

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

CRM-A-633-2019 (O&M)
Date of decision : 27.08.2019

State of Haryana

...Appellant

Versus

Vikram and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Anmol Malik, AAG, Haryana.

ANIL KSHETARPAL, J. (ORAL)

CRM-9794-2019

For the reasons stated in the application, delay of 410 days in filing the appeal is condoned.

Application is allowed.

Main case

With the able assistance from the learned counsel for the State, this Court has gone through the judgment passed by the learned trial Court acquitting the accused. The Court has found the following reasons to acquit the accused:-

- 1) Prosecution has failed to prove its case beyond shadow of reasonable doubt.
- 2) There are material discrepancies in the allegations leveled in the initial complaint Ex.PW3/B and the deposition of the witnesses in the

Court.

- 3) PW8, Decoy customer, Sandeep Jain in cross-examination has stated that he cannot recognize the accused present in the Court being such person.
- 4) Evidence of PW3 M.M. Gupta and PW8 was found to be of weak nature.
- 5) Various witnesses who have been examined were not able to explain the names of persons whose electricity meters were slowed down by the accused.
- 6) No independent witness was associated at the time of interrogation.

Learned counsel for the State, although made sincere attempt, however, could not point out any substantive misreading or non-reading of evidence. He further failed to point out any error in law applied or the procedure followed by the Court. Hence, leave to appeal is declined.

Dismissed.

27.08.2019

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No