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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.M.C. 3859/2016**

SOM NATH SHARMA

..... Petitioner

Represented by: **Mr. K.K. Sabharwal, Adv.**

versus

STATE (NCT) DELHI

..... Respondent

Represented by: **Mr. Amit Ahlawat, APP with
SI R.S. Pandit.**

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

19.10.2016

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1. The petitioner faced trial as an accused in case FIR No.345/2006 under Sections 342/323 IPC wherein he was acquitted vide order dated 2nd February, 2016. While acquitting the petitioner, the learned Trial Court made the following observations:

“10. In view of the aforesaid discussion, accused deserves to be acquitted after being given benefit of doubt.

Accordingly, accused Som Nath Sharma is acquitted of the offence punishable u/S 342/323 of Indian Penal Code after being given benefit of doubt.

However, it is made clear that the accused has been acquitted after being given benefit of doubt and not acquitted honourably. This order shall not have any bearing on departmental proceedings against the accused as regards the incident as the standard of proof required in criminal proceedings is different from that required in departmental proceedings.”

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2. The petitioner is aggrieved by the observations made by the learned Trial Court noting that the petitioner has not been acquitted honourably, has been granted benefit of doubt and the order shall have no bearing on the departmental proceedings.

3. It is trite law that in a criminal prosecution, standard of proof for convicting an accused required to be adduced by the prosecution is beyond reasonable doubt whereas for awarding penalty in departmental proceedings the standard of proof is at the level of preponderance of probability. Despite the fact that the two witnesses who were injured deposed in favour of the prosecution, the learned Trial Court in view of certain improvements and the fact that the MLC was not proved, as per the provisions of the Indian Evidence Act, granted benefit of doubt to the petitioner. Even if the observations afore-noted had not been made, the acquittal would not have had the effect of grant of benefit in departmental proceedings. Thus this Court finds no reason to expunge the observations made by the learned Trial Court.

4. Petition is dismissed.

MUKTA GUPTA, J.

OCTOBER 19, 2016

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