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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR-3740-2017 (O&M)

Date of Decision : August 20, 2019

Poonam Sharma

.... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM : HON'BLE MR. JUSTICE SHEKHER DHAWAN.

Present : Mr. Amit Choudhary, Advocate
for the petitioner.

Mr. Ashok Muthreja, Deputy Advocate General, Haryana.
for the respondent-State .

SHEKHER DHAWAN, J.

Present revision petition is directed against the order dated 17.8.2017 passed by learned Sessions Judge, Gurugram whereby appeal filed by the present petitioner challenging order dated 18.5.2016 passed by learned Judicial Magistrate Ist Class, Gurugram, acquitting the accused persons, respondents No. 2 to 4 herein, was dismissed as the prosecution failed to prove the charges against the accused persons beyond reasonable doubt.

2. Facts relevant for the purpose of decision of the present revision petition; Petitioner – Poonam Sharma got recorded FIR No. 453 dated 30.4.2014 under Sections 323, 506 and 34 IPC registered as Police Station Rajendra Park, Gurugram that her brothers, namely, Raju and Deepu and her father, namely, Shyam Lal had beaten her. The complainant further alleged that her both the above named brothers and

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her father dragged her out of the house and even torn her clothes in the street. On that basis formal FIR was registered.

3. Learned trial Judge proceeded with the trial and acquitted the accused after appreciating the evidence on the file that as per case of the petitioner, she was given beating and dragged in the street, but no one from neighbourhood was examined as prosecution witness. More so, the doctor had given the opinion that it was a case of pain only and no physical injury was present on her person. Learned Sessions Judge, Gurugram dismissed the appeal being without any merit.

4. Learned counsel for the petitioner contended that both the Courts below have not considered the material and evidence available on the file.

5. Having considered the submissions made by learned counsel for the parties and appraisal of record, this Court is of the considered view that both the Courts below have rightly scanned and appreciated the prosecution evidence and recorded the findings that prosecution evidence was not sufficient and believable to convict the accused persons and acquitted them of the charge. The said findings do not call for any interference by this Court in the revisional jurisdiction.

6. The present revision petition is without any merit and the same stands dismissed.

(SHEKHER DHAWAN)
JUDGE

August 20, 2019

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Whether speaking/reasoned?	:	Yes
Whether reportable?	:	Yes