

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Revision No. 109 of 2001

Date of decision: July 30, 2010

Sri Chand and another

.. Petitioners

Vs.

State of Haryana and another

.. Respondents

Criminal Revision No. 110 of 2001

Sri Chand and another

.. Petitioners

Vs.

State of Haryana and others

.. Respondents

Criminal Revision No.764 of 2001

Kartar Singh, Advocate

.. Petitioner

Vs.

State of Haryana

.. Respondent

Criminal Revision No.765 of 2001

Dilsukh and others

.. Petitioners

Vs.

State of Haryana

.. Respondent

Coram: Hon'ble Mr. Justice A.N. Jindal

Present: Mr. N.K. Bansal, Advocate for the petitioner(s) in
Crl. Rev. Nos. 109-110 of 2001
Mr. Amandeep Singh, AAG, Haryana
for the respondent-State.
None for the petitioners in Crl. Rev. Nos.764-765 of 2001.

A.N. Jindal, J

This judgment of mine shall dispose of four connected revision petition Nos.109,110, 764 and 765 of 2001 having arisen out of the same judgment.

The trial court vide judgment dated 25.8.1998, convicted all the accused persons and sentenced them to undergo rigorous imprisonment for

three years and to pay fine of Rs.1000/- each under Section 325 read with Section 149 IPC; rigorous imprisonment for six months and to pay fine of Rs.500/- each under Section 323/147 read with Section 149 IPC, rigorous imprisonment for one year and to pay fine of Rs.500/- each under Section 148 IPC. It was further ordered that 3/4th of the amount of fine so recovered from the accused persons would be paid to all the four injured equally. However, during appeal, the Appellate Court while maintaining their conviction extended them benefit of probation under the Probation of Offenders Act, 1958.

Feeling aggrieved by the said judgment, the complainant-injured Sri Chand and Chameli have preferred Criminal Revision Nos.109 and 110 of 2001, whereas, the accused-petitioners have also preferred revision petition Nos.764-765 of 2001 challenging their conviction.

The facts are taken from Criminal Revision No.109 of 2001.

The allegations, in nutshell, are that the complainant Sri Chand in his statement Ex.PW1/A disclosed that on 17.7.1988, in the area of village Kensiawas Road, Rewari, the accused- petitioners being the members of unlawful assembly and in prosecution of a common object of such assembly armed with deadly weapons i.e. lathis committed the offence of rioting and caused simple as well as grievous injuries on the person of Chhutan, Ramesh, Chameli, Sri Chand and Chander Kala. On the basis of the aforesaid statement, FIR was registered and investigated. On completion of the investigation, a report under Section 173 Cr.P.C. was submitted in the court.

The accused were charged under Sections 325/323/147/148 read with Section 149 IPC, to which they pleaded not guilty and claimed trial.

In order to substantiate the charges, the prosecution examined Chanderkala (PW1), Chameli (PW2), Ramesh (PW3), Sri Chand (PW4), Inspector Shiv Narain (PW5), HC Hari Chand (PW6), Satya Sarup Kanungo (PW7) and Dr. G.P. Aggarwal (PW8).

When examined under Section 313 Cr.P.C. the accused denied all the incriminating circumstances appearing against them and pleaded

their false implication in the case. In defence, they examined Udhaibhan (DW1), Duli Chand (DW2), Kartar Singh (DW3), Sri Ram Record Keeper (DW4) and Rattan Singh (DW5).

The trial resulted into conviction. In appeal, they were granted benefit of probation.

Arguments heard. Record perused.

The star witness in the instant case is Chanderkala who while appearing in the witness box as PW-1 has unfolded the prosecution story on all material facts and points. She has categorically stated that on the fateful day she along with Sri Chand, Ramesh Chand and Chameli was working in the field. In the meantime, the accused persons armed with lathis arrived there on a tractor and started uprooting the crop and when they tried to stop them, Kartar Singh exhorted to teach them a lesson after which the other accused persons started inflicting injuries to them with sticks. She has further elaborated that Chhanga Ram inflicted lathi blow on the head of Sri Ram, Dil Sukh Singh inflicted lahti blow on the head of Chameli, Dil Sukh, Lala and Omi inflicted lathi blows on the person of Chhuttan. She further deposed that she suffered injury on her left thumb and legs caused by Sher Singh. Gokal and other neighbours came in the field and saved them from the clutches of the accused persons. Her statement finds corroboration from the testimonies of Chameli Devi (PW2), Ramesh Chand (PW3) and Sri Chand (PW4). They have withstood the test of cross examination and nothing fruitful could be elicited from their testimonies which could help the case of the accused. The parties are not strangers to each other as civil litigation was going on between them, as such, the question of mistaken identity does not arise. That apart, the ocular version finds corroboration from the medical evidence. Dr. G. Aggarwal (PW8) who had medically examined the injured persons proved on record MLRs Ex.PW8/F to Ex.PW8/J. No plausible defence has been led by the accused in order to prove their innocence or false implication in the case.

Having examined the impugned judgment, the evidence appears to have been appreciated in the right perspective. No illegality much less irregularity or perversity has been detected or pointed out warranting

Criminal Revision No. 109 of 2001,
Criminal Revision No. 110 of 2001,
Criminal Revision No. 764 of 2001 &
Criminal Revision No. 765 of 2001

-4-

interference by this Court. The Appellate Court has discussed all the points raised before it very elaborately and I do not stand to differ with the observations made therein. The sentence awarded also commensurates with the offence committed by them. Thus, there is no ground to interfere in the impugned judgment. In any case, the re-appreciation of the evidence at the revisional stage is not permissible and the power of this Court to interfere at such a stage is very limited.

Resultantly, finding no merit in the petitions the same are dismissed.

However, the order of probation will not effect the professional career of the petitioner- Kartar Singh, Advocate.

July 30, 2010
deepak

(A.N. Jindal)
Judge