

## HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT JAMMU

CRA No. 66/2018

State of Jammu and Kashmir through  
SHO, Police Station, Kalakote  
(Rajouri)

.....Appellant(s)/Petitioner(s)

Through: Mr. Bhanu Jasrotia, GA

**Vs**

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| <ol style="list-style-type: none"> <li>1. Dalip Singh S/o. Karnail Singh R/o.<br/>Kura(Tundla)Tehsil Kalakote, District<br/>Rajouri</li> <li>2. Joginder Singh R/o. Karnail Singh<br/>R/o. Kura (Tundla)Tehsil Kalakote,<br/>District Rajouri</li> <li>3. AmritKumari, W/o. Rattan Singh R/o.<br/>Kura (Tundla)Tehsil Kalakote,<br/>District Rajouri</li> <li>4. Anita KumariD/o. Karnail Singh R/o.<br/>Kura (Tundla)Tehsil Kalakote,<br/>District Rajouri</li> </ol> | <p>..... Respondent(s)</p> |
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Through: Mr. Akash Gupta, Adv.

**Coram: HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE**

**ORDER**  
**30.04.2024**

**ORAL**

1. This appeal is directed against the judgment of acquittal dated 30.07.2016 recorded by the court of learned Principal Sessions Judge, Rajouri (hereinafter to be referred as the trial court) in the charge sheet, titled, "State vs Dalip Singh and others" arising out of FIR No. 09/2008 under sections 498-A, 306/34 RPC registered with Police Station, Kalakote, whereby the respondents have been acquitted of the charges for commission of above mentioned offences.

2. The judgment has been impugned by the appellant primarily on the ground that, despite the fact that the prosecution had led cogent and reliable evidence in respect of the commission of offences by the respondents, the learned trial court has erroneously acquitted the respondents by not appreciating the evidence in its right perspective.
3. Mr. Bhanu Jasrotia, learned Government Advocate appearing for the appellant has vehemently argued that the grandparents and the parents of the deceased had categorically deposed about the cruel treatment meted to the deceased by the respondents and the respondents had not been able to rebut the evidence led by the prosecution but still the learned trial court acquitted the respondents.
4. On the contrary, Mr. Akash Gupta, learned counsel appearing for the respondents has vehemently argued that the prosecution had examined the neighbors of the deceased but the prosecution miserably failed to get any incriminating evidence against the respondents and further that there are material contradictions in the statements of the prosecution witnesses, who were near relatives of the deceased. He further argued that the scope of interference in the appeal against the judgment of acquittal is very limited and interference is warranted only when the opinion formed by the learned trial court is either perverse or implausible.
5. Heard and perused the record.
6. The brief facts necessary for the disposal of the present appeal are that an information was received from Police Control Room Rajouri at Police Station, Kalakote that a woman, namely, Anuradha wife of Dalip Singh

resident of Tata Pani had been admitted in Government Medical College, Jammu on account of burn injuries. On receipt of this information, ASI Gupu Ram was sent to Jammu for recording the statement of victim but he could not record her statement as she was not fit to make any statement. Anuradha came to demise on 22.01.2008, pursuant to which inquest proceedings under section 174 Cr.P.C. were initiated in order to ascertain the cause of death. After recording the statements of the witnesses, the Investigating Officer came to the conclusion that the death of the deceased was suicidal in nature. Accordingly FIR No. 09/2008 was registered on 15.02.2008 under sections 306/34 and 498-A RPC against the respondents. The Investigating Officer recorded the statements of the witnesses and it was found that the deceased got married with respondent No. 1 three years prior to the incident. Ever since the marriage, the respondents used to taunt, harass and quarrel with the deceased for bringing less dowry. They used to demand Rs. 50,000/- from the deceased as her husband wanted to purchase motorcycle because his motorcycle was stolen. On 16.01.2008, the respondent No. 1 along with the deceased went to parental home of the deceased and demanded Rs. 50,000/- from her parents but they gave Rs. 5000/- only as they were not in a position to give Rs. 45,000/-. On 18.01.2008, Dalip Singh while returning home, asked them to send Rs. 45,000/- to his home. On 20.01.2008 at 4 PM, the respondent No. 3 Amrita Kumari alias Babli thrashed the deceased, as a result of which, at 8.30 PM, she herself put the dried grass on fire and jumped into the same, as a result of which, she got burnt. She was taken to Suderbani Hospital, from where

