

CRIMINAL APPEAL NO.453 OF 2015

1. Heard learned counsel for the appellant and the learned A.P.P. for respondent No.1/State.
2. Learned counsel for the appellant (original complainant - victim) submits that, the judgment of the trial Court acquitting the accused persons is not maintainable in law. According to him, the marriage took place in 2008 and the incident of burning of victim Rina, who was married to the accused No.1, took place in 2012, which is within seven years. According to him, presumptions available in law should have

been raised. The learned counsel submitted that, P.W.2, the cousin sister of the deceased had given message to the complainant about the incident dated 14.3.2012. On 16.3.2012 and complainant went along with his wife and met the daughter on 17.3.2012. The daughter died on 18.3.2012. The F.I.R. was lodged on 19.3.2012. The learned counsel submits that, the prosecution failed to examine the doctor before whom the dying declarations were recorded as well as the police official who recorded the dying declarations. The trial Court did not appreciate evidence of the complainant, his wife and his son properly, as the victim had told these witnesses that she had committed suicide due to harassment on the part of accused persons who were asking her to get gold ring.

3. Perusal of the judgment of the trial Court shows that, after the incident of the victim getting burnt, she was taken to the hospital and at the hospital, her dying declaration was recorded by police as well as Executive Magistrate. It appears that, in these dying declarations, the victim informed that she got burnt due to fall of Chimney (kerosene lamp) on her person. It appears that, these documents were admitted by accused and were exhibited. In the judgment, the trial Court has referred to the oral evidence of P.W.1 Complainant Gautam, P.W.2 Sanjeevani, cousin sister, P.W.3 Sangita (mother) as well as

P.W.5 Rahul, brother. After discussing the evidence, the trial Court referred to the evidence specially of P.W.3, the mother Sangita, who deposed that, even to her the victim had stated that she got burnt due to fall of Chimney. Thus, it was case of accidental burns.

4. The learned counsel for the appellant was asked, and he has tendered for perusal of this Court, copy of the evidence of Sangita, which does show in para No.4 that when she had gone to the hospital and asked Rina about the incident, Rina had narrated her that Chimney had fallen on her person and thereby she got burnt. Looking to this, it does not appear that, any fault could be found with the judgment of the trial Court which has taken a view that the prosecution failed to prove charges levelled against the accused of cruelty as well as abetment to commit suicide. The view taken is a possible view. There is no reason to admit this appeal against acquittal.

5. Admission of the appeal is declined. Appeal stands dismissed.

(A.I.S. CHEEMA, J.)