

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

**CRR No.1888 of 2019 (O&M).
Date of Decision: 25.09.2019.**

Roshni Devi

....Petitioner.

Versus

Sunita Rani and others

....Respondents.

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. Davinder Pal Soni, Advocate for the petitioner.

Shekher Dhawan, J.

Present revision petition is directed against the judgment of acquittal dated 27.11.2017 passed by Sub Divisional Judicial Magistrate, Balachaur (S.B.S. Nagar) vide which the respondents/ accused were acquitted for the offence punishable under Sections 452, 323, 34 IPC holding that the statements of material prosecution witnesses were contrary in nature. The nature of injuries was simple only and offence under Section 452 IPC was not established against the accused persons.

The State of Punjab filed an appeal against the said judgment before learned Additional Sessions Judge, Shaheed Bhagat Singh Nagar and the same was dismissed vide judgment dated 01.05.2019 and thus, the present revision petition before this Court.

Having considered the submission made by learned counsel for the petitioner and appraisal of the record, this Court is of the considered

view that learned both the Courts below have already appreciated the entire

ocular and documentary evidence available on the file and rightly disbelieved the testimony of material witnesses and other evidence available on the file. There were two material witnesses in this case. Learned trial Judge observed that PW1-Surjit Kaur, PW8-Manjit Singh and PW9-Amar Dass failed to identify the accused persons on the place of occurrence and in the Court also.

Learned both the Courts below also considered that testimony of PW2-Roshni Devi was not believable because the same was contrary to the statement of PW1-Surjit Kaur on all the material points.

In view of the above, the present revision petition, being without any merit, is dismissed.

(SHEKHER DHAWAN)
JUDGE

25.09.2019
komal

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No