she was referred to GMC Jammu where she succumbed to her burn injuries on 22.01.2008. The Investigating Officer proved the offences under sections 498-A and 306/34 RPC against the respondents and filed the charge sheet against the respondents on 14.03.2008 before the court of JMIC, Kalakote, which was committed to the court of learned trial court on the same date. The respondents were charged for commission of above mentioned offences vide order dated 10.04.2008 and as the respondents did not plead guilty to the charge, the prosecution was directed to lead evidence. The prosecution had cited as many as 19 witnesses out of which 17 witnesses were examined. The statements of the respondents were recorded under section 342 Cr.P.C. and thereafter the respondents were permitted to lead evidence in defence but they did not opt to do so. After hearing the parties, the learned trial court acquitted the respondents vide judgment impugned in this appeal.

7. In order to ascertain as to whether the trial court has rightly appreciated the evidence led by the prosecution or not, it is necessary to have a brief resume of the prosecution evidence.
8. PW Durgi Devi (Grandmother of the deceased) stated that the deceased was married to Dalip Singh three and half years ago and out of their wedlock, a female child was born. After marriage up to 2 years, the conduct of the accused persons remained good with the deceased and later, on different pretexts, the accused Dalip Singh started demanding dowry from her. Accused Joginder Singh also started teasing the deceased. Thereafter, the wife of her husband's brother (Jethani)-Amrit Kumari too started teasing

the deceased and she also thrashed the deceased on the day of occurrence. Respondent No. 4, sister of husband of the deceased, also started thrashing her on the ground that she had neither brought any dowry nor money with her. A week prior to the incident, the deceased had come to her home along with her husband and while returning, she had given Rs. 5000/- to Dalip Singh as he was saying that he had to go Poonch and he was in need of money. She further stated that Dalip Singh also demanded Rs. 45,000/- from her and he was impressing upon her to give Rs. 45,000/- by Sunday. She neither went to the house of Dalip Singh till Sunday nor she sent the amount to his home. Thereafter, during night, the deceased was burnt to death. Information in that regard was received at 12 PM and the next day at 11 AM they went to Jammu. The deceased was alive at that time but she was not talking and on Tuesday she died. During cross-examination, she has stated that the accused persons were known to them prior to the marriage as they were grandsons of her sister-in-law. She expressed ignorance in respect of presence of accused Anita Kumari on the date of occurrence at her home or at Rajouri. Dead body of the deceased was brought by the Police at the home of the accused where her last rites were performed. The pyre of the deceased was lit by her husband. On 4<sup>th</sup> or 5<sup>th</sup> day, the Police called her at Kalakote. Police recorded her statement and thereafter, her statement was not recorded. She further stated that at that time, she had no doubt about the accused persons. She further stated that on 17.02.2008 for the first time, she had given the statement against the accused that they used to quarrel with the deceased. She could not explain

as to why she had given her statement against the accused at a belated stage despite of the fact that the Police had already met her prior thereto. In her statement recorded under section 161 Cr.P.C, it was not mentioned that a week prior to the occurrence, the deceased and Dalip Kumar had come to her home and while returning back she had given them Rs. 5000/-. It was also not mentioned in her statement under section 161 Cr.P.C that the accused had told her that he had to go to Poonch. It was also not mentioned in her statement under section 161 Cr.P.C that on the day of occurrence, one of the accused had thrashed the deceased.

9. PW Sukhdev Singh (neighbor of the deceased) stated that the accused had not taunted the deceased for bringing less dowry. He has simply deposed that on 20.01.2008 at 8.30 he was at his home. He heard sound of hue and cry and rushed to the spot where Anuradha was lying in a burnt condition and a quilt had been put over her and accused persons were weeping.
10. PW Fazal Hussain stated that the accused persons were known to him. The wife of the accused Dalip Singh had died on 20.01.2008. On 20.01.2008 in the night, two boys came to his home and told him that Anuradha was burnt. They asked him to accompany them to give fire mantra to her. Thereafter he went to the home of Karnail Singh where he had seen the deceased lying on a cot. He tried to give fire mantra to her. He had seen the neck and the hands of the deceased in a burnt condition. After giving fire mantras, he returned. During cross-examination, he stated that the relationship between the accused and the deceased was cordial. The accused persons did not harass the deceased.



