

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

2026.PHHC:036950



(205) CRR-2288-2008

Reserved on : 27.02.2026

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G.F.I. Kurukshetra & another

.....Petitioners

Versus

Ashok Kumar

.....Respondent

CORAM : HON'BLE MR.JUSTICE RAMESH CHANDER DIMRI

Present:- Mr.A.K.Khubbar, Addl.A.G., Haryana.

Mr.Nilesh Kant Goyal, Advocate, for
Mr.A.S.Virk, Advocate, for the respondent.

RAMESH CHANDER DIMRI, J. :

1. This judgment shall dispose of a Criminal Revision Petition filed against the judgment dated 02.08.2008 passed by the Court of Shri L.N.Jindal, the then Addl.Sessions Judge, Kurukshetra (for brevity, “Appellate Court”) by which an appeal filed by the respondent/accused (for brevity, “accused”) was allowed and the judgment of conviction dated 12.10.2007 as well as order of sentence dated 15.10.2007 passed by the then Learned Chief Judicial Magistrate, Kurukshetra (for brevity, “Magistrate”) thereby convicting and sentencing the accused for commission of an offence under Section 16(1)(a)(i) of the Prevention of Food Adulteration Act, 1954 (for brevity, “1954 Act”) was set aside and the accused was acquitted of the charge framed against him.

2. Facts necessary for disposal of the present petition are that the Government Food Inspector, Kurukshetra (for brevity, “GFI”), on 25.07.1996 at 4.00 p.m., in the area of Shahabad, inspected premises of the accused with Dr.Harbans Singh. The accused was found in possession of

80 kgs. of “Dal Masoor” for public sale contained in a gunny bag. He demanded sample of the said dal by serving a notice in writing upon the accused as prescribed under the Prevention of Food Adulteration Rules 1955 (for brevity “1955 Rules”). He then purchased 600 grams of the said dal after mixing whole contents thereof properly and making it uniform worth analysis for Rs.12.60. It was then divided into three equal parts and bottled in three dry-clean empty bottles. Such bottles were stoppered tight. The same were sealed on necks thereof with seal of Dr.Harbans Singh. The said bottles were then labelled and wrapped in strong thick papers. Ends of the papers were pasted with gum. A paper slip bearing code No.KK|R-DH/F11/F12-353 and signature of Local Health Authority, Kurukshetra was pasted on each bottle from top to bottom. Each bottle was secured by means of strong twine and was sealed with seals of GFI and Dr.Harbans Singh. Signatures of the accused were obtained in such a manner that paper slips and wrappers on each sealed bottle carried a part thereof. One sealed bottle, with a Memorandum in Form-VII, was sent to the Public Analyst, Haryana for analysis in a sealed packet through Railway parcel. Remaining two sealed bottles of sample with 2 copies of memos in Form-VII were deposited with Local Health Authority, Kurukshetra through a Memorandum dated 26.07.1996 in a sealed packet. Copy of the memorandum and specimen impression of the seals were sent to Public Health Analyst, Haryana through a separate registered post of that date. As per report of the Public Analyst, Haryana, sample sent for examination contained foreign matter 2.8% by weight and inorganic extraneous matter 1.8% by weight against the maximum prescribed standards of 2.0% and 1.0% respectively.

3. Since the accused, in the opinion of the GFI, had committed an offence under Section 7 of the 1954 Act punishable under Section 16 thereof, the GFI filed a complaint dated 04.09.1996 against the accused in the Court of the Learned Magistrate, Kurukshetra. He was accordingly summoned. After complying with the provisions contained in Section 207 of the Code of Criminal Procedure, 1973 (for brevity, "1973 Code"), the Learned Magistrate recorded pre-charge evidence. Vide order dated 09.06.2000, the accused was charge-sheeted for commission of an offence under Section 16(1) of the 1954 Act. He pleaded not guilty to the charge and claimed trial.

4. In alter charge evidence, the complainant examined himself as PW1 and one Radhey Shyam as PW2 whereas Dr.Harbans Singh was examined as PW3. After closure of evidence of the complainant, statement of the accused under Section 313 of the 1973 Code was recorded. He alleged false implication and examined DW1 Prem Kumar Batra in his evidence.

