

CRA-AD-739-2019 (O&M)

[1]

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRA-AD-739-2019 (O&M)
Reserved on 14.08.2024
Date of decision: 30.08.2024

X ...Appellant

Versus

State of Haryana and Another ...Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR SINGH
HON'BLE MR. JUSTICE KARAMJIT SINGH

Argued by: Mr. Anuj Arya, Advocate for the appellant.

Mr. Ashok Singh Choudhary, Addl. A.G. Haryana.

Mr. R.S. Bains, Senior Advocate with
Mr. Amarjeet, Advocate and
Mr. Aman Raj Bawa, Advocate
for respondent No.2.

KARAMJIT SINGH, J.

1. The present appeal has been filed by prosecutrix namely X against the judgment dated 15.11.2017 whereby accused/respondent No.2 Issac Bhatti was acquitted by the Court of Additional Sessions Judge, Ambala, in a criminal case having FIR No.31 dated 24.02.2017 under Sections 376/323/328/406/506 IPC and Section 3 of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (in short SC/ST Act), registered in Police Station Women, Ambala.
2. In brief, the case of prosecution was that the prosecutrix X lodged complaint Ex.P-1 in writing against the accused on 24.02.2017, with

the police to the effect that about 4/5 years ago, the prosecutrix used to go to pay obeisance at 'Bahedewale Peer' in the area of Sector-7, and accused also used to visit the said place and on one such visit, accused asked her name. Accused told her that he was doing the business of sending the persons abroad and he also offered to settle her abroad. Further, the accused took her passport and then took the prosecutrix along with him to his residence in the area of 'Mission Compound' Ambala, on the pretext that she was to sign certain documents. At that time Vijay Mehta was also present there. The accused took her signatures on certain forms. After about 2 months, the accused again met the prosecutrix at the aforesaid religious place and asked her to accompany him to Delhi for completing the remaining formalities. After about two days, she accompanied him to his residence i.e. House No.B-135, Second Floor, Lajpat Nagar, New Delhi and they reached there at about 10 PM. One lady namely Dolly aged about 35/40 years was present in the house, who told that family members of accused had gone to attend a party and will return at about 11:30 PM. Dolly offered her tea and accused went to bathroom. After consuming tea, prosecutrix became unconscious and when she gained consciousness, prosecutrix came to know that she has been raped. The wife and children of accused did not return till next morning, on which she realized that she was sexually exploited on false pretext by accused. The prosecutrix told the accused that she would disclose about the aforesaid incident to her parents, on which the accused threatened to make public, her obscene video and photographs, which he had taken with the help of automatic camera. Later on, prosecutrix also came to know that wife of the accused had already died and he was residing

with one lady namely Renu at Amar Colony. Prosecutrix further stated in her complaint that after the aforesaid incident, the accused committed rape with her at Ambala and Delhi, number of times and also did unnatural sex with her, by extending threats to her. In December 2016, accused and Vijay Mehta trespassed into her house, as she was not picking up his phone. She told the accused that she is fed up and would commit suicide if he kept on harassing her in future. On this, the accused lost temper and closed the door and started beating the prosecutrix and then she made call to the police for help and also called her family members. On seeing the family members, the accused fled away but Vijay Mehta was apprehended at the spot. After some days, prosecutrix received telephone call from the accused who asked her to meet him at his residence as he intended to return her objectionable articles. On this, prosecutrix went there and found that one Raju David was present along with the accused. The accused threatened that if she refused to come to his place, Raju David would kill her and otherwise also Raju David will keep vigil on her. The prosecutrix made prayer that legal action be taken against the accused.

3. On the basis of above-said complaint, police registered FIR Ex.P-12 against accused Issac Bhatti. During investigation, statement Ex.P-3 of the prosecutrix was recorded by the learned Magistrate concerned, under Section 164 Cr.P.C. The separate statement Ex.P-2 of prosecutrix was also recorded by the police. The medico legal examination of the prosecutrix was conducted on 25.02.2017 in Government Hospital, Ambala City. Sealed parcels containing cotton-wool vaginal swabs Ex.MO/1 to Ex.MO/5, parcel having plastic test tube containing dark brown strands of

her pubic hair Ex.MO/6 and two vials having blood samples of prosecutrix Ex.MO/7 and Ex.MO/8 were also handed over by the concerned doctor to the investigating officer. The accused was arrested on the same very day i.e. 25.02.2017 vide memo Ex.P-28. On completion of investigation, police presented challan against accused Issac Bhatti.

