



family of the applicant and her family. They also used casteist remarks upon them. In this regard, *panchayat* was also convened, but to no effect. On the basis of this, FIR was registered against the respondent-accused.

3. Having heard the learned State counsel and after perusing the record of the case with his able assistance, it transpires that applicant while appearing as PW-6, deposed that neither the photographs nor the bills of valuable articles i.e. gold chain and gold ring were not handed over to the police. During her examination-in-chief, the applicant deposed that respondent No.2 passed casteist remarks upon her in the *panchayat* convened on 28.11.2014, but during cross-examination, she deposed that she had not accompanied her sisters, where the *panchayat* was convened. Thus, when the applicant was not present at the time of convening of *panchayat*, question of intention of respondent No.2-accused to humiliate the applicant being the member of scheduled caste does not arise. Further, there is no cogent and corroborative evidence on record to show that accused/respondent No.2 had demanded or taken dowry. Furthermore, applicant, in her complaint named all the family members of respondent No.2 and the mediator, however, during investigation, his family and the mediator were found to be innocent. As a result, the evidence led by the prosecution do not inspire confidence of this Court.

4. The power of the Appellate Court to unsettle the order of acquittal on the basis of re-appreciation of the evidence is subject to the settled law that where two views are possible and out of the two, one points towards the innocence of the accused, the view which favours the accused should prevail over the other pointing towards his guilt. Furthermore, the trial Court has the additional advantage of closely observing the prosecution witnesses and their



demeanour, while deciding about the reliability of the version of prosecution witnesses. (See *H.D. Sundara and others vs. State of Karnataka, Criminal Appeal No.247 of 2011 decided on 26.09.2023; Kali Ram vs. State of H.P., 1973 (2) SCC 808 and Chandrappa and others vs. State of Karnataka, (2007) 4 SCC 415*). A Division bench of this Court in the judgment passed in *State of Haryana vs. Ankit and others* passed in *CRM-A No.3 of 2022* decided on 06.07.2023 has held that presumption of innocence further gets entrenched on the acquittal of accused by the trial Court.

5. In view of the facts and circumstances of the case, this Court finds that learned State counsel has failed to point out any perversity or illegality in findings recorded by the learned trial Court which warrants interference by this Court. As such, there is no merit in the present application and hence, the leave to appeal is denied.

November 21, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No