

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Misc. No.A-352-MA of 2014
Date of Decision : March 12, 2015

Sarabjit Kaur

.....Applicant

VERSUS

Bhoora Ram and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE T.P.S.MANN
HON'BLE MR. JUSTICE MAHAVIR S. CHAUHAN

Present : Mr. Rajbir Singh, Advocate
for the applicant.

T.P.S. MANN, J.

The complainant has filed the present application under Section 378(4) Cr.P.C. for grant of leave to appeal against the judgment dated 3.8.2011 passed by the Sub Divisional Judicial Magistrate, Moonak, whereby respondents No.1 to 9 were acquitted of the charges under Sections 148, 452, 365 and 149 IPC.

The case of the complainant, in nutshell, is that on 25.2.2002 at about 6.00 p.m., respondents No.1 to 9, alongwith others, had kidnapped her mother-in-law Shanti Devi, who could not be found, thereafter, despite best efforts. She got lodged FIR No.32 dated 18.3.2002 under Sections 365/149 IPC at Police Station Moonak but the police did not take any action against the culprits. On 19.3.2002, Shanti Devi was found unconscious at bus-stand, Mansa. On 20.3.2002 Shanti Devi executed an affidavit, wherein she stated that on

25.2.2002, her mouth was gagged by the culprits, who carried her in the car to some unknown place. No food was provided to her. It is also the case of the complainant that she, alongwith Shanti Devi, appeared before the senior police officers and apprised them about the situation. On 26.2.2002, she also appeared before the Deputy Commissioner, Sangrur, who called Shanti Devi for 11.7.2002 for compromise with the culprits. Apprehending registration of a criminal case against them, the culprits connived to finish Shanti Devi and killed her on 4.7.2002. The complainant and her family members approached the higher authorities to investigate the matter, but in vain. However, the police aligned with the culprits and presented a false Kalandra under Section 182 I.P.C. against her. She, accordingly, prayed for taking legal action against respondents No.1 to 9.

Having heard learned counsel for the applicant and on going through the impugned judgment, this Court finds that though respondents No.1 to 9 had allegedly kidnapped Shanti Devi on 25.2.2002 yet it was only on 18.3.2002 that the complainant got registered FIR No.32 under Sections 365 and 149 IPC against the accused respondents. No explanation has been offered as regards the delay in reporting of the matter to the police. Before the occurrence in question, the husband of the complainant was convicted for the murder of Vasdev, father of respondents No.4 and 5. Thus, the complaint was only as a measure of counter-blast. Moreover, affidavit dated 20.3.2002, said to have been executed by Shanti Devi, has not been proved as per record nor its loss explained. The complainant also

produced her daughter Ramandeep Kaur in support of the alleged occurrence of 25.2.2002. However, school record falsified the said claim of the complainant of being residing in the village of incident at the relevant time. Moreover, said Ramandeep Kaur admitted in her cross-examination that when the accused came to their house, neither she nor anyone else raised any hue and cry.

In view of the above, no fault can be found with the impugned judgment whereby respondents No.1 to 9 have been acquitted of the charges against them.

The application is without any merit and, accordingly, dismissed. Leave to appeal is declined.

(T.P.S. MANN)
JUDGE

March 12, 2015
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(MAHAVIR S. CHAUHAN)
JUDGE