

236 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Neutral Citation No. 2023:PHHC:062532
CRM-A-423-2022
Date of Decision: May 02, 2023

Des Raj

... Applicant-appellant

Versus

Raj Kumar alias Pohla Ram and others ... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Peeyush Gagneja, Advocate for the applicant-appellant.

DEEPAK GUPTA, J.(Oral)

In complaint case titled as *“Des Raj v. Raj Kumar” and Ors.*, filed by the applicant-appellant, the respondents were acquitted of the charges under Sections 379 and 447 of IPC, vide judgment dated 04.02.2020 of learned Judicial Magistrate 1st Class, Abohar, which is assailed by the complainant of this case by way of present application for grant of leave to appeal.

Heard.

Learned counsel for the applicant-appellant could not convince the Court as to how the impugned judgment is illegal in any manner. He conceded that the only evidence against the respondents is their admission before the Panchayat and nothing else. Any admission made before the Panchayat, cannot form basis of conviction. Besides, in a criminal trial, there are double presumptions of innocence in favour of the accused, once they are acquitted. First presumption is on account of basic principle of criminal law that the person is presumed to be innocent till proven guilty. Secondly, the said presumption is re-enforced by recording the findings of acquittal by the Trial Court after holding trial.

In view of above, there is no reason to grant leave to appeal. As such, the same is hereby dismissed.

May 02, 2023

sarita

(DEEPAK GUPTA)
JUDGE

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No