

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			<p>WPCRL No. 1833 of 2022</p> <p><u>Shri S.K.Mishra, J.</u></p> <p>Mr. Gaurav Singh, learned counsel for the writ applicant.</p> <p>Mr. J. S. Virk, learned Deputy Advocate General for the State.</p> <p>By filing this writ application, the petitioner being an accused in FIR No. 0480 of 2022 dated 14.09.2022 is praying for investigation of the case for commission of offence under Sections 307 of the Penal Code, registered with Police Station SIDCUL, in the District Haridwar.</p> <p>On the last date, on the request of learned counsel for the petitioner, the learned State Counsel was directed to take instructions in the matter regarding the nature of injuries sustained by the injured.</p> <p>Learned State counsel would submit that he has received the instructions on medical examination, it was found that the complainant has received five injuries, one of which was on the forehead. He would further submit that the Investigating Officer has intimated that all the injuries were simple in nature.</p> <p>Learned counsel for the petitioner, therefore, submit that since the injuries are simple in nature, the offence under Section 307 of the Indian Penal Code is not made out. The lesser offences under Sections 323 and 324 of the Penal Code of make arrest is made out. However, this Court is of the opinion that when the assault has been made on the head of the deceased by means of stick, it depends on</p>

			<p>his <i>actus rea</i> and <i>mens rea</i> to admit the offence under Section 307 of the Code. in this case, it is apparent from the statements made by the complainant in the FIR that the petitioner assaulted by means of <i>lathi danda</i> and sharp edged weapon on the head of the deceased with intention to commit the murder. Thus, the assault made by the writ applicant <i>prima facie</i> establishes by the statements made by the complainant in the FIR and such statement is corroborated by the injuries found on his person.</p>
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In that view of the matter, this Court is not inclined to entertain the writ application, the same is dismissed *in limine*.

(S.K.Mishra, J.)

30.09.2022

(Grant urgent copy of this order as per Rules)

Kaushal

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