

**CRA-S-426-SB-2015****1****261 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH****CRA-S-426-SB-2015
Date of Decision: 21.04.2025****Rajpal**

...Appellant

Versus

Rattan Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: - Mr. Saurabh Bajaj, Advocate
for the appellant.

Mr. Ramesh Kumar Ambavata, AAG Haryana.

Harpreet Singh Brar, J. (Oral)

1. The present appeal has been filed against the impugned judgment dated 21.08.2014 passed by learned Additional Sessions Judge, Karnal, whereby respondents-accused has been acquitted in the case stemming from FIR No.325 dated 22.08.2012 registered under Sections 427, 506 of the Indian Penal Code, 1860 (hereinafter 'IPC') and 139 of Electricity Act, 2003 at Police Station Gharaunda, District Karnal.

2. Succinctly, the facts, as alleged, are that on 17.08.2012, electricity supply in village Choura was disconnected from a 100 KVA transformer installed near a wood-cutting machine. When appellant attempted to restore the supply, the respondent-accused obstructed them and damaged the transformer lines and associated equipment, resulting in continued disruption of electricity supply. On the basis of a report submitted by Junior Engineer confirming damage to the LT cable and fuse system, the Sub-Divisional Officer lodged a complaint estimating



the loss at Rs. 1,50,000/-. Consequently, on the basis of the application moved by the SDO, FIR(*supra*) was registered against the respondents-accused.

3. The prosecution examined nine witnesses to prove their case. The statements of respondents-accused under Section 313 Code Of Criminal Procedure, 1973 were recorded, wherein they pleaded not guilty and examined two witnesses in their defence. On the basis of material available on record, the learned trial Court acquitted the respondents-accused vide judgment dated 21.08.2014.

4. Having heard the learned counsel for the parties and after perusing the record of the case with their able assistance, it transpires that the appellant's case rests solely on the testimony given by himself as PW-2. From the evidence led by the prosecution, it emerges that on 16.08.2012, the respondents-accused damaged the electricity line and transformer, for which an application (Ex.P1) was submitted to the SDO. Although Ex.P1 was also signed by Suresh (PW8) and Prem (PW9), both witnesses admitted that they had neither witnessed the incident nor were aware of the contents of Ex.P1. Their statements, when compared with that of the appellant, establish that Suresh and Prem were not present at the scene. The appellant further stated that he was accompanied by Maldara at the time of the incident, however, Maldara could not be examined as he had passed away. Thus, there is no other evidence to corroborate appellant's version of events.

5. Further, on scrutiny, it appears that the respondents-accused were also drawing electricity from the same transformer. In such a situation, the prosecution was required to explain why the respondents-accused would damage a transformer supplying electricity to them, which it failed to do. Although the appellant claimed that the respondents-accused had begun using electricity from



another line, no evidence supports this assertion. Neither PW3 Faquir Chand nor PW4 Nand Kishore confirmed any alternate connection. Therefore, it stands established that the respondents-accused were drawing electricity from the same transformer, leaving the motive for damaging it unexplained.

6. Furthermore, contradictions arise between the statements of petitioner and those of Suresh (PW8) and Prem (PW9). The appellant alleged that the accused obstructed him from reconnecting the electricity, whereas Suresh(PW8) and Prem(PW9) stated that the obstruction was caused to the officials of the Electricity Department. These material contradictions further weaken the appellant's case.

7. The power of the Appellate Court to unsettle the order of acquittal on the basis of re-appreciation of the evidence is subject to the settled law that where two views are possible and out of the two, one points towards the innocence of the accused, the view which favours the accused should prevail over the other pointing towards his guilt. (See: *H.D. Sundara and others Vs. State of Karnataka, Criminal Appeal No.247 of 2011 decided on 26.09.2023*; *Kali Ram v. State of H.P., 1973 (2) SCC 808* and *Chandrappa and others v. State of Karnataka, (2007) 4 SCC 415*). A Division bench of this Court in the judgment passed in *State of Haryana Vs. Ankit and others* passed CRM-A No.3 of 2022 decided on 06.07.2023 has held that presumption of innocence further gets entrenched on the acquittal of accused by the trial Court.

8. In view of the facts and circumstances of the case, this Court finds that learned counsel for the applicant has failed to point out any perversity or illegality in findings recorded by the learned trial Court which warrants

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interference by this Court. As such, there is no merit in the present application and hence, leave to appeal is denied.

21.04.2025
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>