11. PW Balbir Singh (Maternal Uncle of the deceased) stated that for one year after the marriage, the behavior of the accused persons remained cordial with the deceased and thereafter the sister of the accused Dalip Singh, namely, Anita Devi fled with her teacher and she had also taken the ornaments of the deceased with her. It was after the said incident, the conduct of the accused persons became cruel towards the deceased and they started quarrelling with the deceased over the ornaments. The accused started demanding dowry i.e. TV and fridge from the deceased. Upon that, Jagdev Singh, the father of the deceased gave Rs. 13,000/- for TV and fridge. When the said amount got finished, the accused demanded more money from the deceased. Thereafter, the parents of the deceased started giving Rs. 400/500 to the deceased. On 07.01.2008, the accused demanded a motorcycle from the deceased but the father of the deceased refused to give money to the accused. On 20.01.2008, during night, the accused either by putting acid or something else burnt the deceased, as a result of which her belly and chest got burnt and on 22.01.2008 the deceased succumbed to her injuries. Prior to her death, she had told that Anita Devi, Babli Devi had caught her hands, Joginder Singh *alias* Jatu had caught her legs and Dalip Singh poured something on her body, due to which she was having burning sensation and later she fell unconscious. During cross- examination, he stated that the place of occurrence is 10 km away from his home. He had made his statement before the Police after ten days of the occurrence. At the time of last rites the Police was also present but he did not give any statement before the Police. He had given his statement against the accused

before the Police on 17.02.2008 and for the first time on 17.02.2008, he told the Police that the accused used to harass the deceased on account of bringing less dowry. In the statement recorded under section 161 Cr.P.C, it is not mentioned that the accused Anita Devi while studying in the school, eloped with a school teacher along with ornaments of the deceased and when the deceased demanded her ornaments, the accused started quarrelling with her. It is not mentioned in his statement recorded under section 161 Cr.P.C. that the father of the deceased had given Rs. 13,000/- to the accused and similarly, it is not mentioned that the father of the deceased used to give Rs. 400/500 every week to the deceased on the demand of the accused persons. It is also not mentioned in his statement recorded under section 161 Cr.P.C. that the accused poured acid or something else on the body of the deceased, as a result of which, she felt burning sensation. Again it is not mentioned in the statement under section 161 Cr.P.C. that Anita Devi and Babli Devi caught her hands whereas Joginder Singh caught her legs and the accused Dalip Singh poured something on her body due to which she was feeling burning sensation and thereafter, she fell unconscious.

12. **PW Jagdev Singh** (father of the deceased) stated that after six months of the marriage of the accused-Dalip Singh with the deceased, accused-Dalip Singh started thrashing his daughter as he was suspended from the service and had no money. The accused used to take some money every month from his pension. The dowry articles and ornaments, which were given to his daughter by him at the time of marriage, were also sold by the accused



Dalip Singh. He also stated that once he had given Rs. 5000/- to accused-Dalip Singh. On 14.01.2008 the accused Dalip Singh again came to him and demanded Rs. 50,000/- from him. He however, had given him Rs. 5000/- and it was decided to give the remaining amount to the accused on 20.01.2008. On 20.01.2008, all the four accused thrashed the deceased-Anuradha, as a result of which, she fell unconscious. Thereafter, the accused also poured acid upon her and set her on fire. The accused had made an excuse that the deceased had caught fire from the dry pile of grass. They also made an abortive attempt to put her in the fire. Thereafter the accused arranged a vehicle and shifted the deceased to Sunderbani hospital whereas Kalakote hospital was nearer to them but they did not shift her to Kalakote hospital. On 21.01.2008, the deceased was shifted to Jammu hospital for treatment. The deceased had told the entire story to her aunt Sushma Kumari. The Police of Kalakote had also reached in Jammu hospital but the deceased was not in a position to give her statement as acid had affected her and on 22.01.2008, the deceased succumbed to her burn injuries. During cross-examination, he stated that he resided at village Guni where as the accused persons reside at village Dhandla which was 25-26 km away from the village Guni. The Police was called by the accused persons themselves. They had not lodged any report with the Police. His statement was recorded by the Police on 26<sup>th</sup> or 27.01.2008 and thereafter, his statement was not recorded by the Police. The last rites of the deceased were also performed by the accused persons. The pyre was lit by the accused Dalip Singh. He stated that his statement recorded by the Police on

17.02.2008, which was attributed to him was not his statement and his entire statement was wrong. The facts which he had narrated in his examination-in-chief were not mentioned in his statement attributed to him under section 161 Cr.P.C. He had not lodged any report with the Police that the accused used to thrash the deceased and demand dowry. The entire expenses of the deceased while shifting her to Jammu or Suderbani hospital were incurred by the accused. He further stated that after the death of the deceased, he came to know that the accused used to thrash her. He further stated that prior to that neither the deceased nor any other person had told him about the same.

