

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-A-2362-2019

Date of Decision: 06.09.2022

State of Haryana

... Applicant

VS.

Manoj Kumar

... Respondent

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Surender Singh, AAG Haryana for the applicant

Sandeep Moudgil, J. (Oral)

This application for leave to appeal has been filed by applicant/State challenging the acquittal of the respondent as ordered, vide judgment dated 15.07.2019 passed by the learned Sessions Judge, Karnal (for short, 'the trial court') in Sessions case No.15 of 2019 arising out of FIR No.42 dated 30.11.2018 under Sections 411/379-A read with Section 34 IPC registered at Police Station GRP Karnal.

The case of the prosecution is that on 30.11.2018 at about 06:18 p.m., complainant/Randhir Singh was present at platform No.1 of Railway Station, Karnal. Train No.12920 Malwa Express came from Ambala. Complainant/Randhir Singh purchased a bottle of water. After putting it in his bag he took out his wallet and gave money to the vendor. The wallet was in his hand when he started boarding the general compartment of the train. A young boy snatched the wallet and ran away. Complainant/Randhir Singh raised alarm. The snatcher passed on the wallet to another person, before he was chased and caught by Complainant/Randhir Singh. The person whom the wallet was passed on to was caught at some distance by police. The snatcher

revealed his name as Manoj son of Govind, resident of Sadar Bazar, Karnal (the respondent) herein and he disclosed the name of his companion as Himanshu. Manoj Kumar and Himanshu were arrested and a case under Sections 379A, 411 read with Section 34 of IPC was registered. The learned Sessions Judge, Karnal, vide impugned judgment dated 15.07.2019 acquitted the respondent while holding that lot of doubts galore in the prosecution version.

I have heard learned counsel for the applicant and gone through the record and am of the considered view that this application cannot be entertained.

Learned trial court observed that ticket was purchased by the complainant from Automatic Ticket Vending Machine at 1.57 pm and was valid for journey from Karnal to New Delhi in superfast train within three hours of its issuance. However, the complainant boarded the train only at 6.19 pm. Three trains namely, Paschim Express, Geeta Jayanti Express and Malwa Express had arrived in the interregnum at Karnal and the complainant has failed to give any plausible explanation as to why he did not board any of the above mentioned trains and waited till 6.19 pm. The trial court has held that the true genesis of the occurrence has been suppressed and that the story of snatching was cooked up and presented. The very presence of the complainant at the spot at relevant time has been doubted by the learned trial court. The learned counsel for the State/applicant has failed to controvert this very finding of the trial court. Be that as it may, I do not find any illegality in the judgment passed by the learned trial court.

Accordingly, the prayer for grant of leave to appeal is hereby declined and the application is dismissed.

06.09.2022

V.Vishal

- 1. Whether speaking/reasoned?
- 2. Whether reportable?

(Sandeep Moudgil)
Judge

Yes/No
Yes/No