

CRM-M No.35104 of 2013 (O&M)

2023:PHHC:159219

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

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CRM-M No.35104 of 2013 (O&M)

Date of Decision: 12.12.2023

STATE OF HARYANA

.....Petitioner

Vs

RAVINDER KUMAR GUPTA

....Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Viney Phogat, D.A.G., Haryana for the petitioner.

Mr. Vivek Aggarwal, Advocate for the respondent.

HARKESH MANUJA, J. (Oral)

[1]. By way of present petition, challenge has been laid to the order dated 07.02.2013 passed by the First Additional Sessions Judge, Kurukshetra, whereby respondent was discharged in case arising out of FIR No.481 dated 13.09.2009 registered under Sections 420/467/468/471/120-B IPC at P.S. City Thanesar, District Kurukshetra.

[2]. Briefly stating, in the present case respondent besides other accused was implicated in the aforementioned FIR wherein the chargesheet was filed against them on 26.09.2011. The respondent was discharged by the First Additional Sessions Judge, Kurukshetra-cum-Revisional Court, vide order dated 07.02.2013.

[3]. Impugning the aforesaid order dated 07.02.2013, learned State counsel submits that the order passed by the Revisional Court was against the evidence available on record, as regards the respondent. He further submits that there was sufficient material available so as to establish the involvement of respondent in the incident in question.

[4]. On the other hand, learned counsel for the respondent submits that respondent was discharged by the Revisional Court upon proper appreciation of evidence and the material collected by the Investigating Agency. He also points out that even remaining five accused in the FIR in question were acquitted of charges leveled against them by the Court of Chief Judicial Magistrate, Kurkushetra vide judgment dated 24.03.2015 which was never assailed thereafter.

[5]. I have heard learned counsel for the parties and gone through the paper book. I am unable to find substance in the submissions made by learned State counsel.

[6]. In the present case, perusal of order dated 07.02.2023 passed by the Revisional Court shows that only evidence available against the respondent was disclosure statement made by co-accused and that too without any corroboration thereof with recovery made in pursuance thereof and thus, there being no material to connect the respondent with the offence alleged in the FIR besides acquittal of all other accused related to same incident, vide judgment dated 24.03.2015 passed by the Chief Judicial Magistrate, Kurukshetra and the same having become final. I do not see any reason to interfere in the impugned order passed by the Revisional Court.

[7]. In view of discussion made hereinabove, the present petition is accordingly dismissed.

[8]. All pending application(s), if any, shall stand disposed of.

December 12, 2023

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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No