



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

254

CRR-2377-2017 (O&M)

Date of decision: 10.03.2025

Canara Bank

....Petitioner

Versus

Ram Kishan Puri and another

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. S.S. Kamboj, Advocate
for the petitioner.

Mr. Vaibhav Sehgal, Advocate
for respondent No.1.

Mr. Harkesh Kumar, AAG, Haryana.

HARPREET SINGH BRAR J. (Oral)

CRM-21204-2017

Prayer in this application filed under Section 482 of Cr.P.C., is for seeking exemption from filing certified copy of the judgment dated 30.08.2012, passed by learned Chief Judicial Magistrate, Faridabad.

Heard.

Allowed as prayed for.

CRR-2377-2017 (O&M)

1. The present revision petition has been preferred against the judgment dated 21.03.2017 passed by learned Additional Sessions Judge, Faridabad, vide which the appeal preferred by the petitioner against the judgment of acquittal dated 30.08.2012 passed by learned



Chief Judicial Magistrate, Faridabad, has been dismissed.

2. Briefly, the prosecution's case is that respondent No.1, Ram Kishan Puri, was employed as a Clerk-cum-Cashier at the BPS Extension Counter of the Faridabad Tikona Park Branch. On 25.02.2004, the bank's Senior Manager lodged a complaint with the police, reporting discrepancies in the records of certain savings bank accounts maintained at the branch. The issue came to light when three customers approached the Extension Counter with their passbooks and requested withdrawal slips. Upon verifying the records with the passbooks, it was discovered that certain cash deposits had been recorded in the passbooks but were either not accounted for in the bank's records or had been entered at a later date. The deposits were received by respondent No.1, who had acknowledged receipt of the amounts by entering them in the customers' passbooks. An internal investigation revealed that several customers had been duped in this manner, and the total misappropriated amount exceeded 38 lakh rupees. As a result, an FIR No.80 was registered on 02.03.2004 under Sections 409, 420, 467, 468, and 471 IPC at Police Station Mujessar. Investigation was brought into motion. Statements of witnesses were recorded. Accused was arrested and after completion of investigation challan was prepared and presented in the Court.

3. Having heard the learned counsel for the parties and after perusing the record of the case with their able assistance, it transpires that the main reason for the acquittal of the accused/respondent No.1,



Ram Kishan Puri, is that the prosecution failed to prove the case beyond a reasonable doubt. Most of the prosecution witnesses, including the bank customers, turned hostile and did not support the allegations of embezzlement or misappropriation. Furthermore, essential documents, such as the receipts, passbooks, and other records that were supposed to substantiate the alleged offences, were not brought on record. The prosecution also failed to establish that the accused was posted or In-charge at the relevant time when the alleged misappropriation occurred. The role of the accused in the alleged offence remained unproven, and the prosecution could not link him to the embezzlement through any direct evidence. In light of these deficiencies and the benefit of doubt, the Court finds that the prosecution has not met its burden of proof beyond reasonable doubt, leading to the acquittal of the accused.

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 learned Court below 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 *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 Court below.

5. In view of the facts and circumstances of the case, this Court finds that learned counsel for the petitioner has failed to point out any perversity or illegality in findings recorded by the learned Court below which warrants interference by this Court. As such, there is no merit in the present revision petition and hence, the same is hereby dismissed.

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

(HARPREET SINGH BRAR)
JUDGE

10.03.2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No