

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

CRM-A-955-MA-2014 (O&M)

Date of Decision: 23.10.2017.

Sunita Rani

... Applicant/Appellant

Versus

Mahi Pal and others

... Respondents

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. G.C. Shahpuri, Advocate,
for the applicant-appellant.

Mr. Rakesh Gupta, Advocate,
for respondent Nos. 1 & 2.

Ms. Dimple Jain, AAG Haryana.

JITENDRA CHAUHAN.J.

This is an application under Section 378(4) Cr.P.C seeking special leave to appeal against the judgment of acquittal dated 04.04.2014 passed by Sub-Divisional Judicial Magistrate, Bilaspur vide which respondent Nos.1 and 2 were acquitted in complaint case titled as “Sheo Ram vs. Mahi Pal and another” under Sections 323, 354, 506 and 120-B IPC.

Heard.

A perusal of the impugned judgment shows that the version put forth by the complainant suffers from many contradictions.

Firstly, the complainant has not reported the matter to the police rather has approached the Court on the third day of the occurrence. Further,

no MLR was got conducted on the complainant to show the presence of any injuries. If the doctor of the govt. hospital had refused to do so the complainant could have approached the authorities or else could have gone to some private hospital. The alleged witnesses of the occurrence, namely, Rishi Pal and Bir Singh, Sarpanch were not examined by the complainant for the reasons best known to her. In the inquiry held under Section 202 Cr.P.C, there is no mention of the incident alleged to have taken place on 05.01.2005. This being so, this Court finds itself in agreement with the view taken by the trial Court.

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, the special leave to appeal is declined.

23.10.2017.

SN

(JITENDRA CHAUHAN)

JUDGE

Whether speaking/reasoned :Yes/No

Whether reportable :Yes/No