

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

CRA-S-3893-SB of 2014

DATE OF DECISION :- November 02, 2017

Manohar Lal

...Appellant

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. Roopak Bansal, Advocate for the applicant.

Mr. Gaurav Bansal, Assistant Advocate General, Haryana.

Mr. Sanjay Verma, Advocate for respondent no.2.

Accused Raj Pal @ Rajia, Anil @ Pehlad, Ashok, Rajbir and Ashvir were tried by Judicial Magistrate Ist Class, Rewari and vide judgment dated 19.7.2011 they were convicted vide order dated 21.7.2011 and sentenced.

Feeling aggrieved, they had filed an appeal seeking setting aside of judgment passed by the trial Magistrate being given acquittal. State of Haryana through complainant had also filed an appeal seeking enhancement of sentence. Both the appeals were disposed of vide consolidated judgment passed by the Additional Sessions Judge, Rewari on 11.4.2014. Aggrieved by the said judgment, the complainant had approached this Court by way of filing an appeal. Notice was issued to the respondents.

I have heard learned counsel for the appellant, learned State

counsel and learned counsel for respondent no.2 besides going through the judgment passed by Additional Sessions Judge, Rewari. The judgment passed by Additional Sessions Judge, Rewari is well reasoned one based upon proper appraisal and appreciation of evidence and correct interpretation of law. He has observed material discrepancies between statements of PWs as discussed in para no. 29 of the judgment, the defence version being probable, failure of the prosecution to prove its evidence against the accused beyond shadow of reasonable doubt and contradiction between the oral and medical evidence led to the verdict of the acquittal of the accused finding any reason to justify their conviction and no reason being there to enhance the sentence, the judgment does not call for any interference. The appeal stands dismissed accordingly.

(H.S. MADAAN)
JUDGE

November 02, 2017

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No