

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRM No.A-1712 MA of 2014(O&M)

Date of decision: 12.01.2015

Amarjit Singh

.....Applicant

versus

Tajinder Singh and another

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr. Sartaj Singh Gill, Advocate for the applicant

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

This order will dispose of an application under Section 5 of the Limitation Act for condoning the delay of 105 days in filing the appeal against the acquittal of accused by the trial Court.

A perusal of judgment of the trial Court shows that the present applicant had filed a criminal complaint against Tajinder Singh and Naresh Rani under Sections 306, 107, 304-B, 120-B IPC. It was stated in the complaint that Gurmit Kaur daughter of the complainant was married to Tajinder Singh accused on 20.1.1993 at Amritsar. Thereafter, she was maltreated. Ultimately, in December 1993, she was given severe beatings and turned out of the matrimonial house. The deceased Gurmit Kaur came to the house of the complainant and lodged an FIR No.89 dated 14.7.1994 under

Sections 406, 498A read with Section 34 IPC. On 13.8.1997, Gurmit Kaur poured kerosene oil on her, put her on fire and died. She left behind a suicide note saying that she is committing suicide due to harassment of her in-laws and her parents are not at fault. Complainant further stated that at the time of suicide, neither he nor his wife was present at home.

It further comes out that during trial, accused were summoned. A case was sought to be projected that during trial of case under Sections 406 and 498A IPC, accused used to crack jokes on Gurmit Kaur as to why she did not die by committing suicide. However, there is no order of the Court in this regard on file nor any application was filed in Court that accused is making such statement. In the complaint, there was no such allegation of accused cutting jokes in the Court. The only allegation levelled in the complaint is that the deceased died after leaving suicide note. It is contended that the deceased died as she was maltreated by her in-laws. However, the fact remains that she was turned out of the matrimonial house in December 1993 and she launched criminal prosecution against her husband on 14.7.1994 by lodging an FIR. She committed suicide on 13.8.1997. In this way, there is a gap of three years in committing suicide after the lodging of FIR. Therefore, it cannot be said that there was immediate instigation by the accused to the deceased to commit suicide. It being so, no fault can be found with the judgment of the trial Court.

There is no illegality or perversity in the judgment dated

16.5.2004 passed by the learned Additional Sessions Judge(A),
Gurdaspur.

Therefore, there is no ground to condone the delay.
Application is accordingly dismissed. Consequently, the application
for grant of leave to file an appeal is also dismissed.

12.01.2015
gk

(Kuldip Singh)
Judge