5. After closure of evidence, the Learned Magistrate heard the complainant and the accused on merits of the case. After such hearing, it, vide judgment dated 12.10.2007, convicted the accused under the above-mentioned section. Through an order dated 15.10.2007, the accused was sentenced to undergo rigorous imprisonment for 6 months and to pay a fine of Rs.1000/-. In default of payment of fine, he was sentenced to undergo simple imprisonment for 10 days.

6. Aggrieved of the said conviction and sentence, the accused filed an appeal before the Appellate Court at Kurukshetra. After hearing the parties on the said appeal, the Appellate Court, vide impugned judgment dated 02.08.2008, allowed the appeal, set aside the above-stated

judgment of conviction as well as order of sentence and acquitted the accused of charge/s framed against him in the complaint filed against him. Aggrieved of the said judgment of acquittal, the State of Haryana is in revision.

7. I have heard Shri A.K.Khubbar, Learned Addl.A.G., Haryana and Shri Nilesh Kant Goyal, learned counsel for the respondent/accused on merits of the Revision Petition. With their assistance, I have perused the photocopies of the record.

8. Learned Addl.Advocate General, Haryana, has argued that there are 2 reports of the experts in the case in question. Both the reports are against the accused. Learned Appellate Court has ignored the said reports. It has not construed the same in right perspective. Due to the said reason, the impugned judgment is against evidence on record and law applicable to the case in question. Learned Appellate Court has committed illegality and irregularity which have caused injustice. He has accordingly prayed for acceptance of the petition.

9. Per contra, learned counsel for the accused has argued that report Ex.PA of the Public Analyst, Haryana did not detect that colour of the dal in question was as was detected in the report Ex.PG issued by the Central Food Laboratory, Pune. May be that second sample was sent to the Central Laboratory on an application of the accused but the fact remains that the said 2 reports are contrary to each other. If that is so, report which is beneficial to the accused has to be taken into consideration. Further, in the report issued by Central Laboratory, deficiencies alleged in the report issued by Public Analyst, Haryana have not been noticed. In view thereof, no reliance on the said reports could be placed to convict the accused. Learned Appellate Court has acted as per the facts and

circumstances of the case in question as well as evidence on record and law applicable to the case. Present revision petition is not maintainable. An appeal against the impugned judgment was only maintainable. A double presumption of innocence exists in favour of the accused. A judgment of acquittal cannot lightly be set aside. He has accordingly prayed for dismissal of the petition.

10. After such hearing and perusal, I may state that through impugned judgment, accused was acquitted of charge framed against him. In view of such acquittal, if the GFI was aggrieved of the same, in terms of Section 378(1) of the 1973 Code, an appeal was maintainable. Said section is reproduced as under:-

“S. 378 Appeal in case of acquittal

1. Save as otherwise provided in Sub-Section (2) and subject to the provisions of Sub-Sections (3) and (5),

(a) the District Magistrate may, in any case, direct the Public Prosecutor to present an appeal to the Court of Session from an order of acquittal passed by a Magistrate in respect of a cognizable and non-bailable offence;

(b) the State Government may, in any case, direct the Public Prosecutor to present an appeal to the High Court from an original or appellate order of an acquittal passed by any Court other than a High Court [not being an order under clause (a) or an order of acquittal passed by the Court of Session in revision.”

11. I may also state that revisional powers of this Court can be exercised in terms of Section 401 of 1973 Code. Since GFI has filed a revision petition against the impugned judgment, it has to be dealt within the parameters prescribed in Section 401 of said Code. Said section is therefore reproduced as under:-

“401. High Court's powers of revision.—

(1) In the case of any proceeding the record of which has been called for by itself or which otherwise comes to its knowledge, the High Court may, in its discretion, exercise any of the powers conferred on a Court of Appeal by sections 386, 389, 390 and 391 or on a Court of Session by section 307, and, when the Judges composing the Court of Revision are equally divided in opinion, the case shall be disposed of in the manner provided by section 392.

(2) No order under this section shall be made to the prejudice of the accused or other person unless he has had an opportunity of being heard either personally or by pleader in his own defence.

(3) Nothing in this section shall be deemed to authorise a High Court to convert a finding of acquittal into one of conviction.

(4) Where under this Code an appeal lies and no appeal is brought, no proceeding by way of revision shall be entertained at the instance of the party who could have appealed.

(5) Where under this Code an appeal lies but an application for revision has been made to the High Court by any person

and the High Court is satisfied that such application was made under the erroneous belief that no appeal lies thereto and that it is necessary in the interests of Justice so to do, the High Court may treat the application for revision as a petition of appeal and deal with the same accordingly.”

