



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

**241**

**CRR-1033-2018 (O&M)**

**Date of decision: 14.05.2025**

M/s. Alchem International Private Limited through its authorized  
representative Sandeep Malik

....Petitioner

Versus

State of Haryana and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

**Present:** Mr. Ajeet Pal Singh Pakka, Advocate  
for Mr. J.S. Mehndiratta, Advocate  
for the petitioner.

Mr. Harkesh Kumar, AAG, Haryana.

**HARPREET SINGH BRAR J. (Oral)**

1. The present revision petition has been preferred against the judgment dated 23.01.2018 passed by learned Additional Sessions Judge, Faridabad, vide which respondents No.2 and 3 have been acquitted in FIR No.220 dated 20.06.2008 registered under Sections 379, 406, 420, 506, 120-B IPC and Section 66 of the Information Technology Act, at Police Station Sector 55, Faridabad, District Faridabad.

2. Briefly stated, the facts of the case of prosecution are that Amit Jaiswal, an employee of M/s. Alchem International, who joined the company in 1998 as a testing chemist and was later given charge of production of certain pharmaceutical products, was found involved in unauthorized access and theft of confidential company data. The



company maintained strict data security protocols, including restricted access to drives and password-protected folders. However, in early 2008, the company's IT consultant, Sh. Tarun Jindal, during a routine system check, observed unusual and significant data transfers into Amit Jaiswal's user folder. On further investigation, it was found that various highly sensitive documents relating to manufacturing processes and a detailed customer list had been stored in his official computer without any permission. An internal inquiry was initiated, during which Amit Jaiswal denied the allegation. However, when asked to open his personal laptop, he initially hesitated but later complied. Upon access, the management was shocked to discover large volumes of confidential and proprietary company data stored in his personal device. Thereafter, it was concluded that Amit Jaiswal had breached the secrecy agreement and had unauthorizedly copied and misappropriated confidential data by tampering and hacking the office computers. Based on these findings, the company lodged a complaint, and an FIR (supra) was registered. Thereafter, investigation was brought into motion. Statements of witnesses were recorded. Accused were 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 persons is that the prosecution has failed to prove the charges levelled against the accused persons beyond reasonable doubt. While the complainant alleged that



the accused had stolen confidential company data and misused it, the learned Courts below found that there was no clear evidence showing that this data was ever actually entrusted to the accused or that he had misappropriated it in a way that would amount to a criminal offence. The prosecution had referred to a secrecy agreement between the company and the accused, however, this agreement was never presented in evidence, and its contents could not be verified. As such, the allegations of entrustment were not proven and the learned Courts below found no proof of dishonest inducement or deception by the accused, which are the key elements for proving the charge of cheating. Additionally, it was revealed that the accused, a Manager in the company's production department, was not entrusted with the secret data of the company's computer system and ultimately, the accused were granted the benefit of doubt and acquitted.

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 of *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 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 Courts 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**

**14.05.2025**  
*yakub*

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