4. The case was committed to the Court of Sessions. The learned trial Court framed charges under Sections 328, 376, 323, 406 IPC and under Section 3 of SC/ST Act against the accused to which he pleaded not guilty and claimed trial.

5. In order to prove its case, the prosecution examined the following witnesses:-

“PW-1 Prosecutrix X who stated on oath that the accused did not commit rape with her and he neither sexually assaulted nor extended any threats to her. She further stated that FIR was lodged by her under misconception. The witness was declared hostile and cross examined by the state counsel but there is nothing in the cross-examination which could lend support to case of prosecution.

PW-2 and PW-3, parents of the prosecutrix also did not support the prosecution version and were declared hostile and cross examined by the State counsel.

PW-8 ASI Omi, the investigating officer deposed that on 24.02.2017 when she was posted in Women Police Station, Ambala, she received complaint Ex.P-1 from the office of Superintendent of Police, whereupon she recorded formal FIR Ex.P-12. On the same very day, she moved application Ex.P-14 whereupon the Magistrate concerned recorded statement Ex.P-3 of the prosecutrix under Section 164 Cr.P.C. On 25.02.2017, the prosecutrix was medico legally examined in civil hospital, Ambala City and after medical examination, Doctor handed over to her the sealed parcels vide memo Ex.P-19. She corroborated the statement of investigating officer and deposed that accused was also arrested on that very day and during interrogation, he suffered disclosure statement Ex.P-15 admitting the commission of crime. Pursuant thereof, the accused led the police party and demarcated the place of occurrence situated in Delhi vide memo Ex.P-16. The accused also demarcated another place of occurrence situated at Ambala vide memo Ex.P-17. That on 26.02.2017, the accused retracted from his previous disclosure statement and stated that he was not having passport of the prosecutrix vide Ex.P-20.

PW-14 Inspector Rajni, deposed that on 24.02.2017, she was posted as SHO at Police Station Ambala. On that day, she

received the case file of present case from ASI Omi for further investigation and she arrested the accused from Delhi on 25.02.2017, on the identification of the prosecutrix. She also proved disclosure statement Ex.P-15 suffered by the accused whereby he confessed his guilt. The accused also disclosed that he had kept concealed passport of prosecutrix in his house at Ludhiana and could get the same recovered. In pursuance of the said disclosure statement, accused demarcated the place of occurrence at Delhi vide memo Ex.P-16 and then the accused was brought to Ambala where he demarcated another place of occurrence situated in church compound vide memo Ex.P-17. She further deposed that accused was medico legally examined on police request Ex.P-29. On 26.02.2017, while on way to Ludhiana, the accused retracted from his previous disclosure statement and stated that he is not possessing passport of prosecutrix and the said statement of accused is Ex.P-20. That on 01.03.2017, Gopal Krishan, Navneet @ Jony and Rajeev David @ Raju joined the investigation but they were found innocent. She also proved memo Ex.P-5 vide which scheduled caste certificate of the prosecutrix was taken into possession by the police. On completion of investigation, she prepared challan under Section 173 Cr.P.C. against the accused.

PW-15 ACP Pankhuri Yadav deposed that on 25.02.2017, she was posted as DSP Ambala and on that day, further investigation of the case was taken over by her as offence under Section 3 of SC/ST Act was added. That on 26.02.2017, the accused was taken out of police lockup and the police party left for Ludhiana but on the way, the accused retracted from his earlier disclosure statement and accused suffered fresh disclosure statement Ex.P-20. She further deposed that on 01.03.2017, Gopal Krishan, Navneet @ Jony and Rajeev David @ Raju joined investigation but were found innocent.

PW-6 ASI Ram Saran deposed that he visited the places of occurrence situated in Delhi and Ambala City and prepared scaled site plans Ex.P-10 and Ex.P-11 of the said spots.

PW-7 Sarita Gupta, Copy Clerk in the Court of Additional Sessions Judge, Ambala identified the signatures of the concerned Judicial Magistrate Ist Class, Ambala, on statement Ex.P-3 recorded under Section 164 Cr.P.C.

