

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

CRM-A-1133-2019
Date of Decision: 16.01.2025

Kajal

.....Appellant

Versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Gaurav Singla, Advocate
for the appellant.

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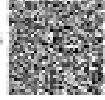
ANUPINDER SINGH GREWAL, J. (Oral)

This application seeking leave to appeal is directed against the order of the trial Court whereby the respondents have been acquitted in FIR No. 318 dated 28.10.2014 registered under Sections 120-B, 498-A, 304-B, 302 IPC at Police Station Chandhut, Palwal.

2. Learned counsel for the appellant submits that the death of the victim had taken place within seven years of her marriage and sufficient evidence had been brought on record to show that she was harassed in connection with the demand for dowry and therefore, the respondent ought to have been convicted. Furthermore, the respondents were not able to rebut the presumption under Section 304-B.

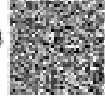
3. Heard.

4. The prosecution case had been lodged by the complainant PW-1 who is the brother of the victim wherein it was stated that the victim had



been married to respondent No.1 on 29.11.2012. The accused had started ill-treating her and had demanded a car alongwith Rs. 50,000/- cash. They had beaten the victim and shunted her out of her matrimonial home. The family of the victim had tried on many occasions to persuade the respondents to treat the victim properly. On 16.01.2014, the accused had assaulted the victim and forcibly administered acid to her. PW-2 who is the sister of the victim was married to the brother of the husband of the victim. The prosecution had examined PW-1 as well as PW-2 and both siblings had supported the prosecution case. The deceased is stated to have expired on 16.01.2016 and the cause of death as reflected in the death summary was Pneumonia with ARDS (Acute Respiratory Distress Syndrome) secondary to her illness of corrosive stricture. The post mortem had not been conducted. The trial Court after appreciation of evidence had acquitted the respondents as the prosecution had failed to prove its case beyond reasonable doubt.

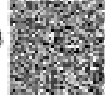
5. It is manifest that there is a delay of about ten months in registering the FIR and delay has not been satisfactorily explained. The incident is stated to have taken place on 16.01.2014 while the FIR was registered on 28.10.2014. The FIR had been registered under Sections 498-A, 120-B of IPC on the allegation that the respondents were harassing the victim. The victim is stated to have been admitted to the hospital on 16.01.2014 and in the case summary at the time of her admission, it has been mentioned that she had accidentally consumed acid from a cup. PW3-Dr. Radhey Shyam Saini had also stated so in his testimony before the Court. The victim is stated to have remained in hospital for some time, and she had



been discharged from the hospital in a normal condition but no complaint with regard to the incident which is stated to have taken place on 16.01.2014 had been lodged by the complainant or the victim herself. She even continued to stay at her matrimonial home for 3-4 months after being discharged. Later, the victim is stated to have developed pneumonia and was admitted in hospital. The cause of death is Pneumonia with ARDS (Acute Respiratory Distress Syndrome) secondary to her illness of corrosive stricture as stated hereinbefore. There is nothing on record in the form of medical history or evidence of any doctor to indicate that the death had taken place due to the administration of acid on 16.01.2014. No post mortem had been conducted at the time of the death of the victim. Although it is the case of the prosecution that the victim was being ill-treated and harassed in connection with the demand of dowry but the PW1 who is the brother of the deceased in his cross-examination had admitted that no demand for dowry was raised by the accused.

6. It is thus apparent that the evidence led by the prosecution is too sketchy to warrant the conviction of the respondents. It is trite that the Appellate Court should not interfere in an order of acquittal even if another view on re-appreciation of the evidence is possible. Moreover, by the judgment of acquittal, the presumption of innocence of the accused is reinforced. Reference may be made to the judgment of the Supreme Court in **Chandrappa & Ors vs State Of Karnataka**, 2007 (4) SCC 415. The relevant extract of the judgment is reproduced as under:

“xxx xxx the following general principles regarding powers of



appellate Court while dealing with an appeal against an order of acquittal emerge;

(1) An appellate Court has full power to review, reappraise and reconsider the evidence upon which the order of acquittal is founded;

(2) The Code of Criminal Procedure, 1973 puts no limitation, restriction or condition on exercise of such power and an appellate Court on the evidence before it may reach its own conclusion, both on questions of fact and of law;

(3) Various expressions, such as, 'substantial and compelling reasons', 'good and sufficient grounds', 'very strong circumstances', 'distorted conclusions', 'glaring mistakes', etc. are not intended to curtail extensive powers of an appellate Court in an appeal against acquittal. Such phraseologies are more in the nature of 'flourishes of language' to emphasize the reluctance of an appellate Court to interfere with acquittal than to curtail the power of the Court to review the evidence and to come to its own conclusion.

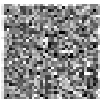
(4) An appellate Court, however, must bear in mind that in case of acquittal, there is double presumption in favour of the accused. Firstly, the presumption of innocence available to him under the fundamental principle of criminal jurisprudence that every person shall be presumed to be innocent unless he is proved guilty by a competent court of law. Secondly, the accused having secured his acquittal, the presumption of his innocence is further reinforced, reaffirmed and strengthened by the trial court.

(5) If two reasonable conclusions are possible on the basis of the evidence on record, the appellate court should not disturb the finding of acquittal recorded by the trial court.

xxx xxx”

(emphasis supplied)

7. Consequently, we do not find any illegality in the judgment of



the trial Court acquitting the respondents and the instant application seeking leave to appeal stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

16.01.2025
Sapna Adhikari

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No