

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

**Criminal Misc. No.A-1462-MA of 2015**

Date of Decision : October 08, 2015

State of Haryana

.....Applicant

**Versus**

Satya Devi and others

....Respondents

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

Present : Mr. Praveen Bhadu, Assistant Advocate General, Haryana.

**T.P.S. MANN, J.**

The State has filed the present application under Section 378(3) Cr.P.C. for grant of leave to appeal against the judgment dated 7.2.2015 passed by learned Additional Sessions Judge, Kurukshetra whereby the respondents stand acquitted of the charges under Sections 452, 323, 325, 302, 506 read with Section 34 IPC.

The case of the prosecution, in nutshell, is that near the house of complainant-Rajesh Kumar in village Mugal Majra, there was house of his uncle Gulab Singh. Due to accumulation of rainy water, many times quarrel had taken place. However, the matter used to be settled amicably. On 21.2.2014, due to rain, some water accumulated in the street. One trolley passed therefrom and as a result, the water started flowing towards the house of Gulab Singh. On this, Satya Devi wife of Gulab Singh, started abusing the family of the complainant. At about 7.00 p.m., Gulab Singh summoned Sandeep and Shinta at the spot. After seeing the spot, both

Sandeep and Shinta stated that they would get the matter compromised on the following day. The complainant went to his house. In the meantime, his uncle Gulab Singh carrying a sword in his hand, his two sons, Banti and Golu having daggers and his wife Satya Devi having an axe in her hand came to the house of the complainant. Gulab Singh raised a lalkara that instead of waiting for the morning, let the compromise be effected there and then. When Kanta Devi wife of the complainant came forward, Banti gave a dagger blow on right side of her chest. The complainant tried to stop Gulab Singh but the latter gave a sword blow on his left little finger. When Satish @ Nani, cousin of the complainant, reached there, Satya Devi gave an axe blow from its reverse side on his left arm. Golu, after snatching the axe from his mother, gave blow from its reverse side on the arms of the complainant. The complainant party raised an alarm, which attracted their guests Mange Ram and Raj Kumar to the spot, who rescued them from the assailants. Subsequently, the injured were taken in an auto-rickshaw to Civil Hospital, Shahabad where the doctor declared Kanta Devi dead.

Having heard learned counsel for the parties and on going through the impugned judgment, this Court finds that in support of the ocular account, the prosecution has relied upon the testimonies of PW2 Rajesh Kumar, PW6 Satish Kumar @ Nani, PW9 Raj Kumar, PW10 Mange Ram, PW11 Sandeep and PW12 Ramesh Kumar @ Shinta. All of them, except PW2 Rajesh Kumar, did not support the case of the prosecution at all and were got declared hostile. Though PW2 Rajesh Kumar supported the prosecution case in his examination-in-chief, yet in cross-examination,

he turned around to state that on 22.2.2014 at about 7.15 p.m. he was called from the fields and when he came, he saw his wife lying in an injured condition in the street and the people present there did not disclose about the assailants, who had caused injuries to his wife. He also deposed that he, alongwith Satish @ Nani, suffered minor injuries while carrying his wife Kanta in the three-wheeler. He further deposed that the accused, who were present in the Court had not caused any injury to his wife in his presence.

Once the star witnesses of the prosecution have failed to support its case, it cannot be said that it were the accused, who had committed the crime. Under these circumstances, this Court has no other option, but to uphold the judgment of acquittal passed by the trial Court.

Resultantly, the application is dismissed. Leave to appeal is declined.

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

**( GURMIT RAM )**  
**JUDGE**

**October 08, 2015**  
satish