

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-1121-2015 (O&M)
Date of decision: 04.12.2015

Satvinderjit Singh

... Petitioner

Vs.

Reena Rani and others

... Respondents

CORAM: HON'BLE MR.JUSTICE RAMESHWAR SINGH MALIK

Present: Ms. Raminder Pratap Kaur, Advocate
for the petitioner.

1. Whether reporters of local papers may be allowed to see the judgment? YES/NO
2. To be referred to the reporters or not? YES/NO
3. Whether the judgment should be reported in the digest? YES/NO

RAMESHWAR SINGH MALIK, J.

Present criminal revision petition, at the hands of complainant, is directed against the impugned judgment dated 16.01.2014 passed by the learned Chief Judicial Magistrate, SBS Nagar, whereby accused-respondents were acquitted of the charges framed against them.

Brief facts of the case, as recorded by learned trial Court in para 2 of the impugned judgment, are that the complainant was married with Reena Rani (Accused No.2). Accused No.1-Sadhu Ram was the father-in-law of complainant while accused No.3-Bhagwanti was his mother-in-law. Accused No.4 & 5-Rajinder Kumar and Dimple Kaur were the brothers of accused No.2. Accused No.8-Gian Chand was the relative of accused No.1 to 6 while accused No.7 was posted as ASI in Police Station Garhshankar. Although the

marriage between the complainant and accused No.2-Reena Rani was dissolved by way of custom prevalent in the communities of the parties on 13.01.2014, but even after the said divorce, the accused have been terrorizing and harassing the complainant. On 18.09.2006 at about 2.00 PM, when the complainant was going back to his village after attending the Courts at Nawanshahr and reached on the main GT Road near the main entry gate of District Courts, Nawanshahr, a Maruti Car came and stopped and accused No.1, 2, 4, 5 & 8 alighted from the same accompanied by some other unidentified persons and forcibly lifted the complainant and put him into the car and then took the complainant towards Rahon side at a secluded place and after stopping the car, the said accused No.1, 2, 4 & 5 forcibly administered liquor to the complainant and also gave slaps to him as well as kick and fist blows. At about 4.30 PM, the complainant was forcibly taken in that car to Garhshankar and thereafter the complainant brought out of the car and threatened that in case he dared to roam towards the beauty parlour being run by the accused No.2, he will be done to death. The complainant pleaded that since after divorce, he had never came to Garhshankar, but these pleas of complainant went into deaf ears and the accused forcibly made the complainant to roam in the vicinity of the beauty parlour and by that time, accused no.3 & 6 also joined and they also gave slaps and fist blows to the complainant and also broke the spectacles of the complainant. The accused No.4 also dealt a danda blow hitting on the nose of the complainant and blood started oozing out of the same and also gave fist blows on the ear of the complainant, due to which the complainant has become hard of hearing. Then the accused forcibly took the complainant to PS Garhshankar in an injured

condition and there made a false report to the accused No.7-ASI Balwinder Singh that the complainant was roaming by the side of the beauty parlour of accused No.2 and was hurling abuses. Further that he had been forcibly abducted by the accused and was given injuries after administering liquor to him, but the accused No.7 instead of taking action against the accused No.1 to 6 and 8, forcibly put him behind the bars and at about 6.00 PM, accused No.7 sent the complainant to Civil Hospital, Garhshankar where he was medically examined. The doctor advised that the complainant be got admitted, but the accused No.7 and the other accused brought the complainant out of the room of the doctor and threatened that in case he got himself admitted, he will face dire consequences. The doctor also advised X-ray examination of nose and ear of the complainant, but the accused despite medical advise brought him back and again gave fist and kick blows to the complainant and he was put behind the bars by the accused No.7. The accused also threatened that in case he did not agree for compromise with the accused, he will be involved in a serious case and got the signatures of the complainant on blank papers under coercion and was kept in the police station for overnight. The complainant also made a complaint in writing to the Deputy Commissioner, Nawanshahr who sent the same to the police, but no action was taken. In this way, the accused have committed the offence under Sections 365, 367, 342, 323, 506, 148, 149 of the Indian Penal Code ('IPC' for short) and the accused be summoned and punished accordingly.

After considering the preliminary evidence led by the complainant, the learned trial Court summoned the accused to face criminal trial for the offences under Sections 323, 342 IPC. Finally, accused put in

appearance and were released on bail. In the pre-charge evidence, complainant produced 02 witnesses, besides producing other documentary evidence and closed his evidence.

After hearing the learned counsel for the parties and going through the evidence brought on record, the learned trial Court came to the conclusion that the complainant failed to bring home the guilt against the accused. Accordingly, the complaint was dismissed and accused were acquitted of the charges framed against them, vide impugned judgment of acquittal dated 16.01.2014. Hence this criminal revision petition, at the hands of complainant.

