

**CRM-A-376-MA-2017 (O&M)****1****IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.****CRM-A-376-MA-2017 (O&M)****Reserved On : March 04, 2025****Decided On : March 18, 2025**

Mangtu Ram Applicant

vs.

State of Haryana and others Respondents

CORAM : HON'BLE MR. JUSTICE SUDHIR SINGH.**HON'BLE MRS. JUSTICE SUKHVINDER KAUR.**

* * *

Present : Mr. Yogesh Goel, Advocate
for the applicant (through VC).

Mr. Hitesh Pandit, Addl. A. G. Haryana.

Mr. Deepender Singh, Advocate
for respondents no.2 and 3.

* * *

SUKHVINDER KAUR, J. :

1. Applicant Mangtu Ram has preferred the instant application under Section 378(3) of the Code of Criminal Procedure seeking Special Leave to Appeal against judgment dated 01.12.2016, passed by learned Additional Sessions Judge, Gurgaon, vide which respondents no.2 and 3 have been acquitted of the charges framed under Section 302 read with Section 34 IPC.

2. The factual scenario, as projected by prosecution, is that on 24.06.2014, one telephonic call was received from Control room at Police Station, Pataudi that one person in injured condition was lying along with the road near Shri Ram Public School, Uncha Majra. Upon this information,

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Inspector/SHO Ranbir Singh along with SI Rasik Lal and Constable Sandeep reached at the spot in Government vehicle. ASI Mukhtiar Singh and Constable Surender were also present at the spot. Mangtu Ram son of Ramji Lal met them and presented a written complaint to the effect that his son Parveen, aged 23 years, was doing service at 3T Company, Baghanki as a Driver. On 23.06.2014, at about 06:00 AM, his son Parveen had gone to his company on his motorcycle. As his son got late while coming back from his duty, so he contacted his son at about 07:45 PM on his mobile no. 90503-01891. His son told him that he was at his work place and would reach the house within 20 minutes. They kept on waiting for his son the entire night but he did not return. On the next day, at about 07:00 AM, Gania @ Pawan Kumar son of Sultan, came to his house and told that his son Parveen was lying in the fields of Satbir son of Mohan Lal and was breathing heavily and to take care of him. He parked the motorcycle of Parveen in his house. The complainant, along with Sarpanch Om Parkash, Numberdar Daulat and Dev Karan reached at the spot, as told by Gania @ Pawan and found that Parveen was lying in injured condition and was breathing heavily. They took him to Chauhan Hospital, Pataudi where he was declared 'brought dead'. They again took back dead body of Parveen to the fields of Satbir and informed the police. It was alleged that the complainant had suspicion that accused Pawan along with his friends firstly made Parveen to consume beer and thereafter caused injuries to him and then, drowned him in water. On the basis of these allegations, case under Section 302 read with Section 34 IPC was registered. Thereafter, investigation was conducted by Inspector/SHO. Rough site plan of place of

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occurrence was prepared. Wooden pieces, chappal, beer bottles were taken into police possession vide separate recovery memo. Statement of witnesses under Section 161 Cr.P.C. were recorded. Accused were arrested and after completion of investigation, the final report u/s 173 Cr.P.C was presented in the Court.

3. On finding a prima facie case punishable under section 302 IPC read with Section 34 IPC against both the accused, they were charge-sheeted accordingly, to which they did not plead guilty rather claimed trial.

4. As many as 16 witnesses were examined by the prosecution to prove its case. Statements of accused under Section 313 Cr.P.C. were recorded while putting incriminating evidence against them, to which they denied and pleaded innocence. In the defence evidence, the accused examined Constable Ram Avtar as DW-1.

5. After considering the evidence on record, learned Trial Court found the same to be woefully insufficient to convict the accused, who were accordingly acquitted of the offences, for which they had been charge-sheeted, vide impugned judgment dated 01.12.2016.

6. Aggrieved of the said decision, present application along with appeal has been filed by the applicant/appellant, challenging acquittal of accused – respondents no.2 and 3.

