

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Appeal No. D-432-DB of 2015

Date of Decision : November 03, 2015

Gurpal Singh

.....Appellant

VERSUS

Bikram Singh

.....Respondent

CORAM: HON'BLE MR. JUSTICE T.P.S.MANN
HON'BLE MR. JUSTICE GURMIT RAM

Present : Mr. Binderjit Singh, Advocate
for the appellant.

T.P.S. MANN, J.

The appellant, who is father of deceased Gurdeep Kaur, has filed the present appeal for challenging the judgment dated 5.11.2014 passed by learned Additional Sessions Judge, Bathinda whereby respondent-Bikram Singh was acquitted of the charge under Section 302 IPC. Prayer has also been made for enhancing the sentence of imprisonment of seven years imposed upon respondent-Bikram Singh for committing the offence under Section 304-B IPC, as ordered by the trial Court vide order dated 10.11.2014 to that of life imprisonment.

After hearing learned counsel for the appellant and on going through the impugned judgment, this Court finds that the prosecution has not brought on record any direct or circumstantial evidence from which it could be concluded that it

was respondent Bikram Singh, who had murdered Gurdeep Kaur, thus, making him liable for committing the offence under Section 302 IPC. The facts and circumstances brought on record by the prosecution, at the most, make out commission of offence punishable under Section 304-B IPC against the accused as the incident had taken place within four months of the marriage and the death had occurred otherwise than under normal circumstances. Further, the respondent had been harassing and maltreating the deceased on account of non-fulfillment of his demand for dowry. Under these circumstances, no case is made out for any interference in the impugned judgment to the extent of acquitting respondent-Bikram Singh of the charge under Section 302 IPC.

As regards the prayer made by the appellant for enhancing the sentence of imprisonment of respondent-Bikram Singh, it may be noticed that after being held responsible for committing the offence, he was convicted under Section 304-B IPC and sentenced to undergo imprisonment for seven years. Proviso to Section 372 Cr.P.C., which gives right of appeal to the victim for challenging the acquittal of the accused or conviction of the accused for a lesser offence or for enhancement of the compensation amount does not give any right to the victim to seek enhancement of sentence of imprisonment upon the convict. Right to appeal for enhancement of sentence of imprisonment is given to the State under Section 377 Cr.P.C.

Faced with the above, learned counsel for the appellant submits that the appellant may be permitted to withdraw the present appeal to the extent of his claim for enhancement of sentence of imprisonment of respondent-Bikram Singh with liberty to seek any other appropriate remedy.

The appeal is, hereby, dismissed qua the challenge to the acquittal of respondent-Bikram Singh under Section 302 IPC. As regards the prayer for enhancement of sentence of imprisonment of respondent-Bikram Singh, the appeal is, hereby, dismissed as withdrawn with liberty to the appellant to seek any other remedy available to him under the law.

**(T.P.S. MANN)
JUDGE**

**(GURMIT RAM)
JUDGE**

November 03, 2015
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