

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No. 194 of 2015 (O&M)
Date of decision : August 18, 2015

Sumanjit Kaur,

..... Petitioner

v.

Suraj Parkash and others,

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. MS Joshi, Advocate
for the petitioner.

- 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 revision petition has been filed against the concurrent acquittal of the respondents. Allegations were that on 6.8.2009 at about 7.30 pm, the respondents assaulted the petitioner and PW2-Ramandeep Kaur and caused injuries to them and snatched their gold chain. Both the Courts below noticed three glaring facts. First was that two of the alleged assailants were the brother and cousin of the estranged bhabhi of the petitioner. Secondly, the FIR was lodged one month after the incident, and thirdly, in the cross-examination, the petitioner had admitted that all the assailants had muffled their faces at the time of occurrence. It was in these circumstances that the Courts below held that the prosecution failed to bring home the guilt of the accused/respondents beyond reasonable doubt, and

giving benefit thereof, acquitted the respondents.

Counsel for the petitioner has argued that in the examination-in-chief, PW2-Ramandeep Kaur had mentioned that it was the brother and cousin of the petitioner's bhabhi along with three other persons and it was those three persons who had muffled their faces. Secondly, in the cross examination, she stated that her father had moved a complaint on the next date but the police did not take any action thereon. As per him, the findings on these aspects are vitiated.

Both the Courts below have considered the entire material and have held that the delay in the lodging of the FIR has not been satisfactorily explained. Further, even regarding the assailants, the statement made in the examination-in-chief, coupled with the admission in the cross examination, may convey the meaning that possibly all the assailants had muffled their faces. It can not also lost sight of the fact that there was a dispute between the bhabhi and the brother of the petitioner. In these circumstances, I regret my inability to come to the conclusion that the case against the respondents has been proved beyond any reasonable doubt. Consequently, this revision petition is dismissed.

August 18, 2015
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(AJAY TEWARI)
JUDGE