

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

**CRA-S-2000-SB-2018 (O&M)
Date of Decision: 24.7.2019**

Vishnu

.....PETITIONER(s).

VERSUS

State of Haryana

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Surinder Singh Duhan, Advocate
for the appellant.

Mr. Vikas Chopra, DAG, Haryana.

RAJ SHEKHAR ATTRI, J.

The present appeal is directed against the judgment of conviction and order of sentence dated 8.3.2018 vide which the appellant was convicted and sentenced as under : -

(i) To undergo rigorous imprisonment for ten years and to pay a fine of ₹ 3,00,000/- for the commission of offence under Section 326A IPC.

(ii) To undergo rigorous imprisonment for three years and to pay a fine of ₹ 1000/- for the commission of offence under Section 450 IPC and in default of payment of fine to undergo rigorous imprisonment for two months.

Both the sentences were ordered to run concurrently.

Attack on the person of the human being with acid is not only highly inhuman but despicable also which is caused by an ill and depraved mind.

The instant case relates to acid attack on the hapless young girl who was lying asleep in the cold winter of 22.12.2016 along with her mother.

The petitioner entered her room, removed her quilt from her face and put acid upon her and she suffered severe and dreadful burns. She was immediately rushed to the hospital, where her initial statement was recorded. She has categorically stated that about 4:00 a.m. on 23.12.2016, when she along with her mother was sleeping, having covered her face with quilt, then she found that somebody put acid upon her and it was in fact the accused persons.

After completion of investigation, the challan was submitted.

During the trial, the prosecution examined PW1 ASI Sukbir 1073, PW2 Dr. Ravinder Pal, , PW3 Dharmender Draftsman, PW4 HC Dalip Singh 129, PW5 L/C Naresh 30, PW6 SPO Suresh Kumar 185, PW7 ASI Ramesh Kumar 798, PW9 E/ASI Dharambir Singh 994, PW10 HC Pawan Kumar 88, PW11 Dr. Rakesh Khatak, PW12 ASI Ram Kishan 421, PW13 Inspector Narender Pal, PW14 Monika d/o Umed Singh, PW15, Inspector Laxmi Devi, PW16 L/ASI Basanti 1240, PW17 Bimla w/o Umed Singh, PW18 Umed Singh s/o Chandgi Ram and on appreciation of the evidence, the accused was convicted and as aforesaid.

I have heard learned counsel for the parties and gone through the record.

Learned counsel for the appellant has vehemently contended that there was no identification of the culprit as in the FIR, unknown person has been named; that there was no test identification parade; that the cloths burnt by acid have been recovered from the toilet and not from the bed. The team of the Forensic Science has also visited the spot and submitted its report Ex.PW2/A.

On the other hand, learned State counsel has submitted that the identification of the petitioner is not in dispute. He was well known to the victim and her parents being their close relatives, some of the burnt articles including quilt were recovered from the place of occurrence i.e. from the bed and some of the burnt clothes were recovered from the toilet; that the prosecution evidence is trustworthy and unblemished. He endorsed the observations of the trial court.

I have given my thoughtful consideration to the rival contentions.

First of all coming to the identification of the petitioner. No doubt, his name is not mentioned in the FIR, but after one day of occurrence, a supplementary statement of the victim was recorded wherein she has categorically stated that in fact it was the petitioner who poured acid upon her.

The centripetal question, indubitably a disquieting one is as to whether the prosecution has been able to prove the identification of the

petitioner.

While appearing as PW14, the victim has categorically stated that on 22.12.2016, it was accused Vishnu (present petitioner) who firstly burnt her clothes lying hanging on the rope in her house and then he threw the same in the latrine. This part of the evidence reveals that the accused wanted to test the strength of the acid, therefore, he put some amount of acid on the clothes lying hanging on the rope outside the room. When those were burnt, they were thrown in the toilet.

The site plan placed on the record points out that the toilet is near the place of occurrence. She has further testified that when she was asleep in the early morning of 22.12.2016, the accused firstly removed the bulb outside the room, so that it remained dark and then the accused entered her room and removed the quilt from her face and put his hands on her cheeks. The victim immediately caught hold his hands, but the accused picked up a *dibba* (container) containing the acid and threw same on the face of the victim. At that time, her mother was also sleeping on the adjoining cot.

In the cross-examination, the accused took the plea that in fact the victim has gone to the toilet where the acid was lying and accidentally the acid fell on her face. Although he admitted the injuries on the body of the victim but the plea of accidental fall of container having acid has not been established. From the lengthy cross-examination of the victim, the identification of the accused has been well established. In her first statement on the basis of which the FIR was registered, the

name of the accused was not mentioned but her supplementary statement, she has categorically stated that it was the accused who poured acid upon her. Even she submitted an explanation that on the day when her first statement was recorded, she could not explain about the occurrence to the police but on the next day, she gathered nerves and again suffered statement nominating the accused. Thus, from her statement, the identification of the accused is well established.

The report of Forensic Science Laboratory establishes that she suffered burn injuries due to throwing of acid on her by the accused.

So far as the report of Forensic Science Laboratory Ex.PA is concerned, it transpires that sulphuric acid was used and its contents were detected in the partial burnt clothes of the victim, from the piece of the quilt and the liquid recovered from the possession of the accused.

Apart from it, the accused suffered disclosure statement and got recovered the bottle containing acid vide Ex.PW9/B. The said bottle was sent to the Forensic Science Laboratory where it was found that it contained sulphuric acid. As per report of PW11, the victim suffered acid injuries. These recoveries from the accused further corroborates the case of the prosecution.

After independent analysis of the evidence, this Court is of the view that the prosecution evidence is reliable and trustworthy. Thus, the conviction of the petitioner is well founded.

So far as the question of sentence is concerned, the same is most appropriate to the circumstances of the case and no case is made out

for reduction or modified thereof.

Thus, the present appeal is dismissed and the judgment of conviction and order of sentence is upheld.

July 24, 2019

Paritosh Kumar

(RAJ SHEKHAR ATTRI)

JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>