IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRR-949-2005 (O & M)
Date of decision:26.08.2015

Smt. Kashmir Kaur ...Petitioner(s)

Versus

Santokh Singh and anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Navjeet Sodhi, Advocate,
for the petitioner.

Mr. Anshul Mangla, Advocate,
for Mr. P.S. Ahluwalia, Advocate,
for respondents No.1 and 2.

Mr. Shilesh Gupta, Addl.A.G., Punjab.

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Rajan Gupta, J. (oral)

Present petition is directed against the order dated 28.10.2004 passed by Additional Sessions Judge (Ad hoc), Fast Track, Gurdaspur, whereby accused has been discharged of charges framed against him under Sections 500/34 IPC. Learned counsel for the petitioner has assailed the order.

According to him, the revisional court could not have interfered and discharged the accused when no evidence had been led before the trial court. He has relied upon judgment rendered by Hon'ble the Supreme Court in a case titled as '*Jeffrey J. Diermeier and anr. versus State of West Bangal and anr., 2010(3) RCR (Criminal) 406'.*

I have heard learned counsel for the petitioner. Complainant Kashmir Kaur was married to Santokh Singh on December 11, 1980 in accordance with Sikh rites. Later a matrimonial dispute arose

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between the parties. A divorce petition was filed before the court at Gurdaspur. During pendency of said case, respondent-Santokh Singh levelled number of allegations against his wife. The divorce petition was, however, dismissed. In view of the allegations levelled while deposing before the court, instant complaint was preferred by the petitioner alleging that she has been defamed. On the basis of preliminary evidence led by her, two accused were summoned to face the trial. They preferred present revision petition before the court of Additional Sessions Judge, Gurdaspur. He, however, came to the conclusion that case of petitioner fell under Eighth Exception of Section 499 IPC. On finding this lacuna, he decided to discharge the accused.

I find no infirmity with the order passed by the court below as all allegations were levelled by the respondent-Santokh Singh while deposing before the court. The judgment in *Jeffrey J. Diermeier and anr.'s case (supra)* cannot help the petitioner.

Dismissed.

(RAJAN GUPTA)
JUDGE

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