

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA No. S-4515-SB of 2014 (O/M)
Date of decision : 1.6.2016

Nirmala Appellant

Versus

State of Haryana and another Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Himanshu Puri, Advocate, for,
Mr. J.S. Ghumman, Advocate, for the appellant.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH J. (ORAL)

Nirmala (appellant) has filed this appeal against the judgment of acquittal dated 8.9.2014, passed by the learned Sessions Judge, Rewari, vide which Chander Kalan, mother-in-law of the appellant, has been acquitted of the charges framed against her under Section 306 IPC.

It is claimed that on 16.4.2013, Abhishek son of the present appellant, namely, Nirmala, consumed poisonous substance. He was taken to hospital, but died on the way. The present appellant had made statement to the police that when, on the said day of occurrence, Abhishek had gone out with buffaloes and returned at about 3:30/4:00 PM. She saw that Abhishek was vomiting and was lying on a cot. On inquiry, he did not tell anything. Later on, she noticed that the deceased was crying for washroom. She again asked him, but he did not tell anything. Thereafter, a vehicle was arranged and he was taken to the hospital, but he died on the way. She stated that Abhishek consumed some poisonous substance by mistake. He

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had not told anything despite being asked as to what happened. On the statement of Nirmala, proceedings under Section 174 Cr.P.C. were initiated. Later on, after a few days, the complainant made a statement to the police, levelling allegations of harassment by her mother-in-law from the time of marriage since 1997, stating that her husband had also committed suicide due to maltreatment and harassment meted out to her. The accused is stated to have taunted Abhishek 'you will die the way your father died'.

It comes out that the relations between the parties are not cordial. The deceased was only 15 years old. The words allegedly used by the accused from its face do not amount to abetment to commit suicide. The chiding by the grandmother cannot amount to abetment of commission of suicide. It also comes out that initially the deceased did not tell anything to her mother, despite being asked twice. Therefore, the complaint made to the police later on, was rightly not believed by the Court below. Hence, the present appeal is dismissed.

(KULDIP SINGH)
JUDGE

1.6.2016
sjks