13. PW Dalip Singh (Grandfather) stated that the deceased-Anuradha was married to the accused Dalip Singh about 5/6 years ago. After marriage, the deceased and the accused started quarrelling with each other. The grandmother of the deceased came to him and told that the accused used to harass the deceased and also demand some amount. He further stated that since they were residing within the area of firing and the compensation for the same to the tune of Rs. 1000/- which was in the name of deceased, was also given to the accused Dalip Singh. The accused had also demanded Rs. 50,000/- for purchasing a motorcycle, out of which, Rs. 5000/- were given to the accused and when the remaining amount was not given to the accused, on 19.01.2008 he came to know that the deceased had been set on fire. The deceased was shifted to Jammu hospital for treatment and after some days on account of burn injuries, she died. During cross-examination, he stated that he had given his statement against the accused on 17.02.2008

and the Police had not met him till 17.02.2008. The Police used to come there but his statement was recorded by the Police after one month of the occurrence. The occurrence had taken place on 19.01.2008 and on the same day, the relatives of the deceased had gone to enquire about the wellbeing of the deceased. He had stated before the Police that the accused had set the deceased on fire but it was not found in his statement recorded on 17.02.2008. He had only heard that the accused Dalip Singh used to harass the deceased in order to bring money.

14. PW Sushma Kumari (Aunt) stated that after marriage for some time, the conduct of the accused with the deceased remained good, however, later they started quarreling with the Anuradha (deceased) as the accused were demanding money from her. On 21.01.2008 she received information through telephone at Sunderbani that the deceased had been burnt and shifted to Jammu. She too went to Jammu and met the deceased on 21.01.2008 at 9.30. The deceased was very serious at that time and she could not talk to her. Thereafter, she was shifted to Ward where the blood was transfused to her body and then she told her that the accused had thrashed her. She had also told that the accused had beaten her to the extent that she fell unconscious. She died the next day. During cross-examination, she stated that on the day of occurrence, she was posted at Govt. Primary School Gara Talla Sunderbani. She further stated that as she was residing at Sunderbani, she could not say as to how the occurrence took place. She expressed ignorance about the relationship between the accused persons and the deceased during those 15 days. The Police had recorded her

statement on 27.01.2008 and thereafter, the Police did not record her statement. In the statement dated 17.02.2008 attributed to her it was not mentioned that on 21.01.2008 when the blood was transfused to the body of the deceased in the hospital, she had told her that the accused had thrashed her to the extent that she had fallen unconscious.

15. PW Pritam Singh (relative of the deceased) has simply stated about the marriage of the deceased with the accused Dalip Singh and that Dalip Singh was a police personnel. On 16.01.2008 Dalip Singh and Anuradha had gone to Guni and stayed there for two days. On 21.01.2008 he came to know that the deceased has been admitted to GMC Jammu. Later he came to know that due to burn injuries, the deceased had died. During cross-examination, he expressed ignorance about the relationship between the accused and the deceased and also as to how the deceased had died.
16. PW Kamal Singh is a witness to the seizure memo (ExPW-KS), seizure memos of ash, grass and burn pieces of the shirt.
17. PW Prem Nath (neighbor of the deceased) expressed ignorance about the occurrence. However, proved the seizure memo of the quilt and pieces of cloths vide seizure memos Ex PW-KS and Ex PW-PN respectively.
18. PW Anita Devi (Aunt) stated that after marriage of the deceased, the accused persons started harassing and beating the deceased as they used to say that she had brought less dowry. They also used to ask the deceased to go and bring money from her parental home. When the deceased used to come to her parental home, she used to take Rs. 10-12,000/- with her. Subsequently accused No. 1 demanded Rs. 50,000/- from the deceased as

he wanted to purchase a motorcycle. The father of the deceased, however, had no money. On 18.01.2008, the deceased went to her parental home and demanded money. On 20.01.2008, the accused No. 1 had burnt the uniform of the deceased, asked her to bring money and on the same very night the accused thrashed the deceased and then set her on fire. During cross-examination, she stated that her village was 40-50 kms away from the matrimonial home of the deceased. After marriage she had never gone to the matrimonial home of the deceased. The deceased had met her one month prior to the incident. The Police had not recorded her statement. She further stated that the Police had recorded her statement at Kalakote on 26.01.2008 and thereafter, her statement was not recorded by the Police. She had given her statement that the accused had burnt and killed the deceased but it was not mentioned in her statement recorded by the Police.

