



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

**CRM-A-550-2019 (O & M)
Date of decision: 15.01.2025**

MEENA SACHDEVA

...APPLICANT

V/S

SUNIL DUTT @ SUNIL KUMAR AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Shivam Joshi, Advocate and
Mr. Karanjit Singh, Advocate
for the applicant.

Mr. Nitesh Sharma, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. The present application is preferred against the judgment of acquittal dated 22.11.2018 passed by learned Judicial Magistrate Ist Class, Ferozepur, in a complaint filed under Sections 420/120-B of IPC.

2. Briefly stated, the private respondents allured the complainant/applicant to invest money in Jivan Saral Policy in LIC in her name and her children's name and gave an amount of Rs.3,25,000/- to respondent No.2 in the presence of two witnesses, namely, Baljit Singh and Balram Krishan in order to deposit the same with LIC and upon receipt of insurance policy, it transpired that it was a Jivan Anand Plan and the private respondents also did not invest the amount in the name of her son but they invested the same in the name of the complainant/applicant, which she got cancelled after making complaints to LIC. Thereafter, she came to know that only Rs.73,000/- were invested by the accused persons and remaining amount was misappropriated by them. The complainant requested the LIC officials to cancel the policies as she



was duped and the amount was not invested as was promised. Resultantly, the policy bearing No.473520047 was cancelled and an amount of Rs.40,000/- was given to her. Hence the complaint.

3. Having heard the learned counsel for the applicant and after perusing the record of the case with his able assistance, it transpires that the complainant/applicant has failed to bring on record even a single document with regard to the policies in question. Further, no record was maintained by the applicant with regard to the payments made by her to the accused persons. Furthermore, the witnesses i.e. CW-2 and CW-3, in whose presence, the amount in question was given, are interested witnesses, who have been examined merely to lend some support to the prosecution. As such, only vague allegations are levelled by the complainant/applicant against the accused persons and the prosecution has failed to prove its case beyond the shadow of reasonable doubt. As a result, the evidence led by the applicant/complainant does 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 counsel for the applicant 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.

January 15, 2025
manisha

(HARPREET SINGH BRAR)
JUDGE

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