

HIGH COURT OF UTTARANCHAL AT NAINITAL

**Criminal Revision No. 641/2001
(Old No. 888 of 1992)**

Kamlesh Kumar and others	Vs.Revisionists
State of U.P.	Respondent

Hon'ble Irshad Hussain, J.

Heard Sri I.D. Paliwal in brief for Sri Sudhanshu Dhulia learned counsel for the revisionists and Sri G.S.Sandhu learned A.G.A. for the State. Perused the record.

This criminal revision under section 397/401 of the Code of Criminal Procedure (for short 'Code') has been preferred against the judgment and order dated 11.3.1992 passed by the Sessions Judge, Pauri Garhwal in criminal appeal no. 36/1991 whereby the learned Sessions Judge partly allowed the appeal against the conviction and by the said judgment the revisionists were acquitted of the charges under section 325 read with section 34, 506(2) and 336 IPC. The revisionists were, however, convicted under section 323 read with section 34 IPC and they were sentenced to pay a fine of Rs.1000/- each by setting-aside the judgment and order dated 12.12.1991.

Perusal of the judgment of the courts below reveal that the evidence of the prosecution has been properly appraised. Injured Mangat Ram admittedly sustained injuries. Weak defence was also taken by the accused that there was cross version of the occurrence the learned Sessions Judge disapproved the said contention and found that the FIR was promptly lodged and Mangat Ram was sent for medical examination. It is well settled that the evidence of injured witness if reliable is sufficient to prove the charge against the assailant. In the instance case, it had been found to be so on an appraisal of the evidence of injured witness. Therefore, there is no perversity whatsoever in the appreciation of the evidence by the courts below. In my view, the revision-petition lack merit and is liable to be dismissed. The petition is dismissed.

Let the record be sent back and the learned Sessions Judge shall report the compliance regarding the deposit of fine by the revisionists and

in case the fine had not been deposited, the recovery proceedings shall be initiated.

(Irshad Hussain, J.)

Date 30.4.2004

Rawat