19. PW Parshotam Singh (neighbor of the deceased) stated that on the day of occurrence when the deceased raised a hue and cry, he was the first person who had reached on spot. When he reached on spot, he saw that the body of the deceased was burning and there was also a pile of dry grass near her which was also on fire. He and 4-5 others had shifted the deceased inside the room. During cross-examination, he stated that the relationship between the accused and the deceased was very good. When he went on spot, he enquired from the deceased in respect of the occurrence, she told that she had gone out to bring out the grass which caught the fire as she had fire lit torch in her hands.

20. PW Abdul Aziz proved the seizure memo of Daily Diary Report No. 12 along with other documents and seizure memos.
21. PW Ghulam Qadir has also deposed on similar line as that of PW Abdul Aziz. He also proved the seizure memo (ExPW-A).
22. PW Jasbir Singh (Uncle of the deceased) stated that on 20.01.2008 he received information that the deceased has been brought to Jammu Hospital. He along with his wife had reached there at 3 PM and at that time the deceased was admitted in the emergency. He enquired from the accused Dalip Singh who told him that the deceased had burnt as pile of dry grass had caught fire. The father of Dalip Singh was folding his hands in front of the deceased upon which she used to close her eyes. The accused Dalip Singh used to console the deceased that she would be okay. The deceased had stated nothing against the accused.
23. PW Dr. L. D. Bhagat stated that he conducted the autopsy of the deceased. The deceased had suffered 60 to 80% of burns. He proved the postmortem report (ExPW-LD).
24. PW Tufail Mir stated that he conducted the investigation of the case. He stated that as per his investigation, offences under sections 498-A and 306/34 RPC were established against the accused. During cross-examination, he stated that the inquest proceedings were initiated by him on 22.01.2008 and FIR was registered on 15.02.2008. He had recorded the statements of PWs Pardeep Kumar, Prem Singh, Kamal Singh, Fazal Hussain, Usha Devi, Jasbir Singh, Balbir Singh, Anita Devi under section 175 Cr.P.C, however, the statements of the witnesses recorded by him



under section 175 Cr.P.C. were not placed on record. He had not cited any person of the Village Tundla as a witness, however, Parshotam Singh and Sukhdev Singh had come on spot. There is no house near the place of occurrence. As per the accused, they had put the quilt over the deceased in order to save her. He did not get the statement of any witness recorded in the court. It is correct that the accused had shifted the deceased for her treatment. PW Durgi Devi had not stated that the accused had burnt the deceased. PW Balbir Singh had not stated that Rs. 13000/- were given to the deceased to purchase TV and fridge. It was also not mentioned in his statement that the accused had put acid or something else on the deceased. It has also not been mentioned in the statement of Balbir Singh that prior to the death of the deceased, she told him that Anita Devi and Babli Devi had caught her hands, Joginder Singh had caught her legs whereas the accused Dalip Singh poured something on her body, as a result of which, she was burnt. It is not mentioned in the statement of Sushma Kumari that the accused thrashed the deceased.

25. From the evidence as extracted above, it is evident that PW Sukhdev Singh i.e. neighbour of the deceased and PW Fazal Hussain, who came to give fire mantra to the victim, have not deposed against the respondents. Rather Sukhdev Singh has stated that the respondents were weeping when he went on spot and Fazal Hussain has stated that the relations between the accused and the deceased were cordial. They were two independent witnesses associated with the prosecution in addition to Kamal Singh, Prem Nath and Parshotam Singh. Prem Nath and Parshottam Singh have also expressed

ignorance about the occurrence. The other witnesses, who have deposed to some extent in support of the prosecution are all related witnesses and rightly so because in such cases, only relatives of the deceased can only depose about the relations between the victim and her in-laws.

