

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

CRM-A-1182-MA-2018 (O&M)

Date of decision: 21.11.2018

Union Territory, Chandigarh

.....Applicant

Versus

Parkash Singh

.....Respondent

**CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI
HON'BLE MR. JUSTICE H.S. MADAAN**

Present: Ms. Ashima Mor, Add. Public Prosecutor, U.T. Chandigarh

A.B. CHAUDHARI, J. (Oral)

CRM-21698-2018

For the reasons mentioned in the application, delay of 06 days in filing the appeal, is condoned.

CRM-A-1182-MA-2018

This is an application filed under Section 378(3) of Criminal Procedure Code for leave to appeal against the judgment of acquittal dated 22.01.2018, passed by the learned Additional Sessions Judge, Chandigarh.

Learned counsel for the applicant vehemently argued that the trial Court committed an error in not convicting the respondent-accused when there was scientific evidence by way of the DNA test by which there was clear cut evidence to connect the accused. To a specific query as to whether the prosecutrix deposed before the Court, he fairly stated that she was untraceable and could not be produced before the Court for tendering her evidence.

In our opinion, the attempt made by the learned counsel for U.T. Chandigarh to ask for conviction only on the basis of DNA evidence is faint.

The substantive evidence before the Court of the prosecutrix was most essential

without which no conviction could have been recorded in the present case as the accused was entitled to cross-examine the prosecutrix equally.

In that view of the matter, the present application for leave to appeal against order of acquittal dated 22.01.2018, is dismissed.

(A.B. CHAUDHARI)
JUDGE

(H.S. MADAAN)
JUDGE

21.11.2018
anju rani

Whether speaking/ reasoned: Yes/No
Whether Reportable: Yes/No