PW-10 Lady Constable Rajni Bala, deposed that on 24.02.2017, MHC Urmila of Police Station Women Ambala, handed over copies of the special reports of the present case to her for their delivery to illaqa/duty Magistrate concerned and higher police officer.

PW-11 HC Suman Lata, who was the member of the police party deposed that on 25.02.2017, prosecutrix was medico legally examined and thereafter, the concerned doctor handed over the sealed parcels to the investigating officer vide memo Ex.P-19. On the same day, prosecutrix handed over her scheduled caste certificate Ex.P-5 to the investigating officer vide memo Ex.P-4. She also proved aforesaid sealed parcels Ex.MO/1 to Ex.MO/6 and two vials containing blood samples of prosecutrix Ex.MO/7 and Ex.MO/8.

PW-12 Sher Singh, Judicial Magistrate Ist Class Ambala, proved statement Ex.P-3 of prosecutrix dated 24.02.2017 recorded by him under Section 164 Cr.P.C bearing his signatures and that of prosecutrix. He also proved judicial orders Ex.P-22 to Ex.P-24

passed by him in this regard.

PW-13 Dr. Niharika Sharma, Medical Officer, General Hospital, Ambala City, deposed that on 25.02.2017 at about 1 PM, she conducted medico legal examination of prosecutrix aged about 28 years and on local examination Labia Majora, Labia Minora were found well developed and no tear, laceration or injury mark was seen. Hymen was missing. The UPT done in civil hospital was negative. In her opinion, the possibility of sexual assault could not be ruled out. She proved the medico legal examination report Ex.P-25 and also various parcels Ex.MO/1 to Ex.MO/6 and two vials containing blood samples of prosecutrix Ex.MO/7 and Ex.MO/8. She further stated that as per report of FSL Ex.P-26, no semen was detected in any of the 'exhibits' mentioned above. She also tendered her affidavit Ex.PW-13/A.

PW-9 Dr. Arun Kumar, Medical Officer, Civil Hospital, Ambala City, tendered his affidavit Ex.PW-9/A and deposed that on 25.02.2017, he medico legally examined Issac Bhatti and he proved his MLR Ex.P-21 as per which there is nothing to suggest that the accused was incapable of doing sexual intercourse.

PW-4 Constable Jarnail Singh tendered his affidavit Ex.PW-4/A to the effect that on 10.03.2017, he deposited the sealed parcels relating to victim, in FSL Madhuban, Karnal.

PW-5 Lady ASI Urmila Devi tendered her affidavit Ex.PW-5/A to the effect that on 25.02.2017, she was posted as MHC in Police Station, Women, Ambala and parcels relating to victim were handed over to her by ASI Omi and she deposited the same in the malkhana of the police station.

PW-16 Surender Mohan, Miscellaneous Clerk in office of SDM Ambala proved copy of schedule caste certificate of the prosecutrix Ex.P-5, issued by his office.

The state counsel tendered reports of FSL Ex.P-26 and Ex.P-27."

6. The statement of accused under Section 313 Cr.P.C. was recorded wherein he denied all the incriminating evidence appearing against him. The accused pleaded innocence and further stated that he is falsely implicated in the present case. The accused did not lead any evidence in his defence.

7. After hearing the State counsel and defence counsel, the learned trial Court while taking into consideration the fact that key witnesses turning hostile and the medical evidence and reports of FSL also not favouring the case of prosecution, acquitted the accused while passing the impugned judgment dated 15.11.2017. At the same time, the trial Court

also issued show cause notice to the prosecutrix as to why proceedings under Section 344 Cr.P.C. be not initiated against her.

8. The prosecutrix being not satisfied by the impugned judgment of acquittal and show cause notice issued action under Section 344 Cr.P.C has filed the present appeal.

9. We have heard the counsel for the appellant, the State counsel and the counsel for accused/respondent No.2.

10. The counsel for the appellant while assailing the impugned judgment has submitted that initially, when the prosecutrix accompanied the accused to Delhi, the accused raped her and took her indecent photographs after administering sleeping pills mixed in a tea and thereafter, the accused ravished the prosecutrix repeatedly, on number of occasion by giving threats that he would make the said photographs public. Since the prosecutrix was subjected to sexual intercourse over a number of months, absence of medical sign of rape is of no consequence. The prosecutrix maintained silence as she was repeatedly threatened by the accused and further in order to save honour of her family, she kept mum and suffered repeated sexual assaults at the hands of the accused against her wishes. The prosecutrix was subjected to sexual intercourse under duress and thus, the prosecutrix was not consenting party to the said acts of sexual assault committed by the accused.