7. Learned counsel for the applicant/complainant has vehemently contended that the findings of learned Trial Court are based on conjectures and surmises and it does not form part of the prosecution case or that of the defence that the deceased or accused were seen purchasing beer bottles or consuming the same, which contained alcohol. The finding given by the

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learned Trial Court is factually incorrect and false and is not borne out from any evidence on record. PW-5 Daya Nand stated that he saw the deceased in the company of accused near the liquor vend, while he was passing on the road in front of liquor vend, but this witness or any other witness had never stated that they saw the deceased or accused purchasing liquor or consuming the same. Evidence of PW-5 was the last seen evidence and was not regarding purchasing or consuming of beer/alcohol. As alcohol was found present in the blood of deceased, so, there was no need to procure further evidence regarding purchase of beer or consumption of liquor by the deceased. He further argued that the Trial Court has completely rejected the statement of PW-5 on the ground that the timings given by him did not match with the timings given by the other prosecution witnesses. The said witness was cross-examined on two different dates. On the first date, when he was cross-examined, he was specifically asked by the counsel as to whether he had consumed liquor, to which he replied that he had consumed liquor during the previous evening and only due to this, minor discrepancies have crept into the evidence of this witness. On the next day of his cross-examination, he had given the correct timings and provided correct details. He urged that even these minor discrepancies do not demolish the case of the prosecution as the facts in issue and the related crucial facts stand established beyond any reasonable doubt. PW-5 clearly stated that he had seen the deceased in the company of accused persons when he was travelling in his car. The non-examination of co-passenger of PW-5 does not create any doubt about his deposition. He contended that delay in informing the police is not such a long time so as to refute the entire case of the

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prosecution. PW-2 asserted before the Court that he had forwarded this application and it was recorded on the narration given by him and thereafter, was signed by him. As such, no doubt remains about said application and the contents and signatures stood completely proved by deposition of PW-2. He also submitted that this finding of learned Trial Court is also incorrect that the medical evidence does not corroborate statement of private witnesses. The injuries on the person of the deceased stand fully proved from the post-mortem report. Such like injuries could not be caused due to any accident and could be caused only through deliberate efforts made by some human agency. Only if the doctor had stated that possibility of accident could not be ruled out, would not lead to the conclusion that the injuries were caused by accident only. Wooden logs used to cause these injuries were found in pieces showing the intensity of beatings given. He further contended that the entire evidence on record has been completely ignored and interpreted in most perverse manner while coming to the impugned findings and has prayed that the present application seeking special leave to appeal along with appeal be accepted and accused be held guilty for offences, for which they have been charge-sheeted and be punished according to law.

8. In order to prove its case, prosecution had examined PW-1 Constable Manoj Kumar, who deposed regarding delivering of reports of this case to Illaqa Magistrate and other higher police officers without any delay on his part.

PW-2 Mangtu Ram is the complainant in this case and is father of deceased Parveen. He deposed as per averments given in his application

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Ex.P-A. He stated that his son Parveen was aged about 23 years and was working as a driver in 3T Company, Baghanki. On 23.06.2014, at about 06:00 AM, he went for his duty on his motorcycle. At about 07:45 PM, he called him on his mobile to inquire as to when he would return, to which he replied that he would be coming back within 15-20 minutes. They waited for him for the whole night but he did not return. On 24.06.2014, at about 07:00 AM, Gania @ Pawan Kumar came to his house with the motorcycle of his son and parked the same in his house and told him that his son Parveen was lying in the fields of Satbir son of Mohan Lal and was breathing heavily. Thereafter, the complainant along with Daulat Ram-Numberdar, Om Parkash-Sarpanch and Dev Karan reached at the spot and found Parveen lying there in injured condition and also noticed that blue jeans along with belt, pair of slippers of Parveen, wooden pieces and empty bottles of beer were also lying at the spot. Parveen was breathing slowly. They took him to Chauhan Hospital, Pataudi where doctor declared that Parveen had already died. They took the dead body back to the fields of Satbir and placed it at the same spot. He was convinced that his son Parveen was murdered by accused Pawan along with his associates by beating him with dandas after making him consume beer. He moved application Ex.PA to the police, which bears his signatures at point 'A'.

