

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Appeal No. D-724-DB of 2015
Date of Decision : July 21, 2015

Ram CharanAppellant
VERSUS
State of Haryana and othersRespondents

CORAM: HON'BLE MR. JUSTICE T.P.S.MANN
HON'BLE MR. JUSTICE MAHAVIR S. CHAUHAN

Present : Mr. Bijender Dhankhar, Advocate.

T.P.S. MANN, J.

The appellant, who is father of deceased Devender and, thus, a 'victim' as defined under Section 2(wa) of the Code of Criminal Procedure, has filed the present appeal for challenging the judgment dated 8.4.2015 passed by the Additional Sessions Judge, Palwal to the extent of acquitting respondents No.2-Mohd. Tarif and respondent No.3-Israil of the charges under Sections 120-B, 364, 302 and 201 IPC.

Respondents No.2 and 3, alongwith their co-accused Neeraj, were tried for the aforementioned offences. The trial ended with the acquittal of respondents No.2 and 3 whereas their co-accused Neeraj was held guilty for committing offences under Sections 364, 302 and 201 IPC and sentenced to undergo imprisonment for life.

Having heard learned counsel for the appellant and on going through the impugned judgment, this Court finds that in order to connect respondent No.2-Mohd. Tarif with the crime, the prosecution produced evidence that he got issued a SIM by using the ID of one Balraj and in pursuance of his disclosure statement, he got recovered the ID form and copy of the driving licence. Further, he made 12 calls on 21.2.2012 and

his location was at that time at Likhi, to which village his co-accused Neeraj belonged. Against respondent No.3-Israil, the prosecution has alleged that he got demarcated the place of occurrence.

The evidence collected by the prosecution against respondents No.2 and 3 is not such which could establish their guilt. There is no evidence of criminal conspiracy between the three accused. Even there is no evidence that respondent No.2-Mohd. Tarif remained in touch with accused Neeraj. Making a call to the deceased could, at the most, raise suspicion against Mohd. Tarif but that cannot be sufficient to prove his involvement in the commission of the crime. The alleged demarcation of the place of occurrence is also of no use to the prosecution as the place of occurrence was already known to the police as the dead body was recovered from the said place.

The defence has successfully established that on the date of alleged occurrence, respondent No.3-Israil was present at his place of posting which was at a distance of 100 kms. from the place of occurrence.

In view of the above, no case is made out for any interference in the impugned judgment passed by the trial Court to the extent of acquitting respondents No.2 and 3 of the charges against them.

The appeal is without any merit and, therefore, dismissed.

(T.P.S. MANN)
JUDGE

(MAHAVIR S. CHAUHAN)
JUDGE

July 21, 2015