

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CRML LEAVE TO APPEAL No. 264 of 2004

STATE
V/S
CHUN SINGH & ORS

Mr. HR SONI, PP, for the State

Date of Order : 31.1.2005

HON'BLE SHRI N P GUPTA, J.

ORDER

Heard learned Public Prosecutor, and perused the record.

After closely reading the impugned judgment, statements of the two victims, P.W.8 & 9, and perusing the injury report, Ex.1 & 2, so also the corresponding X-Ray reports, in my view, the learned trial Court cannot be said to be very wrong in finding the case of the prosecution to be not acceptable in the manner that the evidence of the eye-witnesses does not correspond with the medical evidence. However, *prima facie*, I find that the prosecution evidence is consistent about the respondent Jethu Singh causing injury to P.W.9, Sumer Singh, who has received serious injury, and had to be operated upon, and has received a fracture of head as well. As such, I am inclined to grant leave to appeal only against Jethu Singh.

Accordingly, the petition for leave to appeal against Jethu Singh only is allowed. It be registered as appeal against Jethu Singh, and it stands dismissed against the other respondents no.1, 3, 4, 5 and 6. The attendance of the respondent, Jethu Singh be procured by a bailable warrant for a sum of Rs.5000/-.

(N P GUPTA), J.

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