

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Appeal No.D-1313-DB of 2015

Date of Decision : January 14, 2016

Ajit Singh

.....Appellant

VERSUS

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE T.P.S.MANN
HON'BLE MR.JUSTICE RAMENDRA JAIN

Present : Mr. Sarju Puri, Advocate
for the appellant.

T.P.S. MANN, J.

The appellant, who is father of deceased Santosh Kumari alias Raman, has filed the present appeal for challenging the judgment dated 8.7.2015 passed by learned Sessions Judge, Shaheed Bhagat Singh Nagar to the extent of acquitting the accused, namely, Jagdish Kumar alias Deesha, Dharam Chand, Parkash Kaur, Kamaljeet and Jaswinder Lal of the charges under Section 306 read with Section 120-B IPC, or, in the alternative, under Section 302 IPC.

The case of the prosecution, in brief, is that deceased Santosh Kumari alias Raman was married to accused Jeet Ram on 4.2.2001. An year and half after her marriage, Santosh Kumari alias Raman gave birth to a female child. All the accused started taunting and harassing her for giving birth to a female child. The appellant and other members of his family tried to console Jeet Ram and Santosh

Kumari alias Raman. After some time, Santosh Kumari alias Raman delivered another female child and the accused started taunting her again by saying that she was giving birth to female children only. When Santosh Kumari alias Raman delivered the third child, once again, a female child, the accused taunted her again and declared that they would marry Jeet Ram somewhere else and threatened Santosh Kumari alias Raman to leave the matrimonial home or else she would be killed. 3/4 days before 25.9.2011, appellant's son Surinder Kumar told him that he was apprehensive about Santosh Kumari alias Raman being killed by the accused. The appellant told Surinder Kumar that it was a routine matter and they would go to the house of the accused after some days. On 24.9.2011, someone informed the appellant that Santosh Kumari alias Raman had died on account of electrocution. Accordingly, the appellant, alongwith others went to the house of the accused but they were not allowed to see the dead body of Santosh Kumari alias Raman. Rather, they were beaten by the accused. The appellant reported the matter to the police and, accordingly, the police came to the house of the accused and removed the dead body of Santosh Kumari alias Raman to Civil Hospital, Nawanshahr. Pleading that his daughter Santosh Kumari alias Raman had been tortured to death by the accused, the appellant got recorded his statement with the police. On its basis, FIR No.112 dated 25.9.2011 was registered at Police Station City, Shaheed Bhagat Singh Nagar under Sections 306/120-B IPC.

The trial Court had framed charges under Section 306 read with Section 120-B IPC, or, in the alternative, under Section 302 IPC.

Vide impugned judgment and order dated 8.7.2015, the trial Court acquitted Jagdish Kumar alias Deesha, Dharam Chand, Parkash Kaur, Kamaljeet and Jaswinder Lal of the charges against them. Even Jeet Ram was acquitted under Section 302 IPC. However, he was convicted and sentenced under Section 306 IPC.

At the outset, learned counsel for the appellant has submitted that Jeet Ram, husband of the deceased has wrongly been impleaded as respondent No.2 in the present appeal as no relief is claimed against him. Hence, the particulars of Jeet Ram as respondent No.2 may be deleted. Instead, Jagdish Kumar alias Deesha, who is arrayed as respondent No.3, be treated as respondent No.2 and memo. of parties may be corrected accordingly. Ordered accordingly. Necessary correction be carried out.

Having heard learned counsel for the appellant and on going through the impugned judgment, this Court finds that the post-mortem report clearly indicated that the cause of death of Santosh Kumari alias Raman was electrocution, which may be on account of the deceased coming into contact with live electricity wire running overhead. At the same time, there is no material on the record from which it could be inferred that the accused had done something to bring the deceased in contact with the electric wire. Mere assertion of the appellant that it were the accused who had committed the murder of Santosh Kumari alias Raman cannot be made the basis for convicting the accused for the offence under Section 302 IPC.

It is true that the Board of Doctors had opined that the

chloro-compound group of insecticides found in the viscera of the deceased could have also led to the death of Santosh Kumari alias Raman. According to the prosecution the deceased had three deliveries and each time she gave birth to daughters. In such a situation, it would be the husband of the deceased who would have a grouse, though under misconception that the deceased was responsible for giving birth to daughters, whereas the sex of the child is determined by the father and not by the mother. Vague and general allegations that the accused other than the husband of the deceased had been taunting the deceased for giving birth to daughters would not be sufficient to make them liable for abetting the commission of suicide by the deceased. Therefore, the father, mother-in-law, brothers-in-law and sister-in-law of the deceased cannot be held responsible for committing the offence under Section 306 IPC.

In view of the above, no case is made out for any interference in the impugned judgment to the extent of acquitting respondents Jagdish Kumar alias Deesha, Dharam Chand, Parkash Kaur, Kamaljeet and JaswinderLal of the charge against them.

The appeal is without any merit and, therefore, dismissed.

(T.P.S. MANN)
JUDGE

(RAMENDRA JAIN)
JUDGE

January 14, 2016
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