PW-3 ASI Mukhtiar Singh is the Investigating Officer in this case and deposed about the various investigating proceedings conducted by him.

PW-4 Constable Sandeep, who had joined ASI Mukhtiar Singh during investigation, deposed on the same lines as deposed by PW-3 ASI Mukhtiar Singh.

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PW-5 Daya Nand is a material witness of the prosecution, who deposed that on 23.06.2014, his nephew Parveen had gone to the private Company, where he was working. On that day, he noticed accused Pawan along with Parveen on a liquor vend adjacent to petrol pump and thereafter, Parveen never returned. On the next morning, Pawan @ Gania came to the house of Mangtu Ram along with motorcycle of deceased Parveen and told Mangtu Ram that Parveen was lying unconscious and was breathing heavily at the tubewell of Mohan Lal. He, along with Dev Karan, Daulat Ram - Numberdar, Meer Singh and other respectables of the village, reached at the spot and found Parveen lying there dead. They noticed some wooden sticks along with Khutda, bottles, blue jeans, slippers and belt of deceased lying there. They shifted Parveen to Chauhan Hospital, where the doctor declared him 'brought dead'. Thereafter, they took the dead body back to the spot and placed the same there and reported the matter to the police. He stated that he noticed Parveen along with Pawan and Ved Parkash on motorcycle.

PW-6 Constable Sandeep Kumar deposed regarding recovery of motorcycle bearing no. HR-72-3305, in pursuance of disclosure statement of accused Pawan Kumar @ Gania.

PW-7 Meer Singh deposed that on 24.06.2014, accused Pawan @ Gania and Ved Parkash were interrogated in his presence and they suffered disclosure statements regarding their involvement in this case.

PW-8 Dr.Pawan Chaudhary tendered in his examination-in-chief his duly sworn affidavit Ex.P-K and proved post mortem report Ex.PK/1, police request Ex.PK/2 and inquest Ex.PK/3.

PW-9 Dr. Sunil Kumar proved ruqa Ex.P-L sent to SHO of Police

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Station Pataudi regarding information pertaining to lying of dead body of Parveen son of Mangtu Ram from Pataudi, Bilaspur Road near Shri Ram School.

PW-10 Kulvinder Singh deposed regarding receiving of telephonic message from SDO Pataudi regarding lying of a man near Indian Oil Petrol Pump by thinking that he was dead.

PW-11 ASI Shyam Singh deposed regarding recording of formal FIR Ex.P-N on receiving ruqa Ex.P-A.

PW-12 HC Sandeep Kumar tendered in his examination-in-chief his duly sworn affidavit Ex.P-O, qua deposit of case property.

PW-13 Siya Ram – Patwari deposed regarding preparation of Aks Shijra Ex.P-P, on the asking of Investigating Officer.

PW-14 Arun Kumar – Block Development and Panchayat Officer deposed that he had intimated the Police Control Room regarding lying of dead body in a field near the road on the right side of Chandra Dairy.

PW-15 Inspector Ranbir Singh also deposed regarding various investigating proceedings conducted during the investigation.

PW-16 Rasik Lal, who was posted as Additional SHO, Police Station Pataudi on 25.06.2014, also deposed regarding various investigating proceedings conducted during the case and regarding recording of disclosure statements of accused Pawan @ Gania and Ved Prakash as Ex.PG and Ex.PH respectively, in pursuance of which, he got recovered one motorcycle of accused Ved Prakash and two dandas from village Bhiwadi, Rajasthan Akera Road.

