

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRA-S 2239 SB of 2014 (O&M)
Date of decision : January 22, 2015

Gurpreet Kaur,

..... Appellant

v.

State of Punjab and others,

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Anil Sharma, Advocate
for the appellant.

- 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 ?**

Ajay Tewari, J (Oral)

This appeal has been filed against the judgment dated 30.1.2014, vide which the trial Court has acquitted respondents No.2 to 6 of the charges framed against them under Sections 447, 448, 451, 427, 506, 148, 149 of the IPC, and Section 3(5) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Counsel for the appellant has argued that the trial Court has taken unduly strict view of the onus and instead of holding the onus to be 'beyond any reasonable doubt' has taken into 'beyond a shadow of doubt' and as per the actual parameters, the case against the accused was proved.

The allegations were that the accused/respondents had demolished a room belonging to the appellant and when he tried to stop them, they also abused

him by stating words against his caste.

The trial Court found that there was no record that the appellant was ever staying in that room and even as per the resolution of the Panchayat, the land in question had been given for the purpose of storing Rurri. No number of the house was given nor was there any water or electricity connection. Even the witness before whom the caste words were used was not produced in evidence. Having gone through the entire judgment and the record with the assistance of the counsel, I regret my inability to agree with him that the trial Court has taken a harsher view than envisaged by the criminal jurisprudence of this country. I see no reason to differ with the finding arrived at by the trial Court. Consequently, this appeal is dismissed.

January 22, 2015
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(AJAY TEWARI)
JUDGE