Court in the case of **CRR-647-2023** titled as **Ajeet Singh versus Inderjeet and others**, decided on **13.10.2025**, wherein it was held as under:

“7.1. *The High Court wields a crucial revisional jurisdiction under Sections 397 and 401 of the Cr.P.C./ Sections 438 and 442 of the*

BNSS. This jurisdiction is fundamentally supervisory in nature, empowering the superior courts to scrutinize the records of any subordinate criminal court. The primary objective thereof is to ascertain the correctness, legality, or propriety of any finding, sentence, or order passed by the subordinate court, and to ensure the regularity of its proceedings. The legislative design behind these provisions is to vest broad powers in the revisional court(s). This expansive language reflects a clear intention to establish an effective mechanism for rectifying any manifest error, illegality, or impropriety that may have occurred in the proceedings before a subordinate court. In essence, revisional jurisdiction serves as a vital avenue for an aggrieved individual to seek redress against an erroneous order or proceeding of a subordinate court. However, even in this broad grant of power, the legislature, in its wisdom, has imposed specific, circumscribed limitations. The revisional jurisdiction, much like a carefully calibrated instrument, is explicitly unavailable against interlocutory orders and, crucially, against orders which are appealable in nature. A further restriction placed upon the exercise of such revisional jurisdiction by the High Court is envisaged under Section 401(3) of Cr. P.C.—to the extent that a finding of acquittal cannot be converted into that of conviction—thereby rendering the petitions in hand as non-maintainable in the present form.

7.2. *Pertinently, the petitions in hand preferred by the complainant laying challenge to the acquittal are governed by proviso to Section 372 of Cr. P.C. Thus, notwithstanding the statutory embargo contained in Section 401(3) of Cr. P.C., the legal frame work provides a mechanism to address this procedural lacunae—Section 401(5) of Cr. P.C. acts as an enabling provision, empowering the High Court with the discretion to treat a revision petition as a formal appeal. This salvaging power is contingent upon the Court being satisfied that the revision petition has been filed under the erroneous belief that no appeal was available and that such a correction is necessary in the interest of justice. To ruminate on the aspect of ‘interest of justice’, this Court will have to delve into the merits of the petitions in hand. A profitable reference in this regard, can be made to the dicta passed by the Hon’ble Supreme Court of India in case of **Mahabir vs. State of Haryana, 2025 INSC 120**, wherein it is held as under:*

“40. This Court in Joseph Stephen & Ors. v. Santhanasamy & Ors. reported in (2022) 13 SCC 115, laid down that on a plain reading of sub-section (3) of Section 401 CrPC, it has to be held that sub-section (3) of Section 401 CrPC prohibits/bars the High Court to convert a finding of acquittal into one of conviction.

Para 10 reads thus:-

"10. Applying the law laid down by this Court in the aforesaid decisions and on a plain reading of sub-section (3) of Section 401CrPC, it has to be held that sub-section (3) of Section 401CrPC prohibits/bars the High Court to convert a finding of acquittal into one of conviction. Though and as observed herein above, the High Court has revisional power to examine whether there is manifest error of law or procedure, etc. however, after giving its own findings on the findings recorded by the court acquitting the accused and after setting aside the order of acquittal, the High Court has to remit the matter to the trial court and/or the first appellate court, as the case may be."

41. This Court in Joseph Stephen (supra), holds that first, the High Court has to pass a judicial order to treat an application for revision as petition of appeal. The High Court has to pass a judicial order because sub-section (5) of Section 401 CrPC provides that if the High Court is satisfied that such revision

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. While treating the application for revision and to deal with the same as a petition of appeal, the High Court has to record the satisfaction as provided under sub-section (5) of Section 401 CrPC. Para 14 reads thus:-

"14. Now so far as the power to be exercised by the High Court under sub-section (5) of Section 401 CrPC, namely, the High Court may treat the application for revision as petition of appeal and deal with the same accordingly is concerned, firstly the High Court has to pass a judicial order to treat the application for revision as petition of appeal. The High Court has to pass a judicial order because sub-section (5) of Section 401 CrPC provides that if the High Court is satisfied that such revision 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. While treating with the application for revision as petition of appeal and deal with the same accordingly, the High Court has to record the satisfaction as provided under sub-section (5) of Section 401 CrPC. Therefore, where under the CrPC an appeal lies, but an application for revision has been made to the High Court by any person, the High Court has jurisdiction to treat the application for revision as a petition of appeal and deal with the same accordingly as per sub-section (5) of Section 401 CrPC, however, subject to the High Court being satisfied that such an 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 and for that purpose the High Court has to pass a judicial order, may be a formal order, to treat the application for revision as a petition of appeal and deal with the same accordingly."

