

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

CRM-A-599-MA of 2015 (O&M)

Date of decision: 26.11.2015

Avdesh Kumar and another

...Applicants

Versus

Ravinder Kumar @ Billu and others

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. R.S. Budhwar, Advocate for the applicants.

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 order dated 06.01.2015, passed by the Judicial Magistrate 1st Class, Yamuna Nagar, dismissing the complaint and acquitting the accused therein of the charges framed against them under Sections 500, 501 and 502 of the Indian Penal Code (for short 'IPC').

It is contended that the learned trial Court dismissed the complaint without appreciating the sufficient documents i.e. Ex.C1 to C6 on record. The learned trial Court has failed to appreciate the fact that the respondent No.2, who is a Chief Auditor in the newspaper 'Lohagarh Bulletin, being inimical towards the applicants had published defamatory news against them in order to tarnish their image. However, the trial Court erred without applying its judicial mind has wrongly dismissed the

complaint of the applicants.

Heard.

A perusal of the record would reveal that there is nothing on record to substantiate the allegations that the respondents/accused had published false news against the applicants. The application which was given to the Deputy Commissioner, Yamuna Nagar as alleged by the applicants, has also not been brought on record. The allegations of the applicant appears to be vague.

In the 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/respondent. 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 his 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.

26.11.2015

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(JITENDRA CHAUHAN)
JUDGE