

Karambir Vs. State of Haryana and Others

Karambir Vs. State of Haryana and Others

SooperKanoon Citation : sooperkanoon.com/1122053

Court : Punjab and Haryana

Decided On : Jan-21-2014

Appellant : Karambir

Respondent : State of Haryana and Others

Judgement :

119 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH CRM No.M-2147 of 2014 Date of decision: January 21, 2014 Karambir ...Petitioner Versus State of Haryana and others ...Respondents CORAM: HON'BLE Mr.JUSTICE INDERJIT SINGH Present: Dr.Anand Kumar Bishnoi, Advocate for the petitioner.

**** INDERJIT SINGH, J.

Petitioner Karambir has filed this petition against State of Haryana and private respondents under Section 482 Cr.P.C.for setting aside the order dated 24.05.2012 passed by learned Judicial Magistrate Ist Class, Rewari and judgment dated 16.08.2013 passed by learned Sessions Judge, Rewari, whereby the revision petition filed by the petitioner to commit the case in view of prima facie commission of offence under Section 307 IPC was dismissed.

The facts given in the petition are that the FIR was got registered by the complainant-petitioner against the respondents under Sections 148, 149, 323, 341 IPC and the charge-sheet was submitted only under Sections 323, 325, 341 and

148 read with Section 149 IPC.

It is further stated in the petition that from the version in the FIR, statement of witnesses and medical opinion with regard to the injuries suffered by Vikram Singh, Section 307 IPC was Gulati Vineet 2014.01.29 15:17 I attest to the accuracy and integrity of this document Chandigarh CRM No.M-2147 of 2014 -2- added later on but at the time of presentation of challan, offence under Section 307 IPC was deleted.

Both the Courts below have held that no prima facie case for commission of offence under Section 307 IPC is made out, which is against the material evidence on the record.

At the time of arguments, learned counsel for the petitioner argued mainly relying upon the document Annexure P-5, on which the doctor has given opinion on 17.07.2010 that in his opinion the injury is dangerous to life and learned counsel for the petitioner contended that in view of this opinion and the injury showing linear undisplaced fracture of Rt.

Frontal bone and orbited plate of frontal bone, it shows that injury was on vital part and dangerous to life.

I have gone through the record and have heard learned counsel for the petitioner.

From the record, I find that Annexure P-6 has also been placed on the record by the petitioner, in which the Board of three Doct ORS.after perusal of the documents of the case including NCCT Head one vide Sr.No.594 dated 06.07.2010 at Unique Diagnostic & Research Centre, Rewari, NCCT Head done vide Sr.No.7802 dated 14.07.2010 at Safdarjung Hospital, New Delhi and NCCT Head done vide CT No.21421 dated 27.12.2010 at PGIMs.Rohtak, the Board was of the opinion that there is fracture of the Right Frontal Bone.

No other opinion is given by the Board.

Annexure P-7 is opinion given by the Senior Medical Officer, General Hospital, Rewari.

In his opinion, injury No.1 is grievous in nature and not dangerous to life.

In view of these documents on record, it is clear that after Gulati Vineet 2014.01.29 15:17 I attest to the accuracy and integrity of this document Chandigarh CRM No.M-2147 of 2014 -3- the opinion of the Board of Doctors and Senior Medical Officer, General Hospital, Rewari, it cannot be held that the injury was dangerous to life.

The injury was only grievous in nature.

Learned Judicial Magistrate Ist Class, Rewari and Sessions Judge, Rewari in revision, have found that prima facie, offence under Section 307 IPC is not made out.

Learned Sessions Judge, Rewari in para No.11 has stated that Medical Officer of PHC at Dharuhera had treated the injured initially.

No doubt, he had seen the real condition, but his opinion was based on the NCCT Head report and it was given on 17.07.2010 when the injured already stood removed to Safdarjung Hospital, New Delhi.

From the perusal of the impugned order and judgment as well as medical opinions placed on the record, I do not find any illegality in the order and judgment passed by the Courts below.

Therefore, finding no merit, the present petition stands dismissed.

January 21, 2014 (INDERJIT SINGH) Vgulati JUDGE Gulati Vineet 2014.01.29 15:17 I attest to the accuracy and integrity of this document Chandigarh

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com