11. The counsel for the appellant has further argued that during trial, the accused entered into a compromise (Annexure P-7) dated 31.05.2017 with the appellant, by putting pressure on her. That later on, the accused retracted from said compromise. That on the basis of the false

promise made by the accused, the appellant and her parents were put under pressure by the accused to appear in the witness box as PW-1, PW-2 and PW-3 on 01.06.2017. The appellant and her parents retracted from their previous statements under threat and intimidation. The counsel for the appellant has further contended that the appellant has already filed an application CRM-33900-2019 under Section 391 Cr.P.C. for permission to adduce additional evidence and to produce concerned documents Annexure P-3 to Annexure P-15 in the present appeal. The counsel for the appellant has further submitted that the aforesaid documents are having bearing on the present case and are necessary for just decision of the case, with a view to render complete justice. It has been further contended that even if the key witnesses were declared hostile, their entire evidence cannot be discarded. The part of their statements which goes in favour of prosecution should be taken into consideration. However, the learned trial Court failed to do so and out-rightly rejected depositions of PW-1 to PW-3.

12. The counsel for the appellant has further argued that the investigating officer conducted tainted investigation and in this regard, the prosecutrix time and again approached the various authorities as is evident from Annexure P-3 and Annexure P-4. It has been further contended that the prosecutrix was compelled to execute compromise Annexure P-7 by the accused by intimidating her. It has been further argued that the prosecutrix belongs to Scheduled Caste and her caste certificate Ex.P-5 is proved on the record. It also stands proved that the accused while committing sexual assault against the wishes of the prosecutrix, further committed offence punishable under SC/ST Act. It has been further contended that the trial

Court while passing the impugned judgment overlooked all these aspects and acquitted the accused without appreciating the evidence available on the record. It has been further argued that if this Court finds that the evidence led by the prosecution is deficient, in that case, the appellant be granted permission to lead additional evidence at this stage, by invoking provision of Section 391 Cr.P.C.

13. The counsel appearing on behalf of the State also argued on the same lines while impugning the judgment of acquittal passed by the trial Court. The State counsel has further submitted that in the present case, the appellant who belongs to weaker section of the society was sexually exploited by intimidating her and the accused deserves to be convicted in the present case.

14. On the other hand, the counsel for accused/respondent No.2 while supporting the impugned judgment has contended that there was unexplained inordinate delay in lodging of FIR, wherein no specific allegations are made against the accused. It has been further argued that actually, no such incident of sexual assault had ever taken place. The accused never gave any threat or put any pressure on the appellant. It being case of no evidence, the trial Court rightly acquitted the accused. Admittedly, prosecutrix and her parents while appearing in the witness box failed to support the case of prosecution. The appellant in her deposition disowned all her previous statements including the statement recorded by the Magistrate concerned under Section 164 Cr.P.C. It has been further argued that even the medical and scientific evidence do not support the case of the prosecution. The trial Court came to the right conclusion after

appreciating the entire evidence. It has been further contended that plea of compromise Annexure P-7 put forth by the appellant is an after thought. No such agreement was ever executed by the accused with the appellant and even otherwise such type of agreement is not recognized in law and thus, appellant cannot take benefit of document Annexure P-7. It has been further contended that the appeal and the miscellaneous applications filed by the appellant are devoid of merits.

15. I have considered the rival contentions raised by counsel for the parties.

16. As per the settled proposition of law, a statement recorded under Section 161 Cr.P.C. is inadmissible in evidence and cannot be relied upon to convict the accused. The statement recorded under Section 161 Cr.P.C. can be used only to prove the contradictions and/or omissions as has been held by the Hon'ble Supreme Court in Criminal Appeal No.374 of 2020 titled as ***Parvat Singh and others Vs. State of Madhya Pradesh***, decided on 02.03.2020. Further, the statement of witness recorded under Section 164 Cr.P.C can be used only for the purposes of contradiction and corroboration to the statement of the said witness given in the Court. The statement of a witness recorded under Section 164 Cr.P.C cannot be used as a substantive piece of evidence. Furthermore, their Lordships of Supreme Court in ***Himanshu @ Chintu Vs. State (NCT of Delhi)***, (2011) 2 SCC 36 have held that evidence of hostile witness remains admissible and it is open to the Court to rely upon dependable part of that evidence which is found to be acceptable and supports the prosecution case.

