

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

CRM-A-221-MA of 2016 (O & M)

Date of decision : 22.4.2016

State of Punjab

.....Applicant

v.

Bimla Rani and another

.....Respondents

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

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporters?
3. Whether the judgment should be reported in the Digest?

Present : Dr. Deipa Singh, Addl. AG, Punjab
for the applicant

RAMENDRA JAIN, J.

CRM No. 4179 of 2016 :

Heard. Sufficient cause has been shown for condonation of delay in applying for leave to appeal. The application is, therefore, accepted. The delay of 110 days in applying for leave to appeal is condoned.

CRM-A-221-MA of 2016 :

The respondents were booked and tried under Section 304B IPC on the allegations that Rachna deceased (married with convict Manish Kumar @ Monu) was being taunted, harassed, maltreated and finally murdered by the respondents and their co-accused Manish Kumar on account of demand of dowry.

The prosecution in support of its case examined five witnesses and

relied upon certain documents.

The respondents and said Manish Kumar convict in their statements under Section 313 Cr.P.C. pleaded their false implication. DW1 Mukesh Kumar to strengthen the defence of the respondents stated that at one point of time, he was partner of convict Manish Kumar. Marriage between Rachna deceased and Manish Kumar was a love marriage. No dowry articles were given in the marriage by the parents of the deceased. Manish Kumar was residing separately from other family members. Father of deceased Rachna had contracted second marriage by leaving his first wife and thus, Rachna used to remain under depression as her real mother was alone at Ludhiana. She was pressurising her husband to shift to Ludhiana to which he did not agree. Therefore, there used to remain a constant dispute in between deceased Rachna and convict Manish Kumar. On the date of occurrence Manish Kumar was not present at the spot, rather was at his shop. He further testified that Rchna was not keeping good health.

After perusing the evidence led by both the sides and hearing learned counsel for the parties, the trial Court did not find itself completely in favour of the prosecution and thus, acquitted both the respondents vide impugned judgment dated 15.7.2015, while convicted Manish Kumar @ Monu accused-husband of deceased Rachna under Section 304B IPC.

Being aggrieved, the State has filed the instant application under Section 378 Cr.P.C. seeking leave to file the accompanying appeal.

Learned State counsel contended that the impugned judgment is based on surmises and conjectures. The trial Court has failed to appreciate that Rachna died within seven months of her marriage with Manish Kumar convict.

As per medical record she had died on account of bodily injury not under normal circumstances. The testimonies of PW3 Nishan Masih and PW4 Sapna were consistent and corroborated to each other. Thus, there was no scope of acquittal of the respondents.

We have given our thoughtful consideration to the above submissions and find the present application completely meritless for the reasons to follow.

PW4 Sapna-real sister of Rachna deceased had testified that respondent No.1-Bimla Rani being married and having a child was residing separately from Manish Kumar convict. Respondent No.2-Dinesh Kumar was running an auto rickshaw. He had no concern with the business affairs of convict Manish Kumar. PW5 Investigation Officer-SI Kewal Singh had also admitted that respondent No.1-Bimla Rani and convict Manish Kumar were living in separate houses having separate mess. There was an intervening wall in between their houses. The main allegation of the prosecution against them is the demand of motor cycle from deceased Rachna. However, the respondents i.e. mother in law and brother in law of the deceased Rachna in any way cannot be said to be beneficiaries of the same.

Learned counsel for the applicant-complainant has miserably failed to put any dent in any of the findings of the trial Court. We have also gone through the impugned judgment and find no illegality or perversity in the same.

In view of the discussion above, the instant application being completely devoid of any merit is dismissed. Leave to appeal is declined.

(T.P.S. MANN)
JUDGE

(RAMENDRA JAIN)
JUDGE

22.4.2016
Ashwani