

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

212

CRM-A-430 of 2022

Date of Decision: August 1st, 2022

State of Haryana

...Applicant

Versus

Ravidas @ Jaila

...Respondent

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Rajni Gupta, Additional Advocate General, Haryana,
for the applicant/State.

AUGUSTINE GEORGE MASIH, J.

This application under Section 378 (3) Cr.P.C. has been preferred by the State of Haryana for grant of leave to appeal against the judgment of acquittal dated 01.09.2021 passed by the Additional Sessions Judge, Jhajjar, whereby Ravidas @ Jaila son of Om Parkash, one of the accused has been acquitted of the charges framed against him.

2. As per the prosecution, on 06.03.2015, a telephonic call was received at Police Station, Jhajjar, from General Hospital, Jhajjar, that one Jagpal was brought dead in General Hospital. The family members of Jagpal gave their statements. Bhateri Devi PW-2, who was termed as complainant and was mother of the deceased, claimed herself to be an eyewitness and made the allegations of conspiracy having been hatched by respondent-Ravidas @ Jaila along with Vikas, Sandeep, Aman and Amit for killing her son Jagpal for non-payment of the money, which he had taken from them. Allegations were that Ravidas @ Jaila was the one who came to the house of the complainant and called her son Jagpal, who had gone with him. The Court had proceeded to acquit the respondent by giving him benefit of doubt as prosecution had failed

to prove the guilt of the respondent beyond shadow of all reasonable doubts.

Motive which was attributed to the respondent was that deceased Jagpal had taken some money from Vikas, the co-accused, who had committed the murder with a firearm, which has led to the conviction of Vikas vide judgment dated 14.08.2019.

3. We do not find any ground to accept the prayer made in this application for leave to appeal in the light of the fact that an appeal which was preferred by complainant Batheri Devi against the acquittal of Ravidas @ Jaila (respondent herein) along with the other co-accused, who have been acquitted after consideration vide the impugned judgment dated 01.09.2021, stands dismissed by this Court in *Criminal Appeal-AD No.839 of 2019* titled as *Bhateri Devi Versus State of Haryana and others* on 03.03.2022 by passing a speaking order.

4. Vide judgment dated 14.08.2019, co-accused Vikas was convicted and sentenced to life imprisonment, where 11 other co-accused namely Kamlesh, mother of respondent Ravidas @ Jaila, Satyawan, Deepak, Naseeb, Sandeep, Vandana, Shakti Singh @ Boda, Surender @ Sunder, Manoj @ Monty, Amit and Sachin were acquitted. Perusal of the FIR as well as the statement of the complainant and other witnesses would show that the role attributed to the respondent is similar to those of Sandeep, Aman, Satywan and Deepak, who have been acquitted by the trial Court vide judgment dated 14.08.2019. The trial Court has rightly placed reliance upon the judgment of Hon'ble Supreme Court in ***Sukhram Versus State of M.P. A.I.R. 1989 Criminal Law Journal 838***. The allegation, if any, against the respondent is that he was one of the conspirators and it is with him that Jagpal had gone from his house when Ravidas had come to the house.

The said theory of conspiracy has not been believed by the trial Court and has acquitted the co-accused. Therefore, in the given facts and circumstances of the case when the prosecution has not been able to bring out the guilt of the respondent beyond the shadow of all reasonable doubts, the benefit of acquittal having been granted by the trial Court cannot be faulted with when two opinions are possible, the one which goes in favour of the accused has to be taken which do not call for interefernece by this Court in an appeal. There being no evidence against the respondent which would pin down the aspect of he having been a conspirator or having participated in the said process, acquittal of respondent is fully justified.

5. It may be added here that an appeal i.e. *Criminal Appeal-AD No.839 of 20419* titled as *Bhateri Devi Versus State of Haryana and others*, which was preferred by complainant Batheri Devi against the acquittal of accused Kamlesh, mother of respondent Ravidas @ Jaila, Satyawan, Deepak, Naseeb, Sandeep, Vandana, Shakti Singh @ Boda, Surender @ Sunder, Manoj @ Monty, Amit and Sachin, who have been acquitted after consideration vide judgment dated 14.08.2019 by the Additional Sessions Judge, Jhajjar, stands dismissed by this Court on 03.03.2022 by passing a speaking order.

6. In the light of the above, the prayer made in this application for grant of leave to appeal stands declined.

(AUGUSTINE GEORGE MASIH)
JUDGE

August 1st, 2022
Puneet

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned: Yes/~~No~~
Whether Reportable: ~~Yes~~/No