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demanded Rs.10 lakhs in lieu of that and threatened that if she will not fulfill their demand, they will not let her live in peace. A false case of dowry was registered against the applicant/complainant etc., which was quashed by this Court. Thereafter, Anil and Rekha started living together at Karnal. After some time, Rekha again started harassing the applicant/complainant and her family by initiating false proceedings which are pending in the Court. The applicant/complainant and her husband tried to make understand Rekha and respondent Nos.1 to 3 but they did not listen anything and gave beatings to them. A case under Section 323 IPC was also registered but no action was taken by the Police. On 28.01.2014, husband and son of the applicant/complainant were out of house and she was alone at home. At about 12:00 PM, respondent Nos.1 to 3 came in her house and started abusing her. When she objected, respondent-accused no.1 started slapping the applicant/complainant. Respondent No.2 gave *danda* blow on her head and respondent No.3 attacked on her breast. At that time, Savitri wife of Ram Dia, Pushpa wife of Karna and Roshni wife of Pala, who had come to meet her, reached on the spot. Respondent Nos.1 to 3-accused then left the spot and gave a threat that they will kill the applicant/complainant etc. in future. Thereafter, above named witnesses took the applicant/complainant to Civil Hospital where she was medico-legally examined by the doctor. The matter was reported to the police but the police did not take any action against respondent Nos.1 to 3-accused in spite of several requests. Thereafter, finding no other alternative, the applicant/complainant filed a CRM No.22752 of 2014 before this Court but the same has been dismissed as withdrawn. Thus, respondent Nos.1 to 3-accused have committed cognizable offence and are liable to be convicted under



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Sections 323, 452, 354, 506 read with Section 34 of Indian Penal Code.

3. Having heard learned counsel for the applicant and after perusing the record with his able assistance, it is evident that no new witness was examined during the trial and the applicant/complainant requested that evidence produced by her at pre-charge stage be also read in evidence during trial. Furthermore, both the eye-witnesses in their testimonies deposed that they have not seen the incident but they reached at the spot afterwards. Both these witnesses seem to be interested witnesses and one of them is the relative of the applicant/complainant. Moreover, the facts of previous criminal litigation are admitted by the applicant/complainant. From the evidence brought on record, the complaint apparently looks like an afterthought story which has been colored as a criminal offence. Further, nothing specific has been attributed to all the accused/respondent Nos.1 to 3. As such, this application cannot be considered to be aiding the prosecution case in any manner.

4. Moreover, 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 v. State of H.P., 1973 (2) SCC 808 and Chandrappa and others v. State of Karnataka, (2007) 4 SCC 415*). A Division bench of this Court in the



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judgment passed in *State of Haryana Vs. Ankit and others* 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 above discussion, this Court finds that learned counsel for the applicant/complainant has failed to point out any perversity or illegality in findings recorded by the learned Court below which warrants any interference. As such, there is no merit in the present application. Accordingly, leave to appeal is denied and the present application stands dismissed.

6. Pending miscellaneous application(s), if any, shall also stand disposed of.

August 20, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

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