12. In terms of Section 401(4) of 1973 Code, therefore, a revision petition against the impugned judgment, keeping in view Section 378(1) of said Code, is not maintainable.

13. I may also state that in terms of Section 401(3) of 1973 Code, this Court cannot convert a finding of acquittal into one of conviction. In respect of scope of revisional powers of a High Court, a three Judge Bench of Hon’ble the Supreme Court, in the report **“Pakalapati Narayana Gajapathi Raju & others Vs. Bonapalli Peda Appadu & another”, (1975) 4 SCC 477**, observed as under:-

“3. Section 439 (1) of the Code of Criminal Procedure provides that in exercise of revisional jurisdiction, the High Court may exercise any of the powers conferred on a court of appeal. This provision is made expressly subject to sub-section (4) of Section 439 under which nothing contained in the section shall be deemed to authorise a High Court to convert a finding of acquittal into one of conviction. Section 439 has been interpreted in several decisions of this Court which have taken the view that the revisional jurisdiction, when invoked by a private complainant against an order of acquittal, ought not to be exercised lightly and that it can be exercised only in exceptional cases where the interests of public justice require interference for the correction of a

manifest illegality or the prevention of a gross miscarriage of justice. (See Satyendra Nath Dutta v. Ram Narain, (1975) 3 SCC 398; Akalu Ahir v. Ramdeo Ram, (1974) 1 SCR 130; Changanti Kotaiah v. Goginoni Venkateshwara Rao, (1973) 3 SCR 867. It is clear from these decisions that the revisional jurisdiction cannot be invoked merely because the lower court has not appreciated the evidence properly. The High Court has in its judgment referred to the decisions of this Court but in applying those decisions it has transgressed the limits of its revisional powers.”

14. In respect of scope of revisional powers of a High Court, a three Judge Bench of Hon’ble the Supreme Court, in the report **“Duli Chand Vs. Delhi Administration”, (1975) 4 SCC 649**, observed as under:-

“4. Now, the jurisdiction of the High Court in a Criminal Revision Application is severally restricted and it cannot embark upon reappreciation of the evidence, but even so, the learned single Judge of the High Court who heard the revision application, examined the evidence afresh at the instance of the appellant. This was, however, of no avail, as the learned single Judge found that the conclusion reached by the lower Courts that the appellant was guilty of gross negligence, was correct and there was no reason to interfere with the conviction of the appellant.

5.The High Court in revision was exercising supervisory jurisdiction of a restricted nature and, therefore, it would have been justified in refusing to re-appreciate the evidence

for the purpose of determining whether the concurrent finding of fact reached by the learned Magistrate and the learned Additional Sessions Judge was correct. But even so, the High Court reviewed the evidence presumably for the purpose of satisfying itself that there was evidence in support of the finding of fact reached by the two subordinate courts and that the finding of fact was not unreasonable or perverse. The High Court came to the conclusion that the evidence clearly established that the death of the deceased was caused on account of the negligent driving of the bus by the appellant.”.

15. In respect of revisional powers of a High Court under Section 439 of Code of Criminal Procedure, 1898 (for brevity “1898 Code”), a three Judge Bench of Hon’ble the Supreme Court, in the report **“K.Chinnaswamy Reddy Vs. State of A.P.” AIR 1962 SC 1788** while referring to its two earlier decisions, observed as under:-

“It is true that it is open to a High Court in revision to set aside an order of acquittal even at the instance of private parties, though the State may not have thought fit to appeal; but this jurisdiction should in our opinion be exercised by the High Court only in exceptional cases, when there is some glaring defect in the procedure or there is a manifest error on a point of law and consequently there has been a flagrant miscarriage of justice. Sub-section (4) of Section 439 forbids a High Court from converting a finding of acquittal into one of conviction and that makes it all the more incumbent on the High Court to see that it does not convert the finding of