17. Now adverting to the facts of the present case, admittedly, the

appellant and her parents while appearing in the witness box resiled from their previous statements. The appellant disowned her statement Ex.P-3 made by her before the Magistrate concerned under Section 164 Cr.P.C. The prosecutrix while appearing in the witness box specifically stated that the accused did not commit rape with her and that he neither sexually assaulted nor threatened her. In her cross examination by the State counsel, she was confronted with her previous statement Ex.P-1 recorded by the police and statement Ex.P-3, recorded under Section 164 Cr.P.C but she denied the contents of the same and disowned the said statements. Prosecutrix further stated that she made statement Ex.P-3 before the Magistrate concerned, on the asking of the police. On the same lines, her parents while appearing in the witness box as PW-2 and PW-3, disowned their previous statements Ex.P-8 and Ex.P-9 respectively, which were recorded by the police under Section 161 Cr.P.C. It being so, the trial Court rightly discarded the depositions of PW-1 to PW-3 and further ignored statement Ex.P-3 made by the appellant before the Magistrate concerned under Section 164 Cr.P.C.

18. Doctor who medically examined the prosecutrix appeared in the witness box as PW-13 and she proved medico legal report Ex.P-25 and admitted in her testimony that no mark of injury was found on the body of prosecutrix and she simply opined that the possibility of sexual assault cannot be ruled out in the present case. As per the report of FSL Ex.P-26, no semen was detected in the vaginal/fornix swabs of the prosecutrix. Further as per Ex.P-27, no drug or poison was found in blood sample of the prosecutrix. Thus, it is evident that even the medical and scientific evidence is not corroborating the allegations made by the prosecutrix in FIR Ex.P-12.

19. As per prosecution version, after his arrest, the accused suffered disclosure statement Ex.P-15 but no incriminating article was recovered on the basis of said disclosure statement. Certainly only those components of the information furnished under Section 27 Evidence Act were admissible as legal evidence that led to some new discovery distinctly relating to the commission of crime as has been held by the Hon'ble Supreme Court in ***Mohd. Inayatullah Vs. State of Maharashtra AIR 1976 SC 483***. It being so, the trial Court rightly rejected the disclosure statement Ex.P-15, as the same was hit by Section 25 of Evidence Act, being confessional statement made by the accused before a police official.

20. In her complaint Ex.P-1 dated 24.02.2017, the prosecutrix has stated that she is a graduate. Further, while appearing in the witness box, the prosecutrix disclosed her age as 27 years as on 01.06.2017. It means that even at the time of alleged incidents of sexual assault the appellant was more than 21 years of age and was fully mature and well aware of the consequences of such a physical relationship. In the complaint Ex.P-1, on the basis of which FIR Ex.P-12 was registered, there is no reference of any date or time of the alleged incidents of rape. However, from the perusal of Ex.P-1, it appears that the alleged sexual exploitation of the appellant continued for so many years.

21. The story put forth by the appellant that she was threatened with dire consequences, if she reported about her sexual exploitation by the accused to the police or her parents and was pressurized to enter into compromise, after the FIR was registered and further compelled to retract from her previous statements, appears to be highly improbable and

therefore, the same cannot be believed in the absence of any corroborative circumstances. Certain delay in lodging of FIR in cases of rape is natural and understandable. However, in the instant case, the appellant alleged that she was repeatedly sexually assaulted at Delhi and Ambala for months together. Even last incident of threat and physical assault happened in December 2016. However, complaint Ex.P-1 was lodged with regard to aforesaid incident on 24.02.2017 and this silence on the part of the appellant creates doubt with regard to prosecution story. Further, the appellant and her parents retracted from their previous statements on 01.06.2017 and the criminal case was finally disposed of by the trial Court on 15.11.2017. During interregnum period, the appellant did not move any application before the trial Court that she and her parents testified in the Court on 01.06.2017 under the threat given by the accused. Further, the present appeal is filed by the appellant after period of more than one year of the passing of the impugned judgment. Furthermore, it appears that the appellant filed CRM-M-17233-2017 Annexure P-8 in this Court seeking cancellation of bail granted to the accused pending trial and the same was later on dismissed as withdrawn vide order dated 05.07.2017 (Annexure P-2), on the basis of her affidavit. The said affidavit which is part of Annexure P-8 appears to be executed by the appellant on 06.06.2017 i.e. after about 4 days of her appearance as a witness in the trial Court on 01.06.2017. The appellant never approached any police authorities or the Court after 01.06.2017 to lodge complaint against the accused to the effect that the accused compelled her to execute agreement Annexure P-7 and further pressurized her to retract from her previous statements while

appearing in the witness box and that the accused had got withdrawn CRM-M-17233-2017 by colluding with her advocate.

