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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRR- 4928-2016 (O&M)
Date of Decision:14.05.2025**

SWEETY

.....Petitioner

Versus

KULWANT SINGH & ORS

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. J.S. Saneta, Advocate for the petitioner.

JASGURPREET SINGH PURI J.(Oral)

1. The present revision petition has been filed challenging the judgment of acquittal passed by learned Additional Sessions Judge, Kurukshetra, dated 03.11.2016, by which the judgment of conviction dated 03.01.2015 and the order of sentence dated 06.01.2015 passed by learned Sub-Divisional Judicial Magistrate, Pehowa, were set aside and the respondents were acquitted by learned Additional Sessions Judge, Kurukshetra.

2. Learned counsel appearing on behalf of the petitioner submitted that the learned Additional Sessions Judge, Kurukshetra has erroneously acquitted the respondents whereas the judgment passed by the Sub-Divisional Judicial Magistrate, Pehowa was in accordance with law because the offence stood proved. Although instead of sentencing the respondents to imprisonment, they were placed on probation for one year and compensation of Rs.20,000/-was awarded to the petitioner which was later on set aside by



learned lower Appellate Court. He also submitted that once the charges were proved in the complaint filed by the petitioner, particularly on the strength of two witnesses, namely Santosh Rani and Seema Rani and the fact that the injuries stood proved when the doctor was examined, the respondents were rightly convicted by learned Sub-Divisional Judicial Magistrate, Pehowa and therefore, the order passed by learned lower Appellate Court may be set aside.

3. I have heard the learned counsel for the petitioner.

4. The present revision petition has been filed challenging the judgment dated 03.11.2016 passed the learned Additional Sessions Judge, Kurukshetra, whereby the respondents were acquitted.

5. As per the allegations, the complainant who is the present petitioner, had filed a criminal complaint before the learned Magistrate stating that the respondents with a common intention, uttered wrongful words in a public street against the complainant and when the complainant/present petitioner objected to the same, the respondents started using filthy language and started beating her up with slaps, punches, and kicks causing her some injuries. Thereafter they also torn her clothes and tried to outrage her modesty with the intention to defame her in the society. At the time of evidence, the testimonies of the complainant along with the aforesaid two witnesses, namely Santosh Rani and Seema Rani, were recorded. Additionally, one doctor was also examined, who opined that the injuries were sustained within 24 hours. The alleged occurrence took place at about 08:00 p.m. on 30.05.2009 and the medical examination was conducted at 10:00 P.M. on the same day. However, the doctor only opined that the injuries were inflicted within 24 hours and did



not opine that the same were fresh injuries. The conviction was based solely on the testimony of the aforesaid two witnesses and that of the complainant, along with the fact that the injuries were proved to have been inflicted within 24 hours, as opined by the doctor. After conviction, learned Sub Judicial Magistrate, instead of sentencing the respondents-accused to imprisonment, directed that they be released on probation for a period of one year on the condition of maintaining good conduct, subject to furnishing of personal bonds. The learned Sub Judicial Magistrate also directed the respondents to pay an amount of Rs.20,000/- to the complainant as compensation for meeting the expenses incurred in the prosecution.

6. On appeal being filed by the respondents-accused, the learned Additional Sessions Judge, Kurukshetra, set aside the judgment passed by the learned Sub Divisional Magistrate, Pehowa. The learned Additional Sessions Judge, Kurukshetra, while referring to the evidence on the basis of which the respondents were convicted, was of the view that the two witnesses which were examined at the instance of the petitioner, namely Santosh Rani and Seema Rani, were not eye-witnesses but rather they were interested witnesses as they were related to the complainant. The complainant/petitioner had in fact mentioned two other individuals as witnesses namely Inderjeet Singh and Jaskaran Singh but they were not examined. So far as the testimony of the doctor is concerned, learned Additional Sessions Judge observed that the doctor had so opined that injuries were found not only on the complainant but also on one of the accused, namely Amarjit Kaur and injuries on both were stated to be inflicted within 24 hours but the doctor never opined that the injuries were fresh and therefore it was concluded that a quarrel had taken



place between the two parties on the basis of which earlier FIR was registered but the same was cancelled as it was not accepted by the learned Trial Court. Thereafter a criminal complaint was filed by the complainant-petitioner, on the basis of which the judgment of conviction was passed. It was further observed by the learned Additional Sessions Judge, Kurukshetra, that the aforesaid witnesses namely Seema Rani and Santosh Rani had themselves stated in their depositions that they had arrived at the spot after the occurrence and therefore, they were not eye-witnesses to the incident. The learned Appellate Court, came to the conclusion that the petitioner was not able to prove the case beyond reasonable doubt and merely by stating that the clothes of the complainant were torn, was neither supported by evidence nor was any evidence led in this regard. Since it was a case of a scuffle between two women, in which both of them sustained injuries, there was no evidence brought on record to prove whether one of the accused-respondents, namely Amarjit Kaur, was the aggressor or not. As the petitioner was unable to prove the case beyond reasonable doubt so as to bring home the guilt, the learned Appellate Court had acquitted the respondents.

7. A perusal of the judgment passed by the learned lower Appellate Court, would further show that for the purpose of bringing home guilt, it was upon the petitioner who was the complainant in the criminal complaint to have proved the charges beyond reasonable doubt but the learned Sub-Divisional Judicial Magistrate convicted the respondents solely on the basis of the testimony of the two aforementioned witnesses, namely Seema Rani and Santosh Rani, who had deposed that they arrived at the spot after the occurrence had taken place. Therefore, this Court is of the considered view



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that there is no error, illegality or perversity in the judgment passed by the learned Appellate Court while acquitting the respondents.

8. The onus was upon the complainant to have proved the charges beyond reasonable doubt, which she has failed to do. Even otherwise also, the scope of a revision petition is very limited. Since no illegality or perversity has been found in the judgment passed by the learned Additional Sessions Judge, Kurukshetra, the present petition is hereby dismissed.

(JASGURPREET SINGH PURI)
JUDGE

14.05.2025

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No