9. After having heard learned counsel for the applicant/complainant

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at length and having perused the impugned judgment as well as other relevant record, we are of the considered opinion that prosecution in the instant matter was unable to prove its case against the accused beyond reasonable doubt.

10. It is apparent from the evidence on record that it is not a case of direct evidence as there is no such witness, who had witnessed the alleged occurrence. It is well settled law that conviction can be based solely upon circumstantial evidence, provided chain of circumstantial evidence is complete and there should be no missing link in the chain of evidence.

11. In *Padala Veera Reddy Vs. State of A.P. and others (AIR 1990 Supreme Court 79)*, it was laid down by the Hon'ble Apex Court that when a case rests upon circumstantial evidence, such evidence must satisfy the following tests :-

(1) *the circumstances from which an inference of guilt is sought to be drawn, must be cogently and firmly established,*

(2) *those circumstances. should be of a definite tendency unerringly pointing towards guilt of the accused.*

(3) *the circumstances. taken cumulatively should form a chain so complete that there is no escape from the conclusion that within all human probability the crime was committed by the accused and none else, and*

(4) *the circumstantial evidence in order to sustain conviction must be complete and incapable of explanation of any other hypothesis than that of the guilt of the accused and such evidence should not only be consistent with the guilt of the accused but should be inconsistent with his innocence.*

12. In *Navaneethakrishnan Vs. The State by Inspector of Police,*



Criminal Appeal No.1134 of 2013 decided on 16.04.2018 the Hon'ble Supreme Court held as under :-

“The law is well settled that each and every incriminating circumstance must be clearly established by reliable and clinching evidence and the circumstances so proved must form a chain of events from which the only irresistible conclusion about the guilt of the accused can be safely drawn and no other hypothesis against the guilt is possible. In a case depending largely upon circumstantial evidence, there is always a danger that conjecture or suspicion may take the place of legal proof. The court must satisfy itself that various circumstances in the chain of events must be such as to rule out a reasonable likelihood of the innocence of the accused. When the important link goes, the chain of circumstances gets snapped and the other circumstances cannot, in any manner, establish the guilt of the accused beyond all reasonable doubt. The court has to be watchful and avoid the danger of allowing the suspicion to take the place of legal proof for sometimes, unconsciously it may happen to be a short step between moral certainty and legal proof. There is a long mental distance between ‘may be true’ and ‘must be true’ and the same divides conjectures from sure conclusions.”

13. Evidence in the present case is to be tested on the touchstone of aforesaid principles. As per complaint Ex.P-A, given by PW-2 complainant Mangtu Ram and as per his testimony in the Court, accused Pawan @ Gania along with his friends firstly made Parveen consume beer and thereafter, caused injuries to him resulting in his death. The Trial Court has rightly held that no such evidence has been brought on record by the prosecution, from which it can be inferred that the accused had made the deceased to take beer with the intention to cause his death by inflicting injuries on his person.

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Even there is no such evidence that the accused and deceased had together consumed the beer.

14. PW-5 Daya Nand stated that he noticed accused Pawan and Parveen near liquor vend on 23.06.2014 at 06:20 PM. Statement of this witness is totally in contradiction to the statement of PW-2 Mangtu Ram, who stated that at about 07:45 PM, he had made a phone call to his son Parveen on his mobile phone, to which his son replied that he was at his work place and would be coming back after 15-20 minutes. Thus, as per testimony of PW-2 Mangtu, at about 07:45 PM, deceased was at his work place when he answered the phone call made by PW-2 Mangtu, which is totally in contradiction to statement of PW-5 Daya Nand that he had seen accused Pawan and Parveen near liquor vend on 23.06.2014, while coming back to Uncha Majra in his Alto Car at about 06:20 PM. This material discrepancy in time has not been reconciled, especially when there is no such evidence that at which time the deceased had left his work place, which makes the entire prosecution story doubtful. It has adversely affected the case of the prosecution when the two most material witnesses of the prosecution i.e. PW-2 and PW-5 are contradictory to each other on the aforesaid material point.

