

(2010) 09 P&H CK 0364

High Court Of Punjab And Haryana At Chandigarh

Case No: None

Kuldeep Singh etc.

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision: Sept. 15, 2010**Acts Referred:**

- Criminal Procedure Code, 1973 (CrPC) - Section 482

Hon'ble Judges: M.M.S. Bedi, J**Bench:** Single Bench

Judgement

M.M.S. Bedi, J.

This petition has been filed u/s 482 Cr.P.C. seeking a direction to the trial Judge to correct the typographical error in statement made by Dr. Jawinder Singh (PW 6), which statement has been attached as Annexure P-3 with this petition.

2. Learned Counsel for the petitioners has submitted that the petitioners -accused are facing trial in a case, registered at the instance of Paramjit Singh (PW 1) alleging that the petitioners had caused four injuries on the person of his father Iqbal Singh. There are four injuries on different parts of body i.e. on the right frontoparietal region of skull, abrasion on the left side of forehead, bluish contusion on the right side of the face and an abrasion on the right leg. The defence counsel for the petitioners had put a suggestion to the eye witness to the effect that Iqbal Singh was sitting on the roof of the house and that he was in a drunkard condition and he sustained injuries on his person by falling from the roof of Varandha of the house of the complainant. Dr. Jaswinder Singh (PW 6) appeared in the court and the following suggestion was put to him:

It is correct that there were four injuries on the person of the dead body according to the post mortem examination. It is correct that all these 4 injuries could be sustained by hurling a brick bat. All these injuries could be sustained by a fall from some height.

3. Learned Counsel for the petitioners submit that the word "not" has been omitted on account of typographical error and the answer of the witness Dr. Jaswinder Singh (PW 6) should have been " it is correct that all the 4 injuries could not be sustained by hurling a brick bat."
4. Learned Counsel for the petitioners has submitted that by recalling the Doctor or by rectifying the typographical error, the word "not" is to be incorporated after the word "could", mentioned herein above.
5. I have heard learned Counsel for the petitioners. It is an admitted fact that immediately after the cross-examination, an application had been filed by the defence counsel for making necessary correction of typographical error. The said application has been dismissed.
6. I have considered the facts and circumstances of the case and I am of the opinion that powers u/s 482 Cr.P.C. are not meant to be used for correcting typographical errors in the cross-examination of a witness, who has been examined by the trial court. The totality of the circumstances show that it should be left to the wisdom of the trial court to find out, at any stage of final arguments, whether on account of typographical error word "not" has been omitted to be mentioned in the statement of Dr. Jaswinder Singh (PW 6) in the cross-examination. It is expected that the trial court will be able to fairly appreciate the typographical error, if any, in context to the four injuries, which were found on the different parts of the body of the deceased.
7. Disposed of by giving liberty to the trial court to correct the typographical error on the basis of probability at the time of final stage of argument of the case.