

2025-PHHC-011329



116.

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

CRR-2012-2024

Date of decision: 23.01.2025

Anjali Singla

...Petitioner

Versus

Mehul @ Prince and another

...Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Ms. Anjali Khosla, Advocate, for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

The instant criminal revision petition has been filed by the complainant against the order dated 26.07.2024 passed by the Juvenile Justice Board, Sonipat (hereinafter referred to as JJB), in case FIR No.146, dated 23.04.2017, Sections 379, 411, 120-B, 34 of IPC, Police Station Kundli, District Sonipat, whereby the child in conflict with law (hereinafter referred to as CCL) has been absolved by giving him benefit of doubt.

After thoroughly reviewing the material on record, this Court finds no reason to disturb the impugned order. The reasoning of the JJB is consistent with law, and the findings are based on material irregularities and insufficiencies in the case of the prosecution.

The core issues which required to be addressed are:

- (i) whether the prosecution proved the existence of 15 kgs
+ 350 grams of stolen gold and cash;

- (ii) whether the involvement of the CCL was established beyond reasonable doubt;
- (iii) whether the procedural lapses and inconsistencies in evidence render the case untenable.

The JJB rightly held that the prosecution failed to prove that the complainant possessed or owned 15 kgs + 350 grams of gold at the time of the alleged theft. The balance-sheets relied upon lacked evidentiary value, as the concerned auditor was not examined, and the audit reports contained several glaring discrepancies, such as, the stock was not physical verified, financial statements lacked reconciliation of sundry creditors and debtors, registers mandated under Company Law, were not maintained.

These deficiencies severely undermine the claim of gold ownership. Merely producing financial records without corroborating them with reliable evidence does not satisfy the burden of proof by the prosecution.

Further, the JJB rightly identified material contradictions and inconsistencies in the testimony of the petitioner-complainant, such as, in her original complaint dated 23.04.2017, the complainant stated that 350 grams of gold and cash was stolen but later alleged 15 kgs +350 grams in a supplementary statement, and that too, recorded a year later. No credible explanation was provided by the complainant for this abnormal delay in the disclosure, apart from vague complaints of being 'terrified' by co-accused Ritesh Chadda. Further, the claim that the Santro Car, from which the theft

took place, was purchased by her is contrary to her supplementary statement, wherein she stated that the car was given by Ritesh Chadda, father of CCL.

These inconsistencies further weakened the version given by the complainant and the genuineness of her allegations.

The investigation in this case was clearly marred by significant procedural shortcomings, as rightly also noted by the JJB, such as, no CCTV footage or call detail records were produced to prove the presence of the CCL and other accused at the scene of crime; witnesses, such as, the Security Guards of the TDI Society, Kundli and the driver of the complainant were not examined.

The absence of these critical pieces of evidence severally impacted the ability of the prosecution to prove its case.

The alleged recovery of 500 grams + 650 mgs of gold from the possession of CCL is questionable; the recovery from the CCL was shown almost a year after the theft, making it implausible that the stolen good would remain in the dash board of a regularly used car for such an extended period. Furthermore, no independent witnesses were joined during the recovery, despite the recovery being effected in a residential area. This lack of corroboration further raises a question mark on the authenticity of the recovery. The recovered gold would not be conclusively linked to the complainant, as the bills provided did not match the description of the recovered items from the CCL.

Lastly, the non-production of the recovered gold before the JJB further weakened the case of the prosecution since it is the duty of the prosecution to keep the material exhibits intact and produced them in Court. The absence of case property or even its photographs further render the allegations against the CCL unsubstantiated.

This Court, therefore, concurs with the findings recorded by the JJB that the case of the prosecution is based on conjectures and lacks substantive evidence to rebut the presumption of innocence in favour of the CCL; the prosecution bears the burden of proving the charges beyond a reasonable doubt. Suspicion, no matter how strong, cannot replace proof.

As a sequel to the above, the impugned order does not warrant any interference and comes across as a well reasoned order which deserves to be upheld.

Present revision petition stands dismissed accordingly.

(MANJARI NEHRU KAUL)
JUDGE

January 23, 2025
sanjeev

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