

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Crl. Appeal D-1837-DB of 2014
Date of Decision : January 29, 2015

Sunil Kumar

.....Appellant

VERSUS

State of Haryana and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE T.P.S. MANN
HON'BLE MR. JUSTICE DR. SHEKHER DHAWAN**

Present : Mr. S.K.Rana, Advocate

T.P.S. MANN, J. (Oral)

The complainant has filed the present appeal for challenging the impugned judgment passed by the trial Court to the extent of acquitting accused Anil, Rajesh @ Minu and Sunny Dev @ Kukki of the charges against them. Prayer has also been made for enhancing the sentences of imprisonment of the six convicts, who are impleaded as respondents No.2 to 4 and 7 to 9 in the appeal.

Having heard learned counsel for the appellant, this Court finds that none of the three acquitted accused was named as such either by PW1 Sombir or PW6 Sunil Kumar. Their

involvement surfaced only when one of their co-accused, namely, Ashu @ Ajya suffered a disclosure statement. Even in the said disclosure statement, nothing was said about Anil and Rajesh @ Minu, the two acquitted accused. The said disclosure statement cannot be used as an incriminating evidence against Sunny Dev @ Kukki-accused for convicting him for the offences for which he and other two acquitted accused were charged. Under these circumstances, no case is made out for any interference in the impugned judgment to the extent of acquitting Anil, Rajesh @ Minu and Sunny Dev @ Kukki-accused of the charges against them.

Coming to the stand taken by the complainant that the sentences of imprisonment imposed upon the six convicts are inadequate and the same are liable to be enhanced, we find that such a plea cannot be taken by the complainant in the present appeal. It being an appeal filed on behalf of the complainant, who can be termed as a victim, only the acquittal can be challenged by such a victim or prayer can be made for enhancement of compensation. At the same time, the victim cannot ask for enhancement of sentences of imprisonment of the convicts.

Faced with the above, learned counsel for the appellant states that he may be allowed to withdraw the present appeal in so far as it relates to enhancement of the sentences of imprisonment of the six convicts with liberty to the appellant to avail of any other

remedy available to him under the law.

Resultantly, the appeal filed by the complainant for enhancement of the sentences of imprisonment of six convicts is dismissed as withdrawn with liberty to the appellant to avail of any other remedy available to him under the law. The impugned judgment in so far as it relates to acquittal of accused Anil, Rajesh @ Minu and Sunny Dev @ Kukki is upheld.

The appeal is, accordingly, disposed of.

**(T.P.S. MANN)
JUDGE**

**(SHEKHER DHAWAN)
JUDGE**

January 29, 2015
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