*In view of the dicta passed in **Mahabir** (supra), for treating petitions in hand as appeal(s) by the complainant, this Court is bound to record a satisfaction that it is necessary to do so in the 'interest of justice'. In order to record any such satisfaction, this court has to go into the merits of the grounds put forth on behalf of the petitioner seeking to challenge the impugned judgment of acquittal."*

This Court has, thus, proceeded to adjudicate the petition in hand into its merits.

5. On behalf of the petitioner, it has been argued that the findings recorded by the Courts below are perverse, contrary to the evidence on record and suffer from misreading and non-appreciation of material evidence. Learned counsel has further argued that the Court below have gravely erred in not believing the prosecution story, which is corroborated by the statements of the PWs in respect of the grievous and simple injuries

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caused by respondents No.1 to 4 to the complainant by means of sharp edged weapons by forcibly entering into the house of the complainant. It has been argued that PW1 (complainant) corroborated the version of the prosecution, PW2 (Gurmej Singh), an eye witness to the occurrence and supported the prosecution version, PW3 (Ranjodh Singh) and PW5 (Inspector Balwinder Singh) who deposed regarding investigation of the case and supported the prosecution version. The ocular version regarding number, nature and seats of injuries is corroborated by Medical Evidence of PW6 (Dr. Kirpal Singh). Learned counsel has further argued that the Court below have wrongly acquitted the respondents on the ground of delay in lodging the *FIR in question*. Learned counsel has asserted that immediately after the occurrence, the matter was reported to the police on 05.08.2007 and the police visited the Hospital to record the statement of the petitioner – complainant, but since the petitioner was not fit to record statement, therefore, the same was done on 11.08.2007 and, thus, the *FIR in question* was registered. However, the Courts below did not correctly appreciate the evidence of PW5 (Inspector Balwinder), in this regard. Learned counsel has, thus, argued that the impugned judgments/orders suffer from patent illegality, perversity and miscarriage of justice and, are therefore, liable to be set aside. On these submissions, grant of petition in hand is prayed for.

6. Learned State counsel, while raising submissions in tandem with the submissions raised by learned counsel for the petitioner – complainant has submitted that the impugned judgments passed by the Court below require interference by this Court as the same are based on non-appreciation of evidence/ facts on record. The prosecution had duly proved

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its case against respondents No.1 to 4 and the same was corroborated by the Prosecution Witnesses as also by way of statement of PW6 (Dr. Kirpal Singh) in respect of medical evidence. On these submissions, it has been argued that the impugned judgments of the Courts below require interference and the petition in hand deserves to be granted.

7. I have heard learned counsel for the rival parties and have perused the record available on case file.

8. The trial Court, after discussing the version of all the prosecution witnesses along with PW6 (Dr. Kirpal Singh), while dealing with the argument of delay in lodging the FIR, observed that the defence/ respondents No.1 to 4 had strongly contended that the *FIR in question* was a false case. Earlier, on the complaint of one Jabir Singh, a criminal case had already been registered against petitioner – complainant Bhupinder Singh and Ranjodh Singh regarding the snatching of a motorcycle. In support of this contention, the defence counsel referred to the cross-examination of PW2 Gurmej Singh, wherein he admitted that such a case had indeed been registered against Bhupinder Singh and Ranjodh Singh. On this basis, the defence asserted that the FIR in question was lodged only as a counterblast to the earlier case. It was further observed that the defence emphasized that the alleged occurrence took place on 05.08.2007 whereas the FIR came to be registered only on 11.08.2007, thereby creating an unexplained delay of six days. According to the defence, this delay demonstrated that the prosecution story was not spontaneous but rather a well-planned and concocted version. It was also pointed out that during cross-examination, the Investigating Officer admitted that he was aware of the incident earlier because he himself

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had issued the medical docket to the injured. Learned trial Court further observed that the defence argued that if the police had knowledge of the occurrence from the very beginning, there was no justification for not registering the FIR immediately.