22. As far as the application filed by the appellant under Section 391 Cr.P.C is concerned, nothing is mentioned in it as to what sort of additional evidence is to be produced by the appellant and as to whether the same is necessary for proper decision of the case. The other application has been filed by the appellant to place on record documents Annexure P-3 to Annexure P-15. To our mind, the said documents are not of any help to advance the case of prosecution. Annexure P-7 is a compromise deed allegedly executed between the prosecutrix and the accused dated 31.05.2017, as per which both the parties decided to resume live-in-relationship subject to payment of certain fixed amount by the accused to the prosecutrix. Such type of agreement is unenforceable in law being against public policy and hit by provision of Section 23 of Contract Act.

23. In the backdrop of the afore-stated facts and circumstances, no plausible reasoning is coming forward to explain the delay in lodging of FIR. The said delay in registration of FIR corrodes the credibility of the prosecution story. Further, no cogent and convincing evidence is available on the record to conclude that the accused forcibly by giving threats had sexual intercourse with the appellant, repeatedly without her consent and against her free will. The trial Court rightly came to the conclusion that the alleged acts of sexual intercourse were consensual acts and the appellant was consenting party and thus, acquitted him. In this context, reference be made to decision of Hon'ble Supreme Court in ***Raju and others Vs. State of MP (2008) 15 SCC 133***, wherein it was observed as follows:-

“It cannot be lost sight of that rape causes the greatest distress and humiliation to the victim but at the same time a false allegation of rape can cause equal distress, humiliation and damage to the accused as well. The accused must also be protected against the possibility of false implication-----”.

24. We are of the view that even no offence under SC/ST Act is made out against the accused. It is settled position of law that an offence under Section 3 of SC/ST Act cannot be invoked merely because the alleged victim of crime happens to be a member of Scheduled Castes/Schedule Tribe. It was not the case of the prosecution that the alleged sexual offences were committed against the appellant for the reason that she belonged to scheduled caste community. Further, there is no evidence available on the record in this regard.

25. The paramount consideration of the Court is to do substantial justice and avoid miscarriage of justice. In appeal against acquittal, an appellate Court has full power to review, re-appreciate and re-consider the evidence, upon which the order of acquittal is founded. However, the appellate Court has to bear in mind that in case of acquittal, there is double presumption in favour of the accused. Firstly, the presumption of innocence is in his favour under the basic principle of jurisprudence that every person shall be presumed to be innocent unless is proved guilty by Court of competent jurisdiction. Secondly, having secured his acquittal, the presumption of innocence of accused is further re-affirmed by the trial Court. In this regard, reference be made to the ratio laid down by Hon’ble Supreme Court in ***Chandrappa and others Vs. State of Karnataka 2007 (2) SCC (Cri) 325.***

26. An order of acquittal is to be interfered with only for

compelling and substantial reasons. In the present case, we are of the view that the learned trial Court considered and appreciated the entire evidence led by the parties and rightly acquitted the appellant.

27 The trial Court while passing the impugned judgment, gave direction to issue show cause notice under Section 344 Cr.P.C against the appellant. In facts and circumstances of the present case, the learned trial Court rightly gave direction to proceed against the appellant as per provisions of Section 344 Cr.P.C and to have recourse to summary trial. However, the appellant shall have the opportunity to defend herself in terms of Section 344 (1) Cr.P.C.

28. In view of the above, we do not find any illegality or perversity in the findings recorded by the trial Court. Accordingly, the present appeal is hereby dismissed. The applications filed by the appellant to adduce additional evidence and to produce documents Annexures P-3 to P-15 are also hereby dismissed being devoid of merits.

(SUDHIR SINGH)
JUDGE

30.08.2024
Yogesh

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned:-	Yes/No
Whether reportable:-	Yes/No