acquittal into one of conviction by the indirect method of ordering retrial, when it cannot itself directly convert a finding of acquittal into a finding of conviction. This places limitations on the power of the High Court to set aside a finding of acquittal in revision and it is only in exceptional cases that this power should be exercised. It is not possible to lay down the criteria for determining such exceptional cases which would cover all contingencies. We may however indicate some cases of this kind, which would in our opinion justify the High Court in interfering with a finding of acquittal in revision. These cases may be: where the trial court has no jurisdiction to try the case but has still acquitted the accused, or where the trial court has wrongly shut out evidence which the prosecution wished to produce, or where the appeal court has wrongly held evidence which was admitted by the trial court to be inadmissible, or where material evidence has been overlooked either by the trial court or by the appeal court, or where the acquittal is based on a compounding of the offence, which is invalid under the law. These and other cases of similar nature can properly be held to be cases of exceptional nature, where the High Court can justifiably interfere with an order of acquittal; and in such a case it is obvious that it cannot be said that the High Court was doing indirectly what it could not do directly in view of the provisions of a. 439 (4). We have therefore to see whether the order 'of the High Court setting aside the order of acquittal in this case can be upheld on these principles.'"

16. In respect of revisional powers of a High Court, a three Judge Bench of Hon'ble the Supreme Court, in the report **“Ayodhya Dube & others Vs. Ram Sumer Singh”, 1981 (Supp) SCC 83**, while referring to **K.Chinnaswamy Reddy’s report (supra)**, observed as under:-

“2. In our view the High Court has given adequate reasons for interfering with the acquittal and ordering a retrial of the appellants. We may add that the High Court also expressed the view that the instances mentioned by this Court in Chinnaswamy vs State of Andhra Pradesh AIR. 1962 S.C. 1978 as justifying interference with orders of acquittal in the exercise of revisional powers were illustrative and not exhaustive. We agree with the view expressed by the High Court and we only wish to say that the Criminal Justice System does not admit of 'pigeon-holing.'. Life and the Law do not fall neatly into slots. When a Court starts laying down rules enumerated (1), (2), (3), (4) or (a), (b), (c), (d), it is arranging for itself traps and pitfalls. Categories, classifications and compartments, which statute does not mention, all tend to make law 'less flexible, less sensible and less just.’”

17. In respect of such powers, a two Judge Bench of Hon'ble the Supreme Court, in the report **“Janata Dal Vs. H.S.Chowdhary”, (1992) 4 SCC 305**, observed as under:-

“130. The object of the revisional jurisdiction under Section 401 is to confer power upon superior criminal Courts - a kind of paternal or supervisory jurisdiction - in order to correct miscarriage of justice arising from misconception of law,

irregularity of procedure, neglect of proper precaution or apparent harshness of treatment which has resulted on the one hand, or on the other hand in some undeserved hardship to individuals. The controlling power of the High Court is discretionary and it must be exercised in the interest of justice with regard to all facts and circumstances of each particular case, anxious attention being given to the said facts and circumstances which vary greatly from case to case.

131. xxxx xxxx xxxx

132. The criminal Courts are clothed with inherent power to make such orders as may be necessary for the ends of justice. Such power though unrestricted and undefined should not be capriciously or arbitrarily exercised, but should be exercised in appropriate cases, ex debito justitiae to do real and substantial justice for the administration of which alone the Courts exist. The powers possessed by the High Court under Section 482 of the Code are very wide and the very plenitude of the power requires great caution in its exercise. Courts must be careful to see that its decision in exercise of this power is based on sound principles.”

18. While quoting observations made in **Janata Dal's report (supra)** with approval, a three Judge Bench of Hon'ble the Supreme Court, in the report “**T.N.Dhakkal Vs. James Basnett & another**”, **(2001) 10 SCC 419**, observed as under:-

“9. We are in agreement with the above exposition of law. We are of the opinion that though the High Court has revisional jurisdiction under Section 401 of the Code and can exercise

its discretionary jurisdiction to correct miscarriage of justice, but whether or not, there is justification for the exercise of that discretionary jurisdiction would depend upon the facts and circumstances of each case. The controlling power of the High Court under Section 401 of the Code being discretionary is required to be exercised only in the interest of justice, having regard to all the facts and circumstances of each particular case and not mechanically.”

