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

CRM-A-352-MA-2015 (O&M)

Date of decision: October 30, 2017

Channa Ram

.....Applicant

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Shri Baldev Singh Sidhu, Advocate
for the appellant.

Mr. Dhruv Dyal, Sr. DAG, Punjab.

A.B. CHAUDHARI, J (Oral)

Heard learned counsel for the rival parties.

This is an appeal against the judgment of acquittal passed
by the Court of Special Judge Patiala on 27.07.2011.

Learned counsel for the applicant vehemently argued that
the trial Court has perused the technical report which clearly proves
the complicity of the accused persons in the offence for which they
were charged. The trial Court could not have ignored the said report
and therefore has arrived at a wrong decision while making the
conclusion.

Seen the record. In view of the Paras 25, 26 & 27 from the
impugned judgment, it clearly appears that the prosecution relied only
upon the technical report. The technical report was based on the cash
receipts which were stated to be forged. The law requires proof of

primary evidence and if the appellant prosecution wanted to rely upon the secondary evidence i.e. technical report. The secondary evidence cannot be allowed to be relied upon in the absence of primary evidence being led before the Court. In that view of the matter, the prosecution failed to prove its case beyond reasonable doubt.

In that view of the matter, having failed to prove its case, there is no merit in the appeal against acquittal.

Leave refused. Appeal dismissed.

(A.B. CHAUDHARI)
JUDGE

October 30, 2017

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No