15. Said Azad, who was allegedly accompanying PW-5 Daya Nand, while coming back to Uncha Majra on 23.06.2014, has also not been examined by the prosecution, who could have been the material witness regarding last seen of deceased in company of accused. Otherwise also, PW-5 does not seem to be a reliable witness. During his cross-examination conducted for the first time, he deposed that on 23.06.2014, he along with



Azad, was coming back to Uncha Majra at about 06:20 PM in his Alto car when he saw accused Pawan and Parveen near liquor vend. His statement is self-contradictory when he was further cross-examined on the next date and stated that on 23.06.2014, he started from Pataudi at about 08:30 PM and reached Uncha Majra at 10:30 PM. His veracity is shaken when he further stated in his cross-examination that on the last date, he deposed that they started for Uncha Majra from Pataudi at about 06:20 PM, which statement was not correct. Thus, the prosecution has not been successful in proving the last seen scenario by examining PW-5 Daya Nand, who is not only contradictory to PW-2 complainant Mangtu but his statement itself is self-contradictory.

16. Statements of PW-2 and PW-5 are contradictory, also regarding other material points. PW-2 Mangtu Ram stated that on 24.06.2014, at about 07:00 AM, Gania @ Pawan brought motorcycle of his son and parked the same at his house and apprised him that his son Parveen was lying in the fields of Satbir and was breathing heavily and told him to take care of him. Then he went to the said place along with others and found Parveen lying there in injured condition. PW-5 negated the aforesaid statement of PW-2 when he stated in his cross-examination that on 24.06.2014, he came to know about the incident at 06:00 AM from Sunita, wife of PW-2 Mangtu Ram. He has categorically stated that Sunita came to his residence and told him about the incident and also told him that her husband had gone to the doctor for treatment of his daughter. Thus, if PW-5 is to be believed, then entire version of PW-2 is falsified that on 24.06.2014, at about 07:00 AM, Gania @ Pawan allegedly brought motorcycle of his son at his residence and



apprised him regarding lying of his son in an injured condition in the fields of Satbir. PW-5 further stated that Sunita had gone to the spot at 07:00 AM along with him and they had not waited for Mangtu Ram. Thus, he has specifically denied that Mangtu Ram was present at the spot. He also could not tell who called Om Parkash Sarpanch and Daulat Ram - Numberdar to spot.

17. He also deposed that they took Parveen to Chauhan Hospital and after arrival of police, they had taken Parveen to G.H. Pataudi. Police had reached the spot at 07:30 AM but PW-2 Mangtu had not informed the police. Investigating Officer PW-15 Inspector Ranbir Singh has deposed in his cross-examination that he received the information at about 09:10 AM when he was alone in the office. PW-14 Arun Kumar BDPO, examined by the prosecution, has given another version while stating that on 24.06.2014, he was going to Gurgaon and when he reached near petrol pump, he found crowd of people present near the road and on inquiry, he was told that a dead body was lying there and then, he intimated the police control room on 100 number. It has caused a dent in the prosecution story that if Parveen was declared dead at Chauhan Hospital at 07:00 AM, then why police was not informed till 09:10 AM.

18. As per PW-2 Mangtu Ram, they informed the police and on arrival of police at the spot, he moved application Ex.PA, while PW-5 Daya Nand in his cross-examination stated that they did not inform the police at the spot because deceased was lying semi-conscious and he removed the deceased to Chauhan Hospital in Scorpio car being driven by Rajender and there, Parveen had expired and then, villagers had informed the police

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immediately from Chauhan Hospital. It has also not been explained that why Chauhan Hospital had not informed the police regarding death of Parveen. PW-5 stated in his cross-examination that police had recorded statement of Mangtu (PW-2) in Police Station. If he is to be believed regarding it, then it creates a serious doubt regarding veracity of statement of PW-2 Mangtu and entire prosecution version which is in complete contradiction to aforesaid statement of PW-5 Daya Nand.

