

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

CRR-2442-2009 (O&M)
Date of decision : 21.08.2019

Pooja

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vikrant Attri, Advocate for
Mr. Dhiraj Chawla, Advocate for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

Ms. Shaveta Sanghi, Advocate for respondent No.2.

ANIL KSHETARPAL, J. (ORAL)

This revision petition has been filed against the judgment dated 01.05.2009 passed by the learned Additional Sessions Judge, Narnaul acquitting the accused in Sessions case No.10 of 2007.

This Court has heard learned counsel for the parties at length and with their able assistance gone through the judgment passed by the learned Court.

Learned trial Court after examining the evidence has found three following reasons to hold that the prosecution has failed to prove its case beyond shadow of reasonable doubt:-

(i) Prosecution version was based on alleged eye-witnesses namely

Subhash, Hargo Devi and Leela Ram. Subhash was examined as PW18 but did not support the case of prosecution. Hargo Devi and Leela Ram were not examined.

- (ii) PW16 Saroj, real sister of the deceased and PW17 Vijender, husband's brother of Hansa Devi have deposed that Subhash or the deceased Hansa Devi never told them that she was burnt by accused Pat Ram so therefore, the oral story of dying declaration is also not proved.
- (iii) Still further, the Court has held that the oral dying declaration stands rebutted by the statement of DW1 ASI Anand Prakash. The Court has also noticed that prosecution has failed to prove entire chain of circumstantial evidence to prove the case against respondent-Pat Ram.

Learned counsel for the petitioner, although made sincere efforts but could not point out any substantive error either in appreciation of evidence or in appreciation of law. Hence, no ground is made out.

Accordingly, the present revision petition is dismissed.

21.08.2019

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No