

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRR-2194-2015 (O&M)
Date of Decision : 16.06.2015**

Anita Sharma

..... Petitioner

versus

State of Haryana & others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Narender Pal Bhardwaj, Advocate
for the 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)

By this petition, the petitioner has challenged the order dated 27.05.2015, whereby his application dated 19.11.2014 under Section 91 of Cr.P.C (Annexure P-1) for summoning the complete original record of 12th standard of National Public School, Jagadhri; application dated 4.5.2015 under Section 311 of the Cr.P.C (Annexure P-2) for bringing additional documentary evidence; and the application dated 26.05.2015 under Section 311 of the Cr.P.C. (Annexure P-3) for re-examination of PW1-Upender Kaur and for examination of some other persons as prosecution witnesses.

Brief facts are that the son of the petitioner committed suicide in the year 2011. In the suicide note, it was mentioned as follows :-

"I was not mad nor was I stupid. My principal sir used to call me over confident but it was not so. I do not want to die. But when I did not go to school, my mother was phoned and told stories about me. When I now went to school, for 2 days I was kept out of the class. I used to work so hard. My sir had threatened me that he would not give me marks in the practicals. I was also told that I may be reduced to such a state that I may have to give 12th class examination again. Enough is enough. I should go now. My mother says that I will be the cause of her death and of death of Dada ji. I do not know where I was wrong. Whatever I wanted I could never get. Tell her that even today I love her as much. Please ensure that she is called on my death. Death is better than such a life. I am not a coward. My brother will make you proud. May be I was born to bring shame on you. I used to cry for entire night. Dada ji you know I used to study the whole night. She never used to talk to me even then. I was wrong in every body's eyes. But please do not misunderstand me. I did not want all such things repeated again. That is why I am going. Miss you all. Mother I love you so much truly. But I was different."

Thereafter the petitioner launched the prosecution against the accused persons who were involved in the running of the school where the deceased was studying and accused them of having driven her son to suicide. It is during this trial that these three applications were filed.

The primary reason given by the trial judge for rejecting these applications was that through out the proceedings before him the petitioner was being represented by a counsel and if, as per her allegations, the prosecution was not bringing the full facts to the notice of the Court, there was no reason for her counsel not to have brought these facts to the notice of the Court. The trial Court also came to the conclusion that it seems that the petitioner was more interested in prolonging the trial. The Court also felt that in these circumstances, the petitioner was trying to fill-up lacunae in her evidence. The trial Court also noticed that one of the documents which was sought to be produced on record as additional evidence was the death certificate of the deceased. It further noticed that the petitioner wanted the Court to summon one Bala Devi but when the said Bala Devi was given up as unnecessary, the counsel for the petitioner had also endorsed that statement.

As regards the third witness sought to be examined, the trial Court found that that witness had to give testimony about the earlier tainted investigation and came to the conclusion that that question was not material in the trial under Section 306 of the IPC. The trial Court has also noticed that the Hon'ble Supreme Court had directed it to conclude the trial within one year and instead of cooperating therewith the petitioner was delaying the trial, as she appeared in the Court on six occasions but did not give her testimony. It is in these circumstances that the applications were dismissed by the

impugned order.

Learned counsel for the petitioner has not disputed the factual findings of the trial Court but has only argued that this Court should set aside the impugned order and allow these three applications, in the interest of justice.

I have gone through the impugned order as well as the other documents. Counsel for the petitioner has not been able to persuade me that the findings recorded by the trial Court are so arbitrary as to render perverse and liable for interference by this Court under Section 482 of the Cr.P.C. Consequently, finding no merit in this petition, the same is dismissed.

16.06.2015

Pooja Sharma-I

**(AJAY TEWARI)
JUDGE**