



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

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**CRM-A-391-2023 (O&M)**

**Date of decision: September 02, 2025**

STATE OF HARYANA

...Appellant

Versus

RAVI

...Respondent

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL  
HON'BLE MRS. JUSTICE RAMESH KUMARI**

Present: Mr. Yuvraj Shandilya, AAG, Haryana.

None for the respondent.

**MANJARI NEHRU KAUL, J.**

1. The present appeal preferred by the State of Haryana is directed against the judgment of acquittal dated 12.07.2022 passed by the learned Additional Sessions Judge, Fast Track Court, Special Court (POCSO) Karnal, in case FIR No.124 dated 26.03.2019 under Sections 376(2)(f), 376(3), 506, 376DA of the Indian Penal Code, 1860 and Section 6 of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station Indri, District Karnal, whereby the accused-respondent i.e. Ravi was acquitted of the charges framed against him.

2. The State of Haryana has assailed the acquittal primarily on the ground that the learned trial Court failed to appreciate the medical and forensic evidence, and the testimony of several link witnesses, while giving undue weightage to the hostility of the victim and her parents.



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3. Before proceeding further, it would be relevant to summarize the case of the prosecution in brief. On 26.03.2019, the complainant 'SU' lodged a report alleging that at around 2:30-3:00 p.m., while she was outside her house, one women named Patanga began abusing her brother-in-law Ravi (accused). Shortly thereafter, Ravi followed Patanga. 'SU' went inside to place her utensils in the kitchen. On return, she heard her 11-year old daughter ('S') crying from inside a bolted room. On opening the door, she found her daughter inside. The child disclosed that Ravi had locked her in the room, removed both her clothes and his own, and attempted to commit sexual assault. She further alleged that Ravi had subjected her to similar acts earlier, threatening to kill her, if she revealed the same.

4. On this complaint, FIR No.124 dated 26.03.2019 under Sections 376(2)(f), 376(3), 506, 376DA IPC and Section 6 of the POCSO Act was registered. The victim was medically examined. Her statement was recorded under Section 164 Cr.P.C. (Ex.P9), and various exhibits including her clothes were seized and sent to FSL, Madhuban. The accused was arrested the following day. After investigation, a chargesheet was filed for the aforesaid offences.

5. After being charged, the prosecution examined 15 witnesses including the victim, her parents, doctors, investigating officers and scientific expert. Despite the array of evidence, the victim (PW9), her



mother (PW8) and her father (PW11) all turned hostile and failed to support the case of the prosecution. They categorically denied the allegations and disowned the submissions attributed to them. In the absence of support from these material witnesses, the learned trial Court held that the prosecution case could not stand on the strength of medical and forensic evidence alone, and consequently, acquitted the accused.

6. Learned State counsel has challenged the acquittal contending *inter alia* as follows:-

(i) That the learned trial Court failed to appreciate the medical testimony of PW1 Dr. Mala, the statement of PW10 Ramesh Chander, CJM, and the forensic evidence proved by PW6 Chitrekha and PW15 Siddharth Kaushik.

(ii) That the FSL report (Ex.PX) conclusively established the presence of semen stains on the 'lower' allegedly worn by the victim, matching the DNA profile of the accused.

(iii) That the link witnesses including police officials and *malkhana* officials duly corroborated the safe custody and discharge of the exhibits.

(iv) That the hostility of the victim and her parents was a result of pressure from the accused, and therefore, the corroborative scientific evidence ought to have been relied upon.

7. We have heard learned State counsel and carefully perused the record including the impugned judgment.



8. At the very outset, it requires emphasis that in criminal jurisprudence, the foundation of conviction rests upon credible and trustworthy evidence. Scientific and medical evidence, though valuable, cannot supplant the substantive testimony of the victim, particularly in offences of sexual assault, where the version of the victim constitutes the core of the prosecution case.

9. In the instant case, the victim herself, when examined in Court, not only failed to support the case of the prosecution but also categorically denied the allegations against the accused. She further repudiated her earlier statements recorded under Section 164 Cr.P.C. (Ex.P9), attributing it to police pressure. Her mother (PW8) and father (PW11) also resiled from the prosecution version and were declared hostile. Once the victim and her immediate guardians, who were the prime witnesses, did not support the case, the very substratum of the prosecution collapsed.

10. It is true that FSL Report (Ex.PX) detected semen on the lower allegedly seized from the victim, and that the DNA profile matched with the accused. However, a crucial gap exists. During trial, both the victim and her mother denied that the garment in question belonged to her. In the absence of acknowledgement or identification of the clothing by the victim or her guardians, the evidentiary value of the forensic result stands severely diluted. The prosecution failed to bridge this fundamental gap.



11. Further, no positive result was concededly obtained from the vaginal swabs, which could have independently corroborated the allegation of penetration against the accused. Thus, the so-called clinching scientific evidence, when divorced from ownership and identification of the garment, loses its probative worth.

12. The contention of the learned State counsel that the witnesses turned hostile due to pressure is speculative and unsupported by evidence. Courts cannot convict on conjectures or suspicions, however strong. The principle of criminal law remains that suspicion, however grave, cannot take the place of proof.

13. The other link witnesses namely police officials and *malkhana* custodians could, at best, establish procedural compliance regarding seizure and custody of exhibits. Their testimony cannot substitute for the substantive failure of the star witnesses.

14. In view of the above, we are of the considered view that the learned trial Court committed no illegality in acquitting the accused. On the contrary, its approach of declining to convict in the face of complete hostility of material witnesses and the absence of reliable corroboration is in consonance with the settled principles of criminal law. To interfere with an acquittal, the learned Appellate Court must find perversity or manifest



illegality in the appreciation of evidence, which is conspicuously absent here.

15. Accordingly, the appeal filed by the State is devoid of merit, and is dismissed. The judgment of acquittal dated 12.07.2022 passed by the learned Additional Sessions Judge, Fast Track Court, Special Court (POCSO) Karnal, is hereby upheld.

**(MANJARI NEHRU KAUL)**  
**JUDGE**

**September 02, 2025**

*Jaspreet Kaur*

**(RAMESH KUMARI)**  
**JUDGE**

*Whether speaking/reasoned* : *Yes/No*

*Whether reportable* : *Yes/No*