

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Appeal No. S-1464-SB of 2002(O&M)

Gurdev Singh and another

..... Appellants

versus

State of Punjab

... Respondent

Crl. Revision No. 692 of 2004(O&M)

Krishan Kumar

..... Petitioner

versus

Charanjit Singh and others

... Respondents

Date of decision : 20.01.2016

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr.B.S. Sidhu, Advocate
for the appellants (in CRA-S-1464-SB-2002) and
for respondents No. 1 to 4 and 6 (in CRR-692-2004)

Mr. V.P.S. Sidhu, AAG, Punjab.

Mr. Tarun Singla, Advocate for
Mr. R.K. Singla, Advocate
for the petitioner (in CRR-692-2004).

Mr. G.S. Sandhu, Advocate
for respondent No.5 (in CRR-692-2004)

ANITA CHAUDHRY, J. (ORAL)

Gurdev Singh and Satya Devi had preferred appeal against the judgment and order dated 02.09.2002 vide which they were sentenced to undergo rigorous imprisonment for 5 years under Section 306 IPC and to pay a fine of Rs. 1000/- and in default of payment of fine to further undergo

rigorous imprisonment for a period of 3 months. They were also sentenced to undergo rigorous imprisonment for 3 years under Section 498-A IPC and to pay a fine of Rs. 500/- and in default of payment of fine to further undergo rigorous imprisonment for a period of one month. Both the sentences were ordered to run concurrently.

The trial ended in conviction of the husband, mother-in-law and father-in-law. Rest of the accused who were challaned were acquitted. The complainant Krishan Kumar has preferred a revision since he is aggrieved by the acquittal of the remaining accused.

At the outset, it was stated that Gurdev Singh appellant No. 1 had died. The husband had completed his sentence and was released from Jail on 03.09.2002.

It is necessary to give few facts. Renu Bala was married to Charanjit Singh on 26.07.1993. A complaint was lodged by Krishan Kumar, who was the Mediator. Krishan Kumar was also related to the deceased. Allegations were levelled that there was demand of a scooter by the in-laws and the girl had been sent back to the parents house. The deceased was sent back to the matrimonial home with the assurance that the father would make arrangement but the husband, in-laws and sisters of the husband threatened the deceased and they left her at her parents house. A panchayat was held. The matter could not be resolved. A complaint was made to the Women Cell and the family members were summoned. The efforts for reconciliation were on when the complainant was asked by father of the girl to keep a watch on the situation. Allegations were that on 16.12.1996 the complainant alongwith his friend Ashok Kumar went to the house of the accused when they failed to get any response to his calls and there they found the burnt body of Renu in the bathroom. The matter was reported to the police the same afternoon and the FIR was registered.

The police challaned the husband, his parents, two sisters and Mithu Singh.

On completion of investigation, challan was presented and charge was framed under Section 304-B read with Section 34 and 120-B IPC. The accused claimed trial. Charge was altered to Section 306 IPC. The prosecution examined 10 witnesses. The accused abjured the trial and pleaded false implication. It was urged that the deceased had illicit relations with the complainant to which they objected and the accused had made a complaint to the police and when Charanjit threatened the deceased that he would expose to her parents then in order to save herself from the consequences she took the extreme step by setting herself on fire.

Daljit Kumari took the plea that she was a school teacher and was attending her duty in the school when the occurrence took place. Kiran Bala sister of the husband stated that she was married 13 years back and was residing with her husband. Mithu Singh denied his involvement. He stated that he was the Sarpanch and was appointed as an Arbitrator in the dispute and he had been named so that truth should not come out. He took the plea of alibi. By way of defence, the accused had examined six witnesses. They sought to produce letter alleged to have been written by deceased on 08.07.2014.

The trial Court convicted the husband and the in-laws under Section 306 IPC and acquitted the rest of them.

An appeal was preferred by Satya Devi and Gurdev Singh. Gurdev Singh had died after the filing of the appeal

Learned counsel for the appellants refers to the facts of the case and to the evidence and had urged that he would address only with respect to the quantum. It was urged that the husband had undergone the whole sentence while the father-in-law had died during the pendency of the appeal

and only the mother-in-law survives who was around 80 years of age and she had already undergone 1 year, 10 months and 16 days of custody and sending her to the prison at this age would be putting the accused to extreme difficulty and a lenient view may be taken on the sentence. It was urged that the appellant No. 2 had faced a protracted trial.

The submission on behalf of the complainant was that the acquittal recorded for the rest of the accused was bad and the trial Court had erred while acquitting them. The counsel had referred to the evidence and submits that similar allegations were made against the rest of the accused and the trial Court had wrongly acquitted them.

So far as the acquittal of the other relatives are concerned the trial Court had minutely examined the evidence and had recorded reasons for the acquittal which can not be faulted as there is a tendency of the girl side to rope the close relatives of the husband especially the sisters to take revenge. The trial Court was right in accepting the evidence so far as they were concerned.

The sisters had been married 13 years prior to the incident. The accused who had been acquitted were not to gain on the demand allegedly made. The accused had earned acquittal and it was for the complainant to show that the judgment was perverse. The findings recorded by the trial Court can not be interfered with unless it could be shown that the findings were perverse or some evidence had not been rightly appreciated. I see no sufficient or cogent reasons to reverse the findings recorded by the Court below. There is no merit in the revision filed by the complainant. The same is dismissed.

Since the appeal on behalf of Satya Devi is pressed only with respect to the quantum, the findings regarding conviction are affirmed.

Custody certificate shows that Satya Devi had undergone 1 year,

10 months and 16 days of custody before she was released on bail in 2003. The occurrence took place in 1996. The appellant had faced a protracted trial. The appellant is 80 years old lady and is suffering from age related problems.

This factual assertion is not disputed by the respondent. Looking at the age of the appellant, it does not seem fair to send her to jail. The sentence already undergone would suffice.

The appeal is disposed of with the above modification in the sentence. There would be no modification with respect to the fine. If the fine is not deposited it would be deposited within two months, failing which CJM concerned would take appropriate steps for recovery.

January 20, 2016

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**(ANITA CHAUDHRY)
JUDGE**