

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-A-935-MA-2014 (O&M)

Date of decision: 17.09.2018

State of Haryana

..... Applicant

Versus

Som Nath and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. Yashwinder Singh, DAG, Haryana
for the applicant.

None for respondents No. 1 to 5.

Mr. AS Virk, Advocate for respondent No. 6.

RAMENDRA JAIN, J. (ORAL)

State of Haryana has filed the instant application under Section 378(3) Cr.P.C. for grant of leave to file appeal against acquittal of respondents under Section 325 IPC by the trial Court, Kurukshetra, vide judgment dated dated 29.07.2013.

Heard.

In nutshell, respondents were booked and tried in case FIR No. 104 dated 06.06.2004, under Sections 325, 323, 324, 148 and 149 IPC by the Judicial Magistrate Ist Class, Kurukshetra. The trial Court on conclusion of trial, vide impugned judgment dated 29.07.2013, convicted and sentenced the respondents under Sections 148, 323, 324 read with Section 149 IPC, while acquitting them under Section 325 IPC.

Being aggrieved, the respondents approached Ist Appellate

Section 149 IPC and got success as their appeal was accepted vide judgment dated 21.09.2016. Resultantly, they were acquitted.

Applicant-State has not preferred appeal before this Court against the aforesaid judgment of the Ist Appellate Court dated 21.09.2016, acquitting the respondents.

Therefore, in the considered opinion of this Court, the instant Criminal Miscellaneous Application, is meaning less, inasmuch, as the acquittal of the respondents under Sections 148, 323, 324 read with Section 149 IPC by the Ist Appellate Court, without being challenged shall remain in force and intact.

More so, perusal of the impugned judgment shows that the prosecution could not prove its allegations under Section 325 IPC against the respondents to the hilt beyond any shadow of doubt. Therefore, this Court is not inclined to differ with the findings of the trial Court acquitting the respondents under Section 325 IPC.

In view of the discussion made above, the instant Criminal Miscellaneous Application is dismissed. Leave to appeal is declined.

September 17, 2018

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**(RAMENDRA JAIN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No