19. PW-5 also stated in his cross-examination that all the documents were signed by him in the police station on the asking of police and no statement was recorded by the police regarding removal of dead body to Chauhan Hospital as well as to G.H. Pataudi. PW-15 Inspector Ranbir Singh is contradictory to him when he stated that they reached at the place of occurrence at 09:25 AM and Jai Singh, Meer Singh, Daya Nand and Sarpanch of the village were present there and he recorded the statement of Daya Nand at the place of occurrence, which has been denied by PW-5.

20. There are also major contradictions in the deposition of official witnesses. PW-15 deposed that he did not record statement of PW-2 Mangtu Ram, father of deceased as he had gone on leave. PW-16 Rasik Lal, next Investigating Officer is also silent regarding recording statement of Mangtu. So, nowhere it has been disclosed that who had recorded the statement of Mangtu Ram.

21. PW-15 Inspector Ranbir Singh deposed in his examination-in-chief that he sent the dead body for postmortem through SI Mukhtiar and Constable Surender and on the same day, he arrested accused Pawan and Ved Parkash. In cross-examination, he deposed that he arrested accused

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Pawan and Ved Parkash from Bus stand, Pataudi at 05:00 PM, whereas PW-7 Meer Singh has stated in his cross-examination that on 24.06.2014 at about 08:30 AM, accused Pawan himself came in the Police Station and PW-2 complainant Mangtu, PW-5 Daya Nand and PW-7 Meer Singh were present there in morning hours. So, these official witnesses differed regarding the manner in which the accused was arrested.

22. It also emerges from the prosecution evidence on record that the medical evidence is not corroborating the oral testimony of the prosecution witnesses. PW-8 Dr. Pawan Chaudhary, who conducted post-mortem on the dead body of the deceased, stated in his cross-examination that death of deceased was within few minutes after sustaining injuries and all these injuries were possible if deceased had fallen on hard surface. He also stated that possibility could not be ruled out that deceased could have died due to the injuries suffered in a road side accident. He also specifically stated that no water was present in the lungs of the deceased.

The perusal of the post-mortem report Ex.PK/1 reveals that the injuries on the person of deceased were not on the vital parts of the body. The post-mortem of deceased was conducted at 02:00 PM on 24.06.2014 and as per the post-mortem report, death occurred between 12 to 24 hours ago from the postmortem. It is again contradictory to statement of PW-2 Mangtu Ram – father of the deceased, who categorically stated that when he reached at the spot at 07:00 AM, his son was breathing slowly, meaning thereby that deceased Parveen was alive at that time.

PW-5 Daya Nand also stated that at that time Parveen was alive and he was taken to Chauhan Hospital. Thus, as per aforesaid two witnesses



of prosecution, Parveen was alive at 07:00 AM and post-mortem was conducted at 02:00 PM i.e. after six hours, whereas doctor opined that death occurred approximately between 12 to 24 hours ago from the post-mortem examination and he had died within few minutes of injuries. When medical evidence is not corroborating the ocular evidence, then this important link in the chain of circumstantial evidence is missing.

23. As per the prosecution version, the wooden pieces were recovered from the spot, which were used by the accused to cause injuries to deceased Parveen. But the evidence in this respect is lacking that wooden log was used to inflict injuries on the person of deceased or that wooden log was reduced to 15 pieces, which were allegedly recovered from the spot. Moreover, these wooden pieces were not produced before the doctor concerned to take his opinion that the injuries on the person of deceased could be possible with wooden log. So, these wooden pieces allegedly recovered from the spot cannot be connected with the offence, allegedly committed by the accused in the present case.

