



CRM-A-1460-2019 (O&amp;M)

-1-

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

216**CRM-A-1460-2019 (O&M)****Date of decision : 22.08.2025**

Bharti Dhawan

... Appellant

VERSUS

State of Haryana and another

... Respondents

**CORAM: HON'BLE MS. JUSTICE KIRTI SINGH**

Present: Mr. Pankaj Mehta, Advocate appellant.

Mr. Brijesh Sharma, AAG, Haryana.

\*\*\*\*\*

**KIRTI SINGH, J. (Oral)**

1. The instant application under Section 378(4) of Cr.P.C. has been filed for grant of leave to appeal for challenging the impugned judgment dated 20.05.2019, passed by the learned Addl. Sessions Judge-cum-Special Court for Heinous Crime against Women, Hisar, whereby respondent No.2 was acquitted in FIR No.59 dated 14.11.2018 under Section 506 IPC, while being convicted under Sections 354(A), 354(D) of IPC and Section 12 of POCSO Act.

2. Brief factual matrix of the case at hand is that FIR was lodged on the statement made by the prosecutrix, that on 13.11.2018, at about 06:30 p.m., she along with her mother went to the market, where the accused Kamal @ Fauji (respondent No.2 herein) came and started misbehaving with them. He also abused them using bad language. When her mother tried to catch him, he fled away from there while threatening the victim that today she escaped, but he would not spare her in future. It was further stated that respondent No.2 also used to chase her on her way to school and also asked her for friendship, despite her refusal. She also narrated about all the acts of



the accused to her parents, who in turn went to the house of the accused to make him understand, but in vain. Subsequently, investigation in the case was carried out, and the trial commenced. After taking into consideration the entire material on record, learned trial Court though convicted the accused under Sections 354(A), 354(D) of IPC and Section 12 of POCSO Act, but acquitted him under Section 506 IPC. Aggrieved by the acquittal, under the said provision, the appellant has preferred the instant appeal.

3. Learned counsel for the appellant submits that despite specific allegations, the trial Court has committed a grave error in reaching the conclusion that mere empty threats do not *prima facie* mean that the case under Section 506 IPC is made out and thus, the acquittal of respondent No.2 under the said charge needs to be set aside.

4. Learned State counsel submits that in the FIR dated 14.11.2018, respondent No.2 was convicted by the learned trial Court under Sections 354-A and 354-D IPC as well as Section 12 of POCSO Act to undergo rigorous imprisonment for a period of three years, along with fine of Rs.2,000/-. However, the learned trial Court in its wisdom proceeded to acquit respondent No.2 under Section 506 IPC, citing lack of evidence.

5. Heard the contentions advanced by the learned counsels and perused the judicial file.

6. Reverting to the case at hand, it was observed by the learned trial Court that it was averred by the prosecution, that there was utterance of certain words by respondent No.2 while running away from the spot. However, the prosecution had failed to prove the charge beyond the shadow of reasonable doubt.



7. Following the observations made by its Constitutional Bench in **M.G. Agarwal v. State of Maharashtra (1963) 2 SCR 405**, the Supreme Court in **Ghurey Lal v. State of UP (2008) 10 SCC 450** elaborated as to when an order of acquittal by the trial Court can be disturbed, by holding thus:

*"69. The following principles emerge from cases*

*1. The Appellate Court may review the evidence in appeals against acquittal under sections 378 and 386 of the Criminal Procedure Code, 1973. Its power of reviewing evidence is wide and the appellate court can re-appreciate the entire evidence on record. It can review the trial court's conclusion with respect to both facts and law.*

*2. The accused is presumed innocent until proven guilty. The accused possessed this presumption when he was before the trial court. The trial court's acquittal bolsters the presumption that he is innocent.*

*3. Due or proper weight and consideration must be given to the trial court's decision. This is especially true when a witness' credibility is at issue. It is not enough for the High Court to take a different view of the evidence. There must also be substantial and compelling reasons for holding that the trial court was wrong.*

*70. In light of the above, the High Court and other appellate courts should follow the well-settled principles crystallized by number of judgments if it is going to overrule or otherwise disturb the trial court's acquittal:*

*1. The appellate court may only overrule or otherwise disturb the trial court's acquittal if it has "very substantial and compelling reasons" for doing so.*

*A number of instances arise in which the appellate court would have "very substantial and compelling reasons" to discard the trial court's decision. "Very substantial and compelling reasons" exist when:*

*i. The trial court's conclusion with regard to the facts is palpably wrong;*

*ii. The trial court's decision was based on an erroneous view of law;*



*iii. The trial court's judgment is likely to result in "grave miscarriage of justice";*

*iv. The entire approach of the trial court in dealing with the evidence was patently illegal;*

*v. The trial court's judgment was manifestly unjust and unreasonable;*

*vi. The trial court has ignored the evidence or misread the material evidence or has ignored material documents like dying declarations/report of the ballistic expert, etc.*

*vii. This list is intended to be illustrative, not exhaustive.*

*2. The Appellate Court must always give proper weight and consideration to the findings of the trial court.*

*3. If two reasonable views can be reached - one that leads to acquittal, the other to conviction-the High Courts/ Appellate Courts must rule in favour of the accused.”*

8. In light of the aforesaid discussion, this Court is of the considered opinion that in the case at hand, there is no infirmity or irregularity in the impugned order whereby learned Trial Court has acquitted respondent No.2 under Section 506 of IPC. The same being speaking, well reasoned and based upon correct appreciation of facts, applicable law & judicial precedents, needs no interference. As a corollary, the leave to appeal is declined.

Pending miscellaneous application(s), if any, also stands disposed of.

**(KIRTI SINGH)**  
**JUDGE**

**22.08.2025**

Ithlesh

Whether speaking / reasoned

Yes/No

Whether Reportable

Yes/No