8.1. Learned trial Court, after considering the arguments, observed that there can be no dispute with the settled proposition of law that prompt lodging of the FIR is of considerable importance. The object behind insisting upon an early FIR is to obtain the earliest account of the occurrence, including the names of the culprits, the role played by them, the weapons used, and the names of witnesses, if any. The trial Court further observed that delay in registration of the FIR often gives rise to suspicion regarding embellishment or afterthought, and therefore such delay must be scrutinized carefully.

8.2. Learned trial Court, accordingly, acquitted the accused/respondents No.1 to 4 of the charge framed against them as the prosecution evidence did not inspire confidence and also gave benefit of doubt to the accused persons.

9. Further, upon challenge to the aforesaid judgment of the trial Court, learned Sessions Court also dismissed the appeal and upheld the judgment passed by the trial Court, vide judgment dated 05.09.2014.

Relevant of the judgment of the learned Sessions Court reads as under:

“12. As per allegations of the complainant/victim Bhupinder Singh in his statement Ex.P-1, accused Manjit Singh son of Gurbachan Singh armed with dang, Sukhbir Singh alias Bittu son of Gurbachan Singh armed with dang, Jasbir Singh son of Gurnam Singh armed with iron bar and Mani armed with kirpan came to his house on 5.8.2007 at about 11.30 PM and on raising lalkara by Jasbir Singh, Mani gave kirpan blow which hit on his head, Jasbir Singh gave iron bar blow which hit on his right knee, Jasbir Singh gave another iron blow which hit on the left side of his forehead on which he fell down and Manjit Singh gave two dang blows

which hit on his left leg and Sukhbir Singh gave three dang blows which hit on his back and right shoulder. But when he came into witness box, he has explained injury inflicted on his right knee by Jabir Singh and injury inflicted on his head by accused Mani only. Bhupinder Singh, complainant/victim has alleged that motive behind the alleged occurrence was that they demanded motorcycle from Jasbir Singh son of Gurbachan Singh on 5.8.2007 at about 6.00 PM for going to Nibberwind and he has refused to give the same due to which an altercation took place between them. Respondents/accused have alleged that motorcycle was snatched by complainant Bhupinder Singh and Ranjodh Singh from accused Jasbir Singh on 5.8.2007 forcibly and when they were coming back after taking liquor from village Nibberwind, an accident took place due to which complainant Bhupinder Singh received injuries on his person and motorcycle was damaged. It is admitted by alleged eye witness Gurmej Singh PW-2 that Bhupinder Singh and Ranjodh Singh snatched motorcycle from Jasbir Singh forcibly for going to village Nibberwind. He has also admitted in his cross-examination that at that time complainant was in drunkard condition and an application against Bhupinder Singh and Ranjodh Singh was moved by Jasbir Singh regarding snatching of motorcycle from him by them and case regarding snatching of motorcycle was registered against Bhupinder Singh and Ranjodh Singh by the police authority. Ranjodh Singh PW-3 has admitted in his cross-examination that when they stopped Jasbir Singh on 5.8.2007 by giving signal, Bhupinder Singh was in drunkard condition and a false case was got registered when Jasbir Singh has not given motorcycle to them. He has also stated that he did not know as to when complainant received injuries on his person as he was told by the family members of the complainant on telephone. Complainant Bhupinder Singh PW-2 has also admitted in his cross-examination that quarrel took place between him and Jasbir Singh when he demanded motorcycle from Jasbir Singh for going to village Nibberwind and an application was moved against them by Jasbir Singh on 5.8.2007 regarding theft of said motorcycle. He has also stated that said motorcycle was returned by them. Meaning thereby motorcycle was taken by the complainant from accused Jasbir Singh forcibly as if said motorcycle had not been snatched by complainant from accused Jasbir Singh forcibly, then motorcycle should have not been returned by complainant to accused. The above discussed evidence of the complainant and eye witnesses proves the defence plea taken by respondents/accused as when complainant and eye witnesses themselves have admitted the moving of an application by accused Jasbir Singh against complainant and Ranjodh Singh regarding snatching of his motorcycle by them from him forcibly on 5.8.2007, then non producing of said application by respondents/accused in their defence is not fatal to the above said plea taken by accused in their defence. No doubt, Doctor Kirpal Singh PW-6 has proved the injuries on the person of complainant/injured Bhupinder Singh by proving copy of MR Ex.PW-6/1 and pictorial diagram showing seats of injuries Ex.PW-6/2, but in view of the above discussed evidence of the complainant and eye witness it can not be believed that said injuries were inflicted on the person of complainant by accused persons as rather it is complainant Bhupinder Singh and Ranjodh Singh who snatched motorcycle of accused Jasbir Singh forcibly on the date of alleged occurrence itself and they scuffled with him when he refused to give motorcycle to them. No doubt, motive is double edged weapon and it could have been used by accused for inflicting injuries on the person of complainant as complainant has snatched his motorcycle, but if accused persons had really been inflicted injuries on the person of complainant due to snatching of his motorcycle by complainant Bhupinder Singh and Ranjodh Singh, then Jasbir Singh should have not moved an application

