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

**CRM-A No.597-MA of 2014
Date of Decision: 22.05.2025**

Krishana Devi

..... Applicant

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. H. P. S. Ghuman, Advocate
for the applicant-appellant.

RAJESH BHARDWAJ, J. (ORAL)

1. The applicant has filed the present application under Section 378(4) Cr.P.C. for grant of leave to file an appeal against the impugned order dated 07.12.2013 passed by learned Judge, Special Court, Panipat, whereby the learned trial Court has acquitted the respondent-accused in a complaint under Sections 3(iv)(x) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 506 of Indian Penal Code.

2. Succinctly, the facts of the case are that the applicant-appellant before this Court is the complainant, namely, Krishana Devi, who lodged a complaint under Section 3(iv)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short “the Act”) and Section 506 of the Indian Penal Code. It was alleged that the complainant



was in the need of an amount of Rs.70,000/- and hence, her husband demanded the same amount from his colleague, i.e. respondent no.2-Narender. Narender gave the said amount of Rs.70,000/- by executing an agreement with her husband. As per the agreement, on giving the amount of Rs.70,000/-, respondent No.2-Narender took possession of her residential house but after expiry of the limitation period of the agreement, he did not hand over possession of the said house to the complainant and, thus, she filed a civil suit and the same was pending before the trial Court. On 17.09.2010, after completing cross-examination of two defendants, both the accused, the complainant and her husband came out of the Court complex. At that time, respondents No.2 & 3 stopped them and started abusing by making caste related remarks. They were also threatened and abused for initiating the litigation with them. Thus, prayer was made for their prosecution and convict them for the offence committed by them. The learned trial Court, on conducting the preliminary evidence, summoned the respondents-accused, however, on examining the evidence led by both the sides, the complaint filed by the applicant was dismissed and the respondents-accused were acquitted of the charges leveled against them vide impugned order dated 07.12.2013. Hence, aggrieved against the same, the applicant has approached this Court by way of filing the present application for granting leave to appeal.

3. Learned counsel for the applicant has submitted that the applicant belongs to Scheduled Caste, who was abused by the



respondents-accused in the Court Complex itself. He has submitted that the evidence was led by the applicant wherein all the allegations and offences were specifically proved. However, the learned trial Court had failed to appreciate the evidence led and, thus, the findings of the learned trial Court while acquitting the respondents-accused, being totally perverse in nature and unsustainable in the eyes of law, deserve to be set aside and the respondents-accused are liable to be convicted for the offence committed by them.

4. I have heard learned counsel for the appellant and perused the available record with his able assistance.

5. On examination of the record, it is deciphered that there was a dispute between the petitioner and respondent No.2-Narender on account of the loan of Rs.70,000/- given by respondent No.2-Narender to the husband of the applicant. The agreement was also executed between the parties and possession of residential house of the appellant was taken by respondent No.2-Narender. However, after expiry of the limitation period of the agreement, the possession of the house was not given by respondent No.2-Narender to the applicant. Admittedly, a Civil Suit for possession was filed by the applicant against respondent No.2-Narender. The said Civil Suit, as per the record, was decreed by the Civil Court in favour of the complainant while holding her entitled for possession of the house in question. The alleged occurrence had taken place on 17.09.2010 at about 2.30 pm, whereas the complaint has been filed on 18.07.2012, i.e. after a period of about two years. Husband of the applicant, namely,



Banarasi Dass has been examined as PW2 before the trial Court. He had deposed in his cross-examination that he had sold his house situated at Batra Colony to respondent No.2-Narender and received an amount of Rs.70,000/- from him. He also admitted that his wife was the owner of the said house. The essential ingredient for constituting the offence under Section 3(iv)(x) of the Act that the offence/caste related remarks were hurled in a public view could not be proved from the evidence led by the complainant. From appreciating of the evidence, it has also been found that there was no cogent evidence led that the respondents-accused were aware about the caste of the applicant. Thus, civil litigation between both the sides was an admitted fact and during pendency of the same, the present complaint had been filed. The learned trial Court, on appreciating of the evidence, had found the complaint filed to be doubtful and, thus, acquitted the respondents-accused. As per the criminal jurisprudence, every accused is presumed to be innocent until proven guilty. As per the law settled by Hon'ble Supreme Court, once the accused is acquitted by the Court of law, there lies double the presumption of innocence in his favour.

6. Hence, an Appellate Court should not disturb the findings of acquittal arrived at by the trial Court in a cavalier manner and it is only in case of perversity of the findings, the Appellate Court should interfere in the acquittal order passed by the trial Court.

7. In *Jafarudheen and others vs State of Kerala*, 2022 SCC Online SC 495, it is held that Appellate Court has to be relatively slow in



reversing order of trial Court rendering acquittal, relevant para of the same reads thus:

“25. While dealing with an appeal against acquittal by invoking Section 378 of the Cr.P.C., the appellate Court has to consider whether the trial Court's view can be termed as a possible one, particularly when evidence on record has been analyzed. The reason is that an order of acquittal adds up to the presumption of innocence in favour of the accused. Thus, the Appellate Court has to be relatively slow in reversing the order of the Trial Court rendering acquittal. Therefore, the presumption in favour of the accused does not get weakened but only strengthened. Such a double presumption that enures in favour of the accused has to be disturbed only by thorough scrutiny on the accepted legal parameters.”

8. Weighing the facts and circumstances of the present case on the anvil of law settled, this Court finds no perversity in the order passed by the trial Court. Resultantly, the present application for grant of leave to appeal is dismissed.

22.05.2025

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(RAJESH BHARDWAJ)

JUDGE

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