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

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Pardeep Kumar

....Petitioner

V/s

Balbir Singh and others

....Respondents

Date of decision: 16.04.2026**Date of Uploading : 18.04.2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. P.K. Sharma, Advocate for the petitioner.

SUMEET GOEL, J. (Oral)

1. The present revision petition has been filed by the petitioner-complainant assailing the judgment of acquittal dated 02.02.2017 passed by the Additional Chief Judicial Magistrate, Panchkula whereby the accused-respondents have been acquitted as well as the judgment dated 15.07.2017 passed by the Additional Sessions Judge, Panchkula, whereby the appeal preferred by the petitioner against acquittal of the respondents has been dismissed.

2. For clarity and simplicity, the revisionist-petitioner, who has lodged the FIR, will be referred to as the 'complainant' while respondents, (the accused in the FIR), will be referred to as the 'accused' throughout this judgment.

3. The case of the prosecution, in brief, is that on 08.10.2013, Kuldeep and Dev Raj (respondent Nos.2 and 3 herein) allegedly came to the land of the petitioner situated in the revenue estate of Village Moginand and



started taking photographs. Upon being objected by the complainant, they allegedly abused the petitioner and left the spot. It has been further alleged that on the same day, the petitioner received telephonic threats from the younger brother of Kuldeep. On the following day i.e. 09.10.2013, at about 10:00 AM, while the petitioner had gone to his agricultural land, the accused persons, namely Balbir, Kuldeep, Jaspal and Dev Raj (respondents herein) along with some other unidentified persons, allegedly arrived at the spot armed with *lathis*, *dandas* and hockey sticks and inflicted injuries upon him. Thereafter, the petitioner become unconscious and later regained consciousness in General Hospital, Sector-6, Panchkula. Although the occurrence is alleged to have taken place on 09.10.2013, however, the statement of the petitioner was recorded on 14.10.2013, on the basis of which FIR No. 268 dated 15.10.2013 was registered under Sections 323, 506 and 120-B IPC at Police Station Chandimandir. After the completion of investigation, challan was presented and the accused (respondents herein) were put to trial. The learned trial Court, upon appreciation of the evidence on record as also the submissions advanced by the rival parties, acquitted the accused persons. Being aggrieved by the said judgment of acquittal, the petitioner had preferred an appeal which too was dismissed by the learned Additional Sessions Judge, Panchkula, thereby affirming the findings recorded by the trial Court.

3.1. The complainant, aggrieved by the findings of both the Courts below, has now invoked the revisional jurisdiction of this Court, seeking re-examination of the findings on the ground that the same are based on mis-appreciation of evidence and procedural irregularities. However, it is well-



settled law that the scope of revision is limited and does not entail a re-appreciation of evidence unless there is a manifest illegality or a serious miscarriage of justice.

4. Learned counsel for the petitioner has iterated that both the Courts below have failed to properly appreciate the evidence on record and have wrongly discarded the testimonies of the prosecution witnesses. Learned counsel has further iterated that the delay in lodging the FIR has been sufficiently explained on account of police inaction and the mental condition of the petitioner. It has been further contended that the prosecution evidence was consistent and sufficient to bring home the guilt of the accused and the minor discrepancies, if any, ought not to have been made the basis for the acquittal. It has been further contended that the judgments of acquittal passed by both the Courts below are *prima facie* perverse and contrary to the established principles of law, as it disregards the facts, circumstances and evidence that clearly substantiate the case of the prosecution. On the strength of these submissions, it has been prayed that the instant revision petition be allowed.

5. Since this Court has proceeded to adjudicate upon the petition in hand, at *limine* stage as also the nature of order being passed, this Court does not deem it appropriate to issue notice to respondents or to seek reply from the said respondents as no further proceedings and/or pleadings are required.

6. I have heard the learned counsel for the petitioner and have gone through the record with his assistance.



7. At the outset, it is pertinent to mention herein that the revisional jurisdiction is distinct from appellate jurisdiction, as it does not involve re-evaluating the evidence or re-appreciating the findings of fact. The revisional Court primarily examines whether the lower Court's order suffers from legal infirmities, procedural irregularities, or lack of propriety. Revisional powers aim to correct substantial errors or prevent miscarriage of justice, not to act as a substitute for an appeal. Hence, the scope is limited and discretionary. It is pertinent to mention herein that while adjudicating an appeal against an order of acquittal, the appellate Court operates within the circumscribed framework. The appellate Court is precluded from engaging in a wholesale re-appreciation or reassessment of evidence unless the conclusions drawn by the trial Court are patently perverse, unreasonable or unsupported by the record. The principles governing the scope of interference by the High Court in an appeal against the judgment of acquittal, have been laid down by the Hon'ble Supreme Court in the judgment passed in the case titled as ***Babu Sahebagouda Rudragoudar and others versus State of Karnataka, 2024 INSC 320=2024(2) Law Herald (SC) 928*** held as under:

