

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

235

CRM-A-2957-2019(O&M)
Decided on : 27.07.2023

Union of India

. . . Appellant

Versus

Krishan Lal

. . . Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

PRESENT: Mr. Rajiv Sharma, Advocate
for the appellant-UOI.

PANKAJ JAIN, J.

The present petition has been filed under Section 378(5) Cr.P.C. against the judgment of acquittal passed by the Judicial Magistrate 1st Class, Ferozepur.

The complaint was preferred under Section 160(2) and 153 of the Railway Act on 17.04.202016 on the basis of memo received from the Station Master, Railway Station, Abohar regarding damage of railway gate 47-A by a car bearing No. RJ-13 CA-9448, the same was dismissed by the Judicial Magistrate 1st Class, Ferozepur acquitting the respondent by observing as under:-

“all the prosecution witnesses have failed to establish the identity of accused Kishan Lal in the presethn case. None of the prosecution witness has identified the accused present in the Court nor uttered a single word that the alleged accident was caused by accused Kishan Lal. IT is admitted case of the prosecution that initially the case was registered against unknown person.”

Learned counsel representing the Union of India has not been able to deny the fact that initially the case was presented against unknown driver with no description. He is also not in position to deny the finding recorded by the Court that none of the witnesses could identify the respondent-accused even in the Court leave aside any test identification parade.

In view of the above, this Court does not find any ground to interfere in the impugned judgment as there is nothing to suggest that the view taken by the lower Court is improbable or any evidence which ought to have been considered was not considered.

Accordingly, the present petition is dismissed.

(PANKAJ JAIN)
JUDGE

27.07.2023
Mehak

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