

113-A IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-28679-2016in/and
CRM-M-2689-2013
Date of decision-17.10.2016

Bhajan Singh

...Petitioner

Vs.

Mehar Singh and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Puneet Sharma, Advocate for the applicant-petitioner.

JITENDRA CHAUHAN, J. (Oral)

CRM-28679-2016

The present application is for listing of the main case for actual date of hearing.

Application is allowed as prayed for. The main petition is taken on today's Board.

CRM-M-2689-2013

This petition has been filed against the judgment of learned Additional Sessions Judge, (Fast Track Court), Ropar reversing that of the learned trial Court, by which the respondents, though have been acquitted of the charge framed for an offence under Section 325 of Indian Penal Code (in short 'IPC'), had been convicted for an offence punishable under Section 323 read with Section 34 IPC.

Learned counsel for the petitioner contends that Court of Additional Sessions Judge, Ropar committed grave error in acquitting the

accused-respondents. The factum of compromise has been wrongly taken into consideration by the Court below. The respondents were rightly convicted by the Court of Judicial Magistrate First Class, Ropar.

I have heard learned counsel for the petitioner and perused the case file.

Court of Additional Sessions Judge, Ropar while acquitting the respondents has recorded that Court of Judicial Magistrate, Ropar convicted the respondents solely on the basis of compromise. This Court is in agreement with the opinion formed by Court of Additional Sessions Judge that solely on the basis of a compromise recorded in the Panchayat cannot be made the basis for convicting the respondents. That apart, there is no other clinching evidence on record to convict the respondents.

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/respondents. 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.

Consequently, this Court does not find any reason to interfere in the judgement passed by the Additional Sessions Judge, Ropar. Therefore, present petition stands dismissed.

(JITENDRA CHAUHAN)
JUDGE

October 17, 2016
vanita

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No