

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRR No.3385 of 2014

Date of decision: 12.02.2015

Gurpreet Kaur

.....Petitioner

versus

State of Punjab and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr. Jagjot Singh Lalli, 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?*

Kuldip Singh, J. (Oral)

Challenged in the present revision is the order dated 18.7.2014, passed by the learned Additional Sessions Judge (Fast Track Court), Ludhiana, affirming the judgment dated 31.8.2012, passed by the the learned Judicial Magistrate 1st Class, Ludhiana, vide which the accused were acquitted of the charges framed against them under Section 406 and 498A IPC.

Learned counsel for the petitioner has contended that this Court can interfere in the finding of acquittal when the material evidence has been overlooked by the trial Court or by the appellate Court and also on the ground that the trial Court has wrongly shut out the evidence which the prosecution wishes to produce. Reliance in this regard has been placed on the judgment of the Hon'ble Apex

Court in the case titled as Venkatesan v. Rani and another, 2013(4) R.C.R. (Criminal) 919. There is no dispute with the said authoritative pronouncement. In the light of the said authority, it is stated that the trial Court has overlooked that it was alleged that on 14.8.2006, the complainant was given fist blow in the abdomen, she was pregnant at that time due to which she aborted the child. Reliance has been placed on the statement of PW7 Dr.Naveen Parmar. Certified copy of the statement of Dr.Naveen Parmar (PW7), produced during arguments, shows that on ultrasound, bleeding was found. There was pregnancy of two months. But no outer injury was detected by the doctor. Therefore, it cannot be said that any injury was given by any of the accused, which resulted into abortion. Bleeding could be for several reasons. The guilt of the accused has to be proved beyond all reasonable doubts and merely on the basis of suspicion the accused cannot be convicted.

Learned counsel for the revisionist has further argued that the complainant had filed an application under Section 311 Cr.P.C. to prove that the husband had filed a complaint under Sections 312, 316, 506 and 120B IPC and the same was dismissed vide order dated 6.7.2010. It is further argued that the trial Court has failed to decide the said application.

I am of the view that the production of the said evidence is immaterial to decide the present controversy. In this case, the complainant has levelled allegations that due to beating by the accused, her pregnancy was terminated. Said evidence was disbelieved by the trial Court and the appellate Court and is not being

believed by this Court. Therefore, the application under Section 311 Cr.P.C. also stands dismissed.

After going through the judgment of the learned Judicial Magistrate 1st Class, Ludhiana as well as that of learned Additional Sessions Judge (Fast Track Court), Ludhiana, I find that both the Courts below have appreciated the evidence and have taken one of the two possible views. There is no illegality or infirmity in the impugned judgment in acquitting the accused.

Therefore, the present revision stands dismissed.

12.02.2015
gk

(Kuldip Singh)
Judge