

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

254

CRR-1224-2013 (O&M)
Date of Decision.:07.05.2024

Saroj Devi
Vs.
Krishan Kumar and Others

.....Petitioner
.....Respondents

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Ashwani Verma, Advocate
for the petitioner.

Mr. Jitender Nara, Advocate
for respondent Nos.1 & 2.

Mr. Sumit Jain, Addl. AG, Haryana.

DEEPAK GUPTA, J. (ORAL)

Petitioner is aggrieved by the acquittal of respondent Nos.1 & 2.

2. Perusal of the paper-book would reveal that on the complaint of petitioner, FIR No.90 dated 22.06.2006 under Sections 323, 506, 452 of the IPC was registered at Police Station Bawal against accused Krishan and Gola @ Bijender (respondent Nos.1 & 2). It was alleged by the complainant Saroj i.e. petitioner that on 22.06.2006, the two accused hit their tractor with the gate of the house of the complainant and as she raised objection, both of them came there armed with lathi and jaily and started beating her, causing injuries on her thumb. As her relatives come forward, they were also beaten up. After necessary investigation final report to prosecute the accused under

Section 323, 506, 452 of the IPC was filed. However, after holding trial, learned JMIC, Rewari acquitted the accused vide judgment dated 18.12.2010. The appeal filed by State of Haryana was dismissed by the Court of learned Additional Sessions Judge, Rewari on 18.12.2012.

3. It is contended by learned counsel for the petitioner that Courts below failed to consider that oral statement of petitioner regarding injuries given to her was supported by medical evidence.

4. On the other hand, learned counsel for the respondent submits that there is a initial presumption of innocence in favour of the accused, which is reinforced by the judgment of acquittal as recorded by the trial Court and further affirmed by the Appellate Court. Attention is also drawn towards the fact that though the alleged occurrence took place on 22.06.2006, but the MLR was got conducted on 27.06.2006.

5. Learned counsel for the respondent is right in contending that in the case of acquittal, there is a double presumption of innocence in favour of the accused. The initial presumption of innocence is based on the basic principle of criminal law that an accused is presumed to be innocent till proven guilty. The said presumption of innocence is reinforced by the judgment of acquittal recorded by the trial Court and further reinforced by the fact that acquittal is affirmed by the Appellate Court.

6. In the present case, learned counsel for the petitioner could not point out any reasonable infirmity in the judgments passed by the Courts below. The statement of complainant regarding causing injuries to her has

CRR-1224-2013 (O&M)

been disbelieved, after considering the fact that though the matter was reported to the police on 22.06.2006 itself, but the MLR was got conducted after 05 days on 27.06.2006. Besides, no evidence was produced regarding any damage to the gate of the house of the complainant. No damage was found to have caused to any tractor and thus the allegations made by the petitioner was found to be not proved.

7. In view of the aforesaid discussion, this Court does not find any merit in this petition.

Dismissed.

Pending application(s), if any, also stands disposed of.

(DEEPAK GUPTA)
JUDGE

May 07, 2024
Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No