Learned counsel for the petitioner submits that the complainant brought cogent and convincing evidence on record, which was sufficient to record conviction of the accused persons. However, since the learned trial Court has failed to appreciate the evidence in correct perspective, the impugned judgment has resulted in miscarriage of justice. He prays for setting aside the impugned judgment, by allowing the present criminal petition.

Having heard the learned counsel for the petitioner, after careful perusal of the record of the case and giving thoughtful consideration to the contentions raised, this Court is of the considered opinion that keeping in view the peculiar facts and circumstances of the case, noticed hereinabove, instant one has not been found to be a fit case, warranting interference at the hands of this Court, while exercising its revisional jurisdiction, which itself is a limited one. To say so, reasons are more than one, which are being recorded hereinafter.

A bare reading of the impugned judgment would show that the

learned trial Court has discussed, considered and appreciated each and every relevant aspect of the matter, before arriving at a judicious conclusion. Oral as well as documentary evidence was appreciated in the correct perspective. Having said that, this Court feels no hesitation to conclude that the learned Court has committed no error of law, while passing the impugned judgment of acquittal and the same deserves to be upheld.

It is the settled principle of law that wherever two views are possible, the view which goes in favour of the acquittal, deserves to be adopted by the Courts. It is not even the argued case on behalf of the petitioner that the view taken by the learned trial Court was not one of the possible views. In this view of the matter, it can be safely concluded that the impugned judgment of acquittal does not suffer from any illegality and the same deserves to be upheld, for this reason also.

The view taken by this Court also finds support from the judgment of the Hon'ble Supreme Court in the case of **Arulvelu & anr. vs. State represented by the Public Prosecutor and anr. 2009(4) RCR (Crl.) 638**. The relevant observations made by the Hon'ble Supreme Court in para Nos.39, 40 and 41 in the case of Arulvelu (supra) read as under:

“In Ghurey Lal v. State of Uttar Pradesh (2008) 10 SCC 450, a two Judge Bench of this Court of which one of us (Bhandari, J.) was a member had an occasion to deal with most of the cases referred in this judgment. This Court provided guidelines for the Appellate Court in dealing with the cases in which the trial courts have acquitted the accused. The following principles emerge from the cases above:

1. The accused is presumed to be innocent until proven guilty. The accused possessed this presumption when he was before the trial court. The trial court's acquittal bolsters the presumption that he is innocent.

2. The power of reviewing evidence is wide and the appellate court can re-appreciate the entire evidence on record. It can review the trial court's conclusion with respect to both facts and law, but the Appellate Court must give due weight and consideration to the decision of the trial court.

3. The appellate court should always keep in mind that the trial court had the distinct advantage of watching the demeanour of the witnesses. The trial court is in a better position to evaluate the credibility of the witnesses.

4. The appellate court may only overrule or otherwise disturb the trial court's acquittal if it has "very substantial and compelling reasons" for doing so.

5. If two reasonable or possible views can be reached - one that leads to acquittal, the other to conviction - the High Courts/appellate courts must rule in favour of the accused.

40. This Court in a recently delivered judgment State of Rajasthan v. Naresh @ Ram Naresh 2009 (11) SCALE 699 again examined judgments of this Court and laid down that "An order of acquittal should not be lightly

interfered with even if the court believes that there is some evidence pointing out the finger towards the accused. This Court has dealt with the scope of interference with an order of acquittal in a number of cases."

41. Careful scrutiny of all these judgments lead to the definite conclusion that the appellate court should be very slow in setting aside a judgment of acquittal particularly in a case where two views are possible. The trial court judgment can not be set aside because the appellate court's view is more probable. The appellate court would not be justified in setting aside the trial court judgment unless it arrives at a clear finding on marshalling the entire evidence on record that the judgment of the trial court is either perverse or wholly unsustainable in law."

The law laid down by the Hon'ble Supreme Court in **Arulevlu's** case (supra) has also been followed by a Division Bench of this Court in the case of **State of Haryana v. Aman Kumar and another 2012 (3) RCR (Crl.) 330** and in the judgment dated 2.11.2012 passed by this Court in **CRM-A- 284-MA-2011 (Baljeet Singh v. State of Punjab and others)**.

Reverting to the facts of the present case and respectfully following the law laid down by the Hon'ble Supreme Court in **Arulvelu's** case (supra), it is unhesitatingly held that the learned trial Court was well-justified on facts as well as in law, for passing the impugned judgment of acquittal and the same deserves to be upheld, for this reason as well.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that the present petition is misconceived, bereft of merit and without any substance, thus, it must fail. No case for interference has been made out.

Resultantly, with the abovesaid observations made, instant criminal revision petition stands dismissed, however, with no order as to costs.

[RAMESHWAR SINGH MALIK]
JUDGE

04.12.2015
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