

**CRR No.2949 of 2014(O&M)****1****IN THE HIGH COURT OF PUNJAB AND HARYANA****AT CHANDIGARH****CRR No.2949 of 2014(O&M)****Date of decision: 06.01.2015****Ram Mehar****.....Petitioner****versus****State of Haryana and others****.....Respondents****CORAM: Hon'ble Mr.Justice Kuldeep Singh**

Present: Mr.R.K.Arya, Advocate for the petitioner

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldeep Singh, J.

Ram Mehar has filed this revision against judgment dated 20.8.2014, passed by the learned Sessions Judge, Fatehabad, vide which his appeal against judgment of conviction and order of sentence dated 17.1.2013 and 21.1.2013 respectively, passed by the learned Judicial Magistrate 1st Class, Fatehabad, was dismissed whereby he along with four other co-accused was held guilty under Sections 392 and 120B IPC and sentenced to undergo RI for three years and fine of Rs.5000/-, in default thereof, to undergo further RI for one month under Section 392 IPC. He was also sentenced to undergo RI for six months and fine of Rs.1000/-, in default thereof, to undergo further RI for seven days under Section 120B IPC. However, the learned Sessions Judge acquitted one of the convicts Mehar Singh.

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The brief facts necessary for the disposal of the present revision are that on 14.2.2009, Mehar Singh hired a taxi belonging to the complainant Binder Singh. Mehar Singh was accompanied by three boys and told that Ajay etc. are his relatives and are to go to village Ding Mandi. In the way, three boys told that they have to pick up one more person from Ratia. When they reached Ratia Bus stand, one more person was picked up and taxi proceeded for Fatehabad. Near village Ayalaki, Ajay @ Kala accused asked Binder Singh complainant to take a turn to village Boswal. When the complainant questioned him that they were to go to village Ding Mandi, then the accused put a pistol on his head and forced him to shift to the rear seat of the Car. One of the accused drove the car and took the same to village Shekhupur Soz. On the way, the complainant was relieved of Rs.4500/- from his purse, one mobile Nokia 1200 bearing Sim No.09814689248 and later on pushed the complainant out of the running car and fled towards Shekhupur Soz. The description of the other boys was also given in the complaint. Suffice to say that during the course of investigation in addition to the other accused, revisionist Ram Mehar was also apprehended. He suffered disclosure statement and got recovered the stolen car.

Five persons, namely, Mehar Singh, Kuldeep Singh, Jagdish @ Jaggu, Ajay @ Kala and Ram Mehar were put to face trial.

In support of its case the prosecution examined ASI Hargian Singh (PW1), SI Yogesh Kumar (PW2), ASI Satpal Singh (PW3), HC Dalip Singh (PW4), Inspector Bimla Devi (PW5), SI

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Charan Singh (PW6), Inspector Narsi (PW7), Satnam Singh (PW8), E/ASI Gurcharan Singh (PW9), Binder Singh complainant (PW10) and closed its evidence.

When examined under Section 313 Cr.P.C., the accused revisionist claimed innocence.

After hearing the parties and perusing the file, the learned Additional Chief Judicial Magistrate, Fatehabad convicted all of them under Section 392 IPC and 120B IPC and sentenced them as stated above. However, in appeal, Mehar Singh was acquitted. However, sentence of the remaining accused was maintained.

I have heard learned counsel for the parties and have gone through the file carefully.

Learned counsel for the petitioner has argued that in this case, the judgment of the trial Court is perverted. The revisionist was not named in the FIR and that there is no independent witness. It has been further argued that the pistol used in the crime was not recovered.

I am of the view that the said contentions were noticed by the trial Court. In this case, taxi was hired and the crime was committed in the running taxi. Therefore, there is no possibility of any independent witness watching the incident. The complainant was pushed out of the running car after relieving of Rs.4500/- and his mobile phone. At the instance of the present revisionist Ram Mehar, the car robbed in the present crime was recovered. Revisionist has not given any explanation as to how the car came in his possession. In Court the complainant stood by his statement. Mere non-recovery

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of the pistol used in the crime is no ground to hold that the crime was not committed. There are concurrent findings of the two Courts below, supported by the evidence and reasoning.

After going through the judgments of both the Courts below, I do not find any illegality or infirmity in the judgment qua the present revisionist. Accordingly, the present revision is found to be without any merit and is dismissed.

06.01.2015*gk***(Kuldip Singh)
Judge**