19. In respect of revisional jurisdiction of a High Court, a two Judge Bench of Hon’ble the Supreme Court, in the report **“State of Kerala Vs. Puttumana Illath Jathavedan Namboodiri”, (1999) 2 SCC 452**, observed as under:-

“Having examined the impugned Judgment of the High Court and bearing in mind the contentions raised by the learned counsel for the parties, we have no hesitation to come to the conclusion that in the case in hand, the High Court has exceeded its revisional jurisdiction. In Its revisional jurisdiction, the High Court can call for and examine the record of any proceedings for the purpose of satisfying itself as to the correctness, legality or propriety of any finding, sentence or order. In other words, the jurisdiction is one of Supervisory Jurisdiction exercised by the High Court for correcting miscarriage of justice. But the said revisional power cannot be equated with the power of an Appellate Court nor can it be treated even as a second Appellate Jurisdiction. Ordinarily, therefore, it would not be appropriate for the High Court to re-appreciate the evidence

and come to its own conclusion on the same when the evidence has already been appreciated by the Magistrate as well as the Sessions Judge in appeal, unless any glaring feature is brought to the notice of the High Court which would otherwise tantamount to gross miscarriage of justice.”

20. Observations made in Duli Chand’s report (supra) and those made in a report “State of Orissa VS. Nakula Sahu”, (1979) 1 SCC 328 as well as Puttumana Illath’s report (supra) were approved by a three Judge Bench of Hon’ble the Supreme Court in the report “Raj Kumar Vs. State of Himachal Pradesh”, (2008) 11 SCC 76.

21. Applying the said observations to the present case, I may state that the accused in it is stated to have committed an offence under Section 16(1)(a)(i) of the 1954 Act. Said section punishes sale etc. of an adulterated article of food within the meaning of provisions mentioned in the said section. In the present case, the petitioner states that the accused was found in possession of “Dal Masoor”, an article of food, which was found adulterated in the reports Ex.PA & Ex.PG. At the same time, the Learned Appellate Court observes in the impugned judgment that in the report Ex.PG issued by the Central Food Laboratory, it has been mentioned that sample sent to it was found to contain “mixture of synthetic non-permitted colour orange II + Ponceau 4 R” whereas, in the report Ex.PA, no such contravention was found. It also observes in the said judgment that the report Ex.PG issued by Central Food Laboratory does not mention as to which standard the sample sent to it for examination was not confirming to. It has further observed that in the present case there is only a difference of colour because against “red colour”, “orange colour” was detected in the sample. A perusal of Rule 28

of the 1955 Rules shows that mixture of “red colour” having common name “Ponceau 4R” is permitted to be used in the articles of food. No other synthetic food colour or a mixture thereof except the ones mentioned in the said Rule is permitted. Even if the report Ex.PG is treated as true, it comes out that the sample in question confirmed to Rule 28 of the said Rules. Further, the report Ex.PG is vague and does not disclose the test conducted on the sample to arrive at the conclusion mentioned in it. In the report **“Sham Sunder Vs. The State of Haryana”, 1997 Criminal Law Times 210**, it was held that “Orange GII” is a permitted coaltar dye under Rule 28 of the said Rule. Said decision was relied upon in a decision dated 26.05.1998 rendered by a Co-ordinate Bench of this Court in the report **“Raj Kumar Vs. State Union Territory, Chandigarh”, 1998) 3 RCR (Criminal) 746.**

22. So far as report Ex.PG is concerned, it does not report any other adulteration in the sample sent to it for examination. However, it simply mentions that the sample does not confirm to the standard of Masoor Dal as per the 1955 Rules as it contained “mixture of synthetic non-permitted colour Orange II + Ponceau 4 R”. At the same time, as observed above, mixture of “Ponceau 4 R” is permitted by Rule 28 of the said Rules to be used in a food article. “Orange G II” colour is also permitted under it as held by a Co-ordinate Bench of this Court. Since the said report does not detect any other adulteration in the sample examined coupled with the fact that the adulteration reported by it has been found to be non-violative of the said Rule, in addition to the fact that the said report superseded the report Ex.PA, there remains nothing to hold that the sample of “Masoor Dal” collected from the accused or his shop was in any manner adulterated in terms of the above-mentioned provision/s.

23. There is one more angle of the matter. In the report Ex.PA, it has been mentioned that no added coaltar dye was detected in the sample when it was tested for colour. It then mentions that the sample contained foreign matter by 2.8% by weight and inorganic extraneous matter 1.8% by weight against the maximum prescribed standard of 2.0% and 1.0% respectively. May be that the said report stood superceded by report Ex.PG. At the same time, the said adulteration/violation was not detected in the report Ex.PG and the adulteration/violation allegedly found in the sample sent to Central Food Laboratory was not detected in the report Ex.PA. In view thereof, it comes out that the said 2 reports are contrary to each other in respect of the alleged adulteration/violations. The same, rather, have reported different adulterations about the sample/s in question. In view thereof, report Ex.PG cannot be relied upon to hold that the accused has committed the offence in question. A view which favours the accused has to be adopted in a criminal case.