“39. Thus, it is beyond the pale of doubt that the scope of interference by an Appellate Court for reversing the judgment of acquittal recorded by the trial Court in favour of the accused has to be exercised within the four corners of the following principles:-

- (a) That the judgment of acquittal suffers from patent perversity;*
- (b) That the same is based on a misreading/omission to consider material evidence on record;*
- (c) That no two reasonable views are possible and only the view consistent with the guilt of the accused is possible from the evidence available on record.”*



The underlying principles, as discussed above, are broadly to be followed in a revision against an order of acquittal also. Thus, the present revision petition must be examined in context and after drawing guidance from the aforementioned principles.

8. In the present case, it is an admitted position that the alleged occurrence took place on 09.10.2013, whereas the statement of the petitioner was recorded on 14.10.2013 and the FIR was registered on 15.10.2013. The explanation furnished by the petitioner that he was not in a fit mental condition to make the statement stands contradicted by the medical evidence on record which clearly indicates that he was declared fit to make a statement on 09.10.2013 itself. The delay, therefore, remains unexplained and creates a serious doubt regarding the veracity of the prosecution version.

9. Furthermore, both the Courts below have rightly noticed the material contradictions in the testimonies of the prosecution witnesses. The alleged eye witnesses have not supported the prosecution case in its entirety and have failed to identify the accused persons in Court. There are also inconsistencies with regard to the manner in which the injured was taken from the place of occurrence to the hospital, as well as improvements made in the statements during trial which do not find mention in the initial version. These contradictions are not minor in nature but go to the root of the case and affect the credibility of the prosecution story.

10. It is a well established principle in criminal jurisprudence that the burden of proof rests squarely upon the prosecution, which must establish the guilt of the accused beyond reasonable doubt. Any failure to



meet this standard, particularly when key evidence is either missing or questionable, entitled the accused to the benefit of doubt. It has been consistently held that suspicion, however grave, cannot substitute for proof and where there exists any reasonable doubt, the benefit of such doubt must be given to the accused person and he must be acquitted in accordance with law. In light of the above discussed discrepancies and inconsistencies, it can safely be inferred that the case put forth by the prosecution is false and there is no evidence of record to substantiate the same. Where the prosecution itself has failed to substantiate its case beyond reasonable doubt, as has happened in the case in hand, the defence, if any, raised/pleaded by the accused recedes into the background and rather becomes immaterial. The eagerness of the complainant to involve the respondents (herein) through vague and general accusations suggests an attempt to implicate them, regardless of their actual involvement, in an effort to harass them.

11. In the facts and circumstances of the entire case coupled with the fact that the allegations are vague and general in nature, both the Courts below have rightly arrived at the conclusion that the story put forth by the prosecution was false and the allegations raised lack substance. The facts of the case clearly narrate that the complainant has intentionally tried to conceal the real genesis of the case. However, both the Courts below, have meticulously and judiciously examined the matter, appreciating the facts and evidence in their proper context. Both the Courts below have rightly discerned the attempt of the prosecution to distort the narrative and have delivered the findings based on through evaluation of the material on record.

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12. The Courts below have also taken into consideration that the call detail records placed on record do not substantiate the allegations regarding telephonic threats. Additionally, the admitted existence of a dispute between the parties regarding the land in question lends support to the possibility of false implication, which cannot be lightly brushed aside. Both i.e. the trial Court as well as the appellate Court have meticulously examined the oral and documentary evidence on record and have recorded concurrent findings of fact. The said findings are well reasoned and based on proper appreciation of evidence. No material illegality, perversity or misreading of evidence has been pointed out so as to warrant interference by this Court in exercise of its revisional jurisdiction.

13. In view of the prevenient ratiocination, this Court is of the considered opinion that the petitioner-complainant has failed to prove its case beyond reasonable doubt and the judgments of acquittal passed by the Courts below do not call for any interference. Accordingly, the present revision petition is dismissed and the judgments dated 02.02.2017 and 15.07.2017 passed by the Courts below are affirmed.

14. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

April 16, 2026

Ajay

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No