26. PW Durgi Devi(grandmother of the deceased) has stated that a week prior to the incident, the deceased had come to her home along with her husband and while returning, she had given Rs. 5000/- to accused-Dalip Singh as he had to go to Poonch and he was in need of money. She further stated that the accused Dalip Singh also demanded Rs. 45,000/- more from her and he was impressing upon her to give Rs. 45,000/- by Sunday. The prosecution case is that the accused Dalip Singh was demanding Rs. 45,000/- for purchasing a new motorcycle whereas PW Durgi Devi has categorically stated that Dalip Singh had go to Poonch and he was in need of money. In her statement recorded under section 161 Cr.P.C. it was not mentioned that a week prior to the occurrence, the deceased and Dalip Singh had come to her house and while returning, she had given Rs. 5000/- to him. In her statement recorded under section 161 Cr.P.C, it was also not mentioned that on the date of occurrence, one of the accused had thrashed the deceased. So far as the statement of PW Balbir Singh (maternal uncle of the deceased) is concerned, during cross-examination, it was found that in his statement recorded before the police it was not mentioned that the accused-Anita Kumari while studying in the school, eloped with a school teacher along with ornaments of the deceased and when the deceased demanded her ornaments, the accused started quarreling with her. It was also not

mentioned in his statement recorded under section 161 Cr.P.C. that the father of the deceased had given Rs. 13,000/- to the accused and similarly, it was also not mentioned that the father of the deceased used to give Rs. 400 to 500/- every week to the deceased on the demand of the accused persons. It was also not found in his statement recorded under section 161 Cr.P.C. that the accused poured acid or something else on the body of the deceased, as a result of which, she felt burning sensation. Again it was not mentioned in his statement under section 161 Cr.P.C. that Anita Kumari and Babli Devi caught her hands whereas Joginder Singh caught her legs and the accused Dalip Singh poured something on her body due to which she was feeling burning sensation and thereafter, she fell unconscious.

27. During cross examination, PW Jagdev Singh admitted that the statement which he had given as his examination-in-chief was not mentioned in the statement attributed to him recorded under section 161 Cr.P.C. He also admitted that after the death of the deceased, he came to know that the accused used to thrash the deceased and they used to demand the dowry.
28. PW Dalip Singh (grandfather of the deceased) has stated that the grandmother of the deceased came to him and told that the accused used to harass the deceased and demand some amount. At the same time, during cross-examination, he stated that he had only heard that the accused-Dalip Singh used to harass the deceased in order to bring dowry.
29. PW Sushma Kumari (Aunt of the deceased) stated that in her statement before the Police recorded on 17.02.2008 it was not mentioned that on 21.01.2008 when the blood was transfused to the body of the deceased in

the hospital, she told her that the accused had thrashed her to the extent that she had fallen unconscious. PW Anita Devi (aunt of the deceased) stated in her cross-examination that after the marriage of the deceased, she had never gone to the matrimonial home of the deceased. In her statement recorded by the Police, it was not mentioned that the accused had burnt the deceased. PW Parshotam Singh (neighbor of the deceased) stated that he went on spot and enquired from the deceased as to what had happened and she told that she had gone out to bring out the grass which caught the fire as she had a fire lit torch in her hands. He further stated that the relationship between the accused and the deceased was very good. PW Jasbir Singh (uncle of the deceased) stated that while the deceased was admitted in the hospital, the accused Dalip Singh used to console the deceased that she would be ok. He stated that the deceased had stated nothing against the accused.

30. All the prosecution witnesses, who had deposed against the accused/respondents have narrated altogether different stories, which have never been narrated before the Police in their statements recorded under section 161 Cr.P.C. In order to convict a person for a commission of offence under section 306 RPC, it is incumbent on the part of the prosecution to lead by a cogent evidence that the accused abetted the commission of the suicide by the victim by his act or omission. It is the bounden duty of the prosecution to prove its case beyond reasonable doubt. So far as the present case is concerned, the evidence led by the prosecution, is contradictory to the case projected by the prosecution in the form of charge-sheet against the respondents.

31. The learned trial court after discussing the evidence in detail and considering the infirmities in the prosecution case, acquitted the respondents and in view of the contradictory and unreliable evidence led by the prosecution that was the only course available to the learned trial court.
32. For all what has been said and discussed above, the trial court has rightly acquitted the respondents. The learned trial court after appreciating the evidence has rightly come to the conclusion that the respondents are required to be acquitted. I have also perused the judgment passed by the learned trial court and I find that the finding recorded by the trial court can neither be termed as perverse being contrary to evidence brought on record nor erroneous, therefore, no case for any interference is made out. In the result, this appeal being without any merit, is hereby dismissed.

(RAJNESH OSWAL)  
JUDGE

**Jammu**  
30.04.2024  
Rakesh PS

Whether the order is speaking:	Yes/No
Whether the order is reportable:	Yes/No