



**241 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

CRR-3-2020 (O&M)  
Date of decision: 08.08.2024

Sudesh

....Petitioner

Versus

Surender and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

**Present:** Mr. Arvind Bansal, Advocate  
for the petitioner.

**HARPREET SINGH BRAR, J.**

1. The present revision petition is preferred against judgment of acquittal dated 17.09.2019 passed by the learned Additional Sessions Judge, Kaithal whereby the appeal against the judgment of acquittal dated 01.02.2019 passed by the learned Additional Chief Judicial Magistrate, Kaithal in the case stemming from FIR No. 18 dated 29.01.2015 registered under Sections 406, 498-A, 506 IPC at Police Station Sadar Kaithal, has been dismissed.

2. Briefly, the facts are that the marriage between the petitioner and respondent No.1 was solemnized on 07.03.2011. A year and a half post marriage, respondent No.1 got a job with the Haryana Police and his behavior changed. Respondent No.1 began taunting and beating the petitioner on account of her illiteracy. He also administered some medicine to the petitioner, hidden in her food, which terminated her pregnancy. Respondent No.1 wanted to throw the petitioner out of the matrimonial home. Hearing the same, the complainant i.e. father of the petitioner sent his son Khushi Ram to their home. However, he

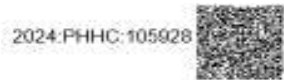


was not allowed to meet the petitioner and rather, was beaten up by respondent No.1, who also threatened to implicate their family in false cases.

3. Having heard the learned counsel for the petitioner and after perusing the record with his able assistance, it transpires that neither is there anything available on the record to indicate that the petitioner was pregnant nor does the material reflect that the said pregnancy was terminated as a result of administration of certain medicine. Moreover, in her cross examination, the petitioner could not state the date, month or the year when the alleged incidents of physical assault occurred.

4. The father of the petitioner also deposed that respondent No.1 demanded Rs.5,00,000/-, which was to be used as a bribe to get his present job. However, neither the petitioner nor her father could state any date or month as to when the said demand was made or when beatings were given to the petitioner in lieu of the same. Further, PW1- Shamsheer Singh, verified that panchayat was convened qua the matrimonial issue, however, he did not state that the issue pertained to harassment in lieu of dowry. As such, unsubstantiated vague and omnibus allegations have been leveled by the petitioner, which does not inspire any confidence in the prosecution case.

5. Furthermore, 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. (***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*, 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.

6. In view of the discussion above, this Court finds that learned counsel for the petitioner has failed to point out any perversity or illegality in findings recorded by the learned Courts below, which warrants any interference. Accordingly, the present revision petition is dismissed, being bereft of any merit.

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

(HARPREET SINGH BRAR)  
JUDGE

08.08.2024  
Neha

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