24. The prosecution also relied upon the recovery of motorcycle bearing No. HR-72-3305, alleging that this motorcycle was parked in the house of deceased Parveen at 07:00 AM on 24.06.2014 by accused Pawan. So, when as per prosecution version, the accused himself had come to the house of the complainant and informed him that Parveen was lying in injured condition and advised them to take care of him and himself parked motorcycle of deceased there, then it cannot be said that said motorcycle was recovered on the basis of disclosure statement of accused and said recovery does not fall within the ambit of Section 27 of the Indian Evidence Act. The



official witness PW-4 Constable Sandeep is contradictory to his previous statement regarding recovery of aforesaid motorcycle when he stated that the same was recovered from southern wall of Kochit company but thereafter, he stated that as per the site plan Ex.PJ/2, the recovery of said motorcycle was shown from the northern wall of Kochit company. He also stated that one danda was tied with rope on the back side of motorcycle. PW-16 SI Rasik Lal, the Investigating Officer of the case, also stated in his cross-examination that said wooden log placed on the bike was untied and such type of wooden logs were easily available in the market. The wooden danda was not having any blood stains and was infected with termite. As such, it cannot be believed that such wooden danda was used in inflicting injuries to the deceased, resulting in his death. He further stated that accused Ved Parkash was arrested only on the basis of disclosure statement of Pawan @ Gania on 24.06.2014 and except this, nothing was against him.

25. Prosecution is under obligation to prove each and every ingredient of offence beyond any doubt. It was held by Hon'ble the Supreme Court in *Datar Singh Versus State of Punjab 1974 Crl. L.J. 908* that, “the judicial process can only operate on the firm foundations of actual and credible evidence on record. Mere suspicion or suspicious circumstances cannot relieve the prosecution of its primary duty of proving its case against an accused person beyond reasonable doubt. Courts of justice cannot be swayed by sentiment or prejudice against a person accused of the very reprehensible crime of patricide. They cannot even act on some conviction that an accused person has committed a crime unless his offence is proved by satisfactory evidence of it on record”.



26. Gainful reference can also be made to *Narain Versus State of Madhya Pradesh 2004(1) RCR(Criminal) 837* wherein Hon'ble the Supreme Court held that “where genesis of the incident, place of incident and the manner in which the incident took place, was found not to have been established by cogent and creditable prosecution evidence, accused are entitled to be acquitted”.

27. It was held in *Swaran Singh Versus The State of Punjab 1957 AIR 637 (SC)* that, “the prosecution story may be true; but between 'may be true' and 'must be true' there is inevitably a long distance to travel and the whole of this distance must be covered by legal, reliable and unimpeachable evidence”.

28. In the instant case, as already observed, that there are gaping holes in the chain of link evidence. Chain of circumstantial evidence is not so complete to link the accused with the commission of offence, so as to point conclusively to the hypothesis of guilt of the accused and to no other conclusion.

29. It is a settled proposition of law that an order of acquittal is not to be interfered with lightly because presumption of innocence of the accused is further strengthened by acquittal. Interference is called for only under compelling circumstances, where impugned findings are perverse, unreasonable and convincing material on record is ignored unjustifiably by the trial Court. Merely because another view may be possible is not sufficient to cause interference. Reference in this regard can be made to judgment of Hon'ble the Supreme Court in *'Mahamadkhan Nathekhan vs. State of Gujarat' 2014 (14) SCC 589*. Learned counsel for the appellant was



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unable to point out any illegality, infirmity or perversity in the impugned decision dated 13.05.2022, which calls for any interference.

30. After analyzing the evidence on record, it can safely be concluded that prosecution has failed to prove its case against the accused beyond reasonable doubt. Evidence on record is indeed insufficient to convict the accused of the offence as charged with and they have been rightly acquitted by learned trial Court.

31. No other argument was raised.

32. In view of the above, no case is made out for grant of leave to appeal against acquittal of respondents no.2 and 3 and therefore, leave to appeal is dismissed.

33. Pending applications, if any, stand disposed of accordingly.

(SUKHVINDER KAUR)
JUDGE

(SUDHIR SINGH)
JUDGE

March 18, 2025

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<i>Whether speaking/reasoned ?</i>	<i>Yes/No.</i>
<i>Whether reportable ?</i>	<i>Yes/No.</i>