

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R.R. No.2144 of 2010(O&M)
Date of Decision : 22.01.2015

Chhinder Kaur

...Petitioner

Versus

Bhagirth Lal and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

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Present: Mr. Rakesh Gupta, Advocate
for the applicant-petitioner.

1. Whether Reporters of local papers 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?

AJAY TEWARI, J.(ORAL)

The present revision has been filed against the acquittal of the respondents.

At the very outset, the counsel for the petitioner states that in view of the latest position in law as set out in ***M/s Tata Steel Ltd. vs. M/s Atma Tube Products Ltd. And others, 2013(2) R.C.R. (Criminal) 1005***, this revision may be treated as criminal appeal.

At the oral request of the learned counsel for the petitioner this revision is ordered to be treated as an appeal.

The allegations levelled were that the sister of the

complainant-appellant was a lady of very loose character who had illicit relations with one Bhagirth Lal-respondent No.1 who was a rich rice sheller of Budhlada. The niece of the complainant-appellant was married to one Palwinder Singh and her mother obtained a job for Palwinder Singh as Munim in the rice sheller of Bhagirth Lal so as to get her daughter molested by Bhagirth Lal and as a result of the molestation the niece of the complainant committed suicide. The Court below acquitted the respondents by holding that the case had not been proved beyond reasonable doubt. The Court below noticed that the relations between the sisters were not cordial since the complainant-appellant was not shown to have even attended the marriage of the niece. In these circumstances, the statement of the complainant-appellant that the deceased made telephone call to her informing about act of molestation was hard to believe by the Court. The Court further found it hard to believe that the mother would subject her daughter to this kind of treatment.

To my mind, apart from these facts there was no allegation in the original complaint regarding the involvement of the husband and it was only subsequently, in a supplementary statement that the complainant-appellant levelled allegations of abetment against the husband-Palwinder Singh. In normal circumstances, if a married woman committed suicide because of an act of molestation by a third person, it would be the husband who would be most

aggrieved and the facile explanation given by the appellant that originally she had not named the husband because she was in a state of shock is hard to digest especially because such allegation was made by her against her own sister.

In the entirety of circumstances, the learned counsel for the appellant has not been able to persuade me that the case against the respondents was proved beyond reasonable doubt.

Consequently, the appeal is dismissed.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

January 22, 2015

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**(AJAY TEWARI)
JUDGE**