24. Above stated reasoning/discussion shows that the impugned judgment has not caused any miscarriage of justice. It has analysed the evidence in detail to acquit the accused. Reappreciation of evidence is not permissible while exercising a revisional jurisdiction. Impugned judgment is not perverse or unreasonable. A revisional jurisdiction cannot be exercised lightly and rather has to be exercised in exceptional cases where the interest of public justice require interference for correction of a manifest illegality or prevention of gross miscarriage of justice. A revisional jurisdiction is supervisory in nature and therefore is restricted jurisdiction. The case in question also does not qualify the ingredients laid down in **K.Chinnaswamy Reddy's report (supra)** quoted with approval

against the impugned judgment. I therefore find no ground to exercise such jurisdiction against it.

25. I may also state that as per Section 401(5) of the 1973 Code, a revision petition can be converted to an appeal if this Court is satisfied that it was made under erroneous belief that no appeal against the impugned judgment lies to this Court and it is necessary to order such conversion in the interest of justice. However, there is no such case put forth by the GFI before this Court. Interest of justice, for what has been stated above, also do not require such conversion. Further, even if the petition in question is treated as an appeal, I may state that principles to be followed while deciding such an appeal have been enumerated by Hon'ble the Supreme Court time and again. In the report **“Chandrappa & others Vs. State of Karnataka”, 2007 (4) SCC 415**, in respect thereof, it was observed as under:-

“From the above decisions, in our considered view, the following general principles regarding powers of appellate Court while dealing with an appeal against an order of acquittal emerge;

(1) An appellate Court has full power to review, reappreciate and reconsider the evidence upon which the order of acquittal is founded;

(2) The [Code of Criminal Procedure](#), 1973 puts no limitation, restriction or condition on exercise of such power and an appellate Court on the evidence before it may reach its own conclusion, both on questions of fact and of law;

(3) Various expressions, such as, 'substantial and compelling reasons', 'good and sufficient grounds', 'very strong circumstances', 'distorted conclusions', 'glaring mistakes', etc. are not intended to curtail extensive powers of an appellate Court in an appeal against acquittal. Such phraseologies are more in the nature of 'flourishes of language' to emphasize the reluctance of an appellate Court to interfere with acquittal than to curtail the power of the Court to review the evidence and to come to its own conclusion.

(4) An appellate Court, however, must bear in mind that in case of acquittal, there is double presumption in favour of the accused. Firstly, the presumption of innocence available to him under the fundamental principle of criminal jurisprudence that every person shall be presumed to be innocent unless he is proved guilty by a competent court of law. Secondly, the accused having secured his acquittal, the presumption of his innocence is further reinforced, reaffirmed and strengthened by the trial court.

(5) If two reasonable conclusions are possible on the basis of the evidence on record, the appellate court should not disturb the finding of acquittal recorded by the trial court.”

26. The said report was quoted with approval by a three Judge Bench of Hon’ble the Supreme Court in the report **“Jeet Ram Vs.**

Narcotics Control Bureau, Chandigarh”, 2021 (14) SCC 592.

27. Through the impugned judgment, the Learned Appellate Court has come to the conclusion that report Ex.PG is highly doubtful and cannot be relied upon to hold that it does not confirm to the standard of colour test. After perusing the said judgment, I am of the considered opinion that the Learned Appellate Court has arrived at a reasonable conclusion in the matter based on evidence on record. The accused in the present appeal has a double presumption of innocence in his favour. The evidence on record does not indict him in the case in question. View taken by the Learned Appellate Court is a reasonable view. Its conclusions are also reasonable. Even if another conclusion is possible on the basis of the evidence on record, finding of acquittal rendered in the present case in favour of the accused cannot be disturbed in an appeal against acquittal.

28. For what has been stated above, I am of the considered opinion that there is no ground either under Section 401 or Section 378(1) of the 1973 Code to interfere in the impugned judgment of acquittal. Arguments of the Learned Addl.A.G., Haryana, therefore, are rejected. In turn, the present revision petition is dismissed. All interim application(s), if any, stand disposed of.

11.03.2026
Sailesh

(RAMESH CHANDER DIMRI)
JUDGE

Whether speaking/reasoned :	Yes√	
Whether Reportable :	Yes√	