

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

CRM-A-535-MA-2014 (O&M)

Date of decision : 01.08.2016

Sardool Singh

...Appellant

Versus

Navdeep Singh @ Navi

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Ashish Gupta, Advocate
for the applicant-appellant.

JITENDRA CHAUHAN, J. (Oral)

This special leave to appeal is directed against the impugned judgment dated 06.01.2014 passed by learned Principal Magistrate, Juvenile Justice Board, Faridkot, whereby the accused-respondent was acquitted from the charges framed against him under Sections 452, 382, 323, 427 and 148 of the Indian Penal Code (for short 'the IPC') read with Section 149 IPC.

The learned counsel contends that the learned trial Court has erroneously passed the impugned judgment and acquitted the respondent, as the alleged incident which occurred on 29.06.2006 is of illegal and forcible entrance of the respondent in the shop of the appellant. They caused injury to him and snatched his gold chain along with ₹10,000/- which is

established by the statement of the applicant-appellant and the evidence led by him.

I have heard the learned counsel and perused the entire record on file.

As per the case of the applicant-appellant, on 29.06.2006 respondent along with some other accused had forcibly entered into his shop and delivered spade blows on him and snatched a gold chain as well as Rs.10,000/- from him. However, the applicant-appellant did not mention the name or role of the respondent in the alleged FIR nor has he given any satisfactory reply as to why he had not disclosed his name therein. Further, it is an admitted fact that the witness, namely Satvir Singh, son of the applicant-appellant, is a proclaimed offender and the applicant-appellant was convicted in a complaint case titled as **Karamjit Singh Vs. Sardool Singh**. He further admitted that he had filed the present complaint after he was summoned in the complaint filed by co-accused, Karamjit Singh, who happens the uncle of the respondent. Therefore, the possibility of false implication of the respondent cannot be ruled out and thus, the act of the applicant-appellant appears to be an after-thought process.

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.

Keeping in view the above, 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 in acquitting the respondent. This Court feels that the learned Principal Magistrate, Juvenile Justice Board, Faridkot has passed the impugned judgment dated 06.01.2014 after appreciating the entire facts and circumstances of the present case and no other view is possible.

Accordingly, the special leave to appeal is declined.

Dismissed.

01.08.2016

ashok

**(JITENDRA CHAUHAN)
JUDGE**

Whether speaking/reasoned: Yes / No

Whether reportable: Yes / No