



CRR-12194-2018

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

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**CRR-12194-2018
Decided on: 30.03.2026**

Sunita

.....Petitioner

Versus

Balwant and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Ms. Mehak Sahney, Advocate for the petitioner.

Mr. Amish Sharma, Asst. A.G., Haryana

SANJAY VASHISTH, J.

1. Present revision petition has been filed against the judgment dated 23.08.2018, passed by learned Additional Session Judge, Gurugram, whereby appeal filed by appellant-complainant against the judgment of acquittal dated 07.09.2015 passed by learned Judicial Magistrate First Class, Gurugram has been dismissed.

2. **Brief facts of the case** are that petitioner-complainant alleged that she was married to respondent No.1 and was subjected to harassment and beatings by her husband and his family members. On 23.03.2012, she alleged that the respondents caused injuries to her and expelled her from the matrimonial home and also extended threats. On the basis of a rapat roznamcha, FIR No.91 dated 24.03.2012 under Sections 323, 506, 341 IPC was registered at Police Station Gurugram and after investigation, challan was presented against the accused for offences under Sections 323, 506 read with Section 34 IPC.



To prove its case, the prosecution examined six witnesses including the complainant and the doctor. However, the learned trial Court, after appreciating the evidence, acquitted the accused holding that there were material contradictions in the prosecution case, lack of corroboration from medical evidence, absence of statements under Section 161 Cr.P.C., and doubtful presence of the alleged independent witness.

3. Aggrieved by the judgment of acquittal, petitioner preferred an appeal which was dismissed by the learned Appellate Court vide order dated 23.08.2018, affirming the findings of the trial Court.

4. Learned counsel for the petitioner has contended that the Courts below have misread the evidence and have wrongly discarded the testimony of the complainant, which was otherwise trustworthy and sufficient to convict the accused.

5. I have heard learned counsel for the petitioner and perused the record.

6. At the outset, it is to be noticed that the scope of interference in revisional jurisdiction is very limited. This Court does not sit as a Court of appeal and cannot re-appreciate the evidence unless the findings recorded by the Courts below suffer from patent illegality, perversity or miscarriage of justice.

In the present case, both the Courts below have concurrently held that the prosecution has failed to prove its case beyond reasonable doubt. The findings are based on material discrepancies between the initial version and the deposition of the complainant, non-recording of statements under Section 161 Cr.P.C., contradictions regarding



preparation of site plan, doubtful presence of the alleged independent witness, and lack of medical corroboration as no visible injuries were found.

The appreciation of evidence by the Courts below cannot be said to be perverse or illegal. No material evidence has been pointed out which would justify interference by this Court in exercise of its revisional jurisdiction.

It is a settled principle of law that where two views are possible, the one favouring the accused must be adopted, particularly when there is concurrent acquittal by two Courts.

In view of the above, no ground is made out to interfere with the impugned judgments. **Accordingly, present revision petition is dismissed.**

(SANJAY VASHISTH)
JUDGE

March 30, 2026
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Whether Speaking/Reasoned: YES/~~NO~~
Whether Reportable: YES/NO