

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

**CRR No.4747 of 2015
Date of decision: 18.01.2016**

Kunwar Sain

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Manoj Kumar Sood, 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)

Impugned in the present revision is the judgment dated 14.9.2015, learned Additional Sessions Judge, Faridabad, affirming the judgment of acquittal dated 16.12.2014, passed by the learned Judicial Magistrate 1st Class, Faridabad.

I have heard learned counsel for the petitioner and have also carefully gone through the file.

Learned counsel for the petitioner contends that before the lower Court the receipt was not produced, on account of which the accused was acquitted. Before the appellate Court he had filed an application for summoning the investigating officer enunciating that the receipt is with him. The said receipt was not part of the challan.

The challan was presented after the investigation and the documents

relied upon by the prosecution were mentioned in the report filed under Section 173 Cr.P.C.

In these circumstances, when the said receipt is not relied upon by the prosecution and was not produced along with the challan and copy thereof not supplied to the accused, at the appellate stage such receipt could not be allowed to be produced. There are concurrent findings of two Courts below, holding that the charges under Sections 420, 323, 506 read with Section 34 IPC are not proved. Judgments of both the Courts below are supported by cogent reasoning. There is no illegality or perversity in the same. Therefore, there is no ground to interfere in the impugned judgments.

The present revision petition stands dismissed accordingly.

18.01.2016
gk

(Kuldip Singh)
Judge