



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

251

CRR-1658-2017 (O&M)
Date of decision: 19.05.2025

Kala Devi

....Petitioner

Versus

Basti Ram and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Jatin Sehra, Advocate
for Mr. Gurinder Pal Singh, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

HARPREET SINGH BRAR J. (Oral)

1. This revision petition has been preferred for setting-aside the judgment dated 24.03.2015 passed by the learned Judicial Magistrate Ist Class, Rewari, vide which respondents No.1 to 4 have been acquitted in FIR No.240 dated 19.10.2010 registered under Sections 323, 325, 452, 34 IPC at Police Station Bawal. Further prayer has been made for setting-aside the judgment dated 22.11.2016, passed by learned Sessions Judge, Rewari, vide which the appeal preferred by respondent – State of Haryana, against the aforesaid judgment of acquittal, has been dismissed.

2. Briefly stated, the facts of the case of prosecution are that on 12.10.2010, ASI Sewa Ram, while on patrol duty near the railway crossing at Bawal, received medico-legal information from CHC, Bawal regarding Kala Devi. Upon visiting the hospital, he recorded her

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statement, in which she alleged that on 10.10.2010, while at home with her daughter-in-law Babli, several persons including Babli's maternal uncle Ramanand, Laxman, her sisters Sarita and Manisha, Basti Ram, and others, entered her house, locked the gate, and physically assaulted her. One assailant allegedly tried to force a tablet into her mouth, which she spat out and others continued the assault. The petitioner/complainant Kala Devi claimed that Babli instigated the attack, and when her husband arrived, he too was beaten up. The accused also extended threats. Kala Devi was, thereafter, taken to the hospital and subsequently the FIR (supra) was registered against the private respondents.

3. Having heard the learned counsel for the parties and after perusing the record of the case with their able assistance, it transpires that the main reason for the acquittal of the accused persons is the prosecution's failure to prove its case beyond a reasonable doubt. The complainant, who was the star witness, frequently changed her version of events and made several allegations, such as forced administration of a poisonous tablet and theft of valuables, that were not only absent from her earlier statements but also found no support in the medical or investigative record. The medical evidence did not reveal any symptoms consistent with poisoning, nor was any poisonous substance recovered during the course of investigation. While the complainant alleged multiple serious injuries, the medico-legal report recorded only minor injuries, with the exception of two rib fractures, which the examining



doctor opined could also result from a fall or self-infliction. Furthermore, the key supporting witnesses i.e. her husband, Satender, and brother-in-law, Dharambir, gave statements that contradicted with each other and they were both related to complainant, which raises concern about their impartiality. The prosecution has also failed to examine any independent witnesses, even though it was claimed that several villagers were present at the spot. These factors created serious doubts about the prosecution's case, and in view of the settled legal principle that benefit of doubt must go to the accused, the learned Courts below have rightly acquitted respondents No.1 to 4.

4. 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. Furthermore, the learned Court below has the additional advantage of closely observing the prosecution witnesses and their demeanour, while deciding about the reliability of the version of prosecution witnesses. (*See H.D. Sundara and others vs. State of Karnataka, Criminal Appeal No.247 of 2011 decided on 26.09.2023; Kali Ram vs. State of H.P., 1973 (2) SCC 808 and Chandrappa and others vs. State of Karnataka, (2007) 4 SCC 415*). A Division bench of this Court in the judgment of *State of Haryana vs. Ankit and others* passed in *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 Court below.

5. In view of the facts and circumstances of the case, this Court finds that learned counsel appearing for the petitioner has failed to point out any perversity or illegality in findings recorded by the learned Courts below which warrants interference by this Court. As such, there is no merit in the present revision petition and hence, the same is hereby dismissed.

6. Pending miscellaneous application(s), if any, shall also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

19.05.2025

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No