against complainant and Ranjodh Singh for snatching his motorcycle and rather get back his motorcycle from complainant immediately by inflicting injuries on his person.

13. As per allegations of prosecution alleged occurrence took place on 5.8.2007; whereas FIR in this case was lodged on 11.8.2007. No doubt, complainant Bhupinder Singh has tried to explain the delay in lodging FIR in his statement Ex.P-1 recorded by SI Balwinder Singh by stating that respectable tried to effect compromise between him and accused but compromise did not effect and he got lodged FIR. But when he came into witness box as PW-1 he has not stated any iota of word in his statement on oath to explain delay in lodging FIR. No respectable and member of panchyat who tried to get matter compromised between complainant and accused was got examined by the complainant to explain the said delay. So, it cannot be said that prosecution has satisfactorily explained the delay of 6 days in lodging FIR in this case.”

10. At this juncture, it is imperative to reiterate the settled legal position governing the scope and ambit of revisional jurisdiction under Sections 397 read with 401 of the Code of Criminal Procedure, 1973, particularly while examining the correctness of an order of acquittal. It is trite law that the Revisional Court does not function as a regular Court of Appeal and the powers exercisable in revision are significantly narrower than those available in appellate jurisdiction. The object of revisional jurisdiction is primarily to satisfy the Court regarding the legality, correctness and propriety of the findings, sentence or order passed by the subordinate Court and to ensure that there has been no miscarriage of justice on account of any patent illegality, jurisdictional error or material irregularity in procedure.

10.1. It is equally well settled that interference with an order of acquittal in revisional jurisdiction is to be exercised sparingly, cautiously and only in exceptional circumstances. The Revisional Court is not expected to undertake a fresh or roving re-appreciation of the entire evidence merely because another view is possible on the basis of the material available on record. Where two views are reasonably possible and the trial Court has

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adopted one such plausible view, the Revisional Court ought not to substitute its own opinion merely because it may be inclined to take a different view on appreciation of evidence. The revisional power can be invoked only where there exists a glaring defect in procedure, manifest error of law, flagrant miscarriage of justice or palpable perversity in appreciation of evidence. Unless the conclusions arrived at by the Courts below are demonstrated to be arbitrary, capricious or wholly unsustainable in law, the Revisional Court would refrain from interfering with concurrent findings of fact, particularly when the same are founded upon appreciation of oral and documentary evidence adduced during trial.

11. Accordingly, the present criminal revision being devoid of merit is **dismissed**, accordingly.

12. Pending application(s), if any, shall also stand disposed of.

(SUMEET GOEL)
JUDGE

May 11, 2026
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No