

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

CRM-A-222-MA of 2015 (O&M)

Date of decision: 15.12.2015

Manjit Singh

...Applicant

Versus

Balbir Singh and others

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Dhirinder Chopra, Advocate for the applicant.

Jitendra Chauhan, J. (Oral)

By filing the present petition, under Section 378(4) of the Code of Criminal Procedure (for short 'Cr.P.C.'), the applicant has assailed the judgment dated 29.10.2014, passed by the Judicial Magistrate 1st Class, Samrala, whereby the accused (respondents herein) have been acquitted of the charges levelled against them.

Learned counsel for the applicant contends that the learned trial Court has acquitted the accused without appreciating the fact that the respondents with mala fide intention had published a news item in daily Ajit newspaper containing defamatory words against the complainant and his family members.

Heard.

This Court has perused the entire record. The learned trial

Court has recorded that a lot of doubt exists in the mind of the Court regarding the genuineness of the version of the applicant. The applicant has alleged that on 30.04.2005, the accused in connivance with each other, in order to defame him got published a news item in Ajit newspaper in which said "Paramjit Kaur, daughter of complainant be dismissed as she has run away with her lover". On 03.04.2007, accused persons used the words cheat, dishonest against the complainant in the presence of general public as well as in the presence of CW-3 Amarjit Singh, Lamberdar. A bare perusal of the testimony of CW-3 reveals that he was only a made up witness to depose in favour of the applicant. He had duly admitted in his cross examination that he deposed at the instance of the applicant as he had good relations with the applicant. He further deposed that he also appeared as surety for the son of the applicant. Similarly, CW-4 Santokh Singh, also appears to be a stock witness as he also stood as surety for the son of the applicant. Furthermore, the said news item was published by the retired Head Master Balbir Singh regarding willful absence of CW-6, Paramjit Kaur, daughter of the applicant from the duty. The accused were in-laws family members of Paramjit Kaur. Further, in a complaint case filed by the present applicant, the accused were acquitted by the competent Court. The said judgment of acquittal was also upheld by this Court in an appeal preferred by the present applicant. In view of the above facts and circumstances, it appears that the applicant has been nurturing a

grudge against the respondents.

In these circumstances, the finding of acquittal recorded by the trial Court cannot be said to be perverse or contrary to the material on record. In fact there is no infirmity in the reasoning assigned by the trial Court for acquitting the accused/respondents. It is a settled law as has been held in C. Antony Vs. K.G. Raghavan Nair, 2002(4) RCR (Criminal) 750 that even if a second view on appreciation of evidence is possible, the Court will not interfere in the acquittal of the accused. In the cases of acquittal, there is double presumption in the accused's favour; first the presumption of innocence, and secondly the accused having secured an acquittal, the Court will not interfere until it is shown conclusively that the inference of guilt is irresistible.

Accordingly, the leave to appeal stands declined.

Dismissed.

15.12.2015

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(JITENDRA CHAUHAN)
JUDGE