

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

Criminal Revision 384 of 2008
Date of Decision : December 16, 2016

Jarnailo Devi

.....Petitioner

VERSUS

State of Haryana and others

.....Respondent

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

Present : Mr. S.S.Dinarpur, Advocate
for the petitioner.

Mr. Praveen Bhadu, Asstt. A.G., Haryana
for respondent No.1-State.

Mr. Ashok Khubber, Advocate
for respondents No. 2 to 4.

T.P.S. MANN, J. (Oral)

This revision has been filed by complainant Jarnailo Devi for challenging the judgment dated 19.11.2007 passed by learned Additional Sessions Judge, Yamuna Nagar, whereby accused/respondents No. 2 to 4 stood acquitted of the charges under Section 307 read with Section 34 IPC.

According to the prosecution, on 29.9.1999, respondents No. 2 to 4, i.e. mother-in-law Ilmo Devi, sister-in-law Seema and sister-in-law's husband Suresh of the petitioner had caused injuries to her. She was brought down from the chobara and hearing her alarm her neighbours intervened and she again

went up. The accused again came there. Her sister-in-law poured kerosene upon her and set her ablaze. The match stick was lit by her mother-in-law whereas her sister-in-law's husband had caught hold of her.

It is the case of the prosecution that the petitioner had made statement Ex.P13 before the Judicial Magistrate on the aforementioned lines and, accordingly, FIR No. 34 dated 1.10.1999 under Sections 323/307/34 IPC was registered against the accused at Police Station, Buria.

It may be worthwhile to mention here that during the investigation of the case, the Investigating Officer had recorded the statements of various villagers. The investigation, so carried out was verified by the then Superintendent of Police, who came to the conclusion that on 29.9.1999 a dispute had taken place between the petitioner on the one hand and her mother-in-law Ilmo Devi on the other about utensils and due to that the petitioner went inside her chobara, poured kerosene upon her and set her ablaze. After extinguishing fire, she herself came down from the chobara. She had not been set ablaze by anyone. In view of the aforementioned conclusion arrived at by the Investigating Agency, the cancellation report was submitted, which was opposed by the petitioner. She also moved protest petition reiterating the allegations against the accused. This

was followed by the Ilaqa Magistrate recording preliminary evidence and on its basis summoned the accused to face trial for the offence under Section 307 IPC read with Section 34 IPC.

It may also be worthwhile to notice here that Sunny Kumar, son of petitioner Jarnailo Devi was examined by the prosecution as PW7, who supported the version of his mother. However, he gave a totally divergent, changed and improved version while deposing before the trial Court. He happened to be fifteen years of age and son of the petitioner. However, he was not examined in the preliminary evidence before the Magistrate and for the first time his statement was recorded by the trial Court and, that too, by way of additional evidence of the prosecution. So much so, that even his name was not mentioned in the list of witnesses.

It has come on the record that a criminal case under Sections 364, 302, 201, 34 and 120-B IPC was got registered by accused Ilmo Devi regarding kidnapping and murder of her husband Sher Singh on 6.12.1998. Copy of the judgment Ex.D4 arising out of the aforementioned criminal case depicted that Inder Singh, father of the petitioner wanted Sher Singh, husband of Ilmo Devi to transfer two acres of land in the name of the petitioner. As Sher Singh was not agreeing to the same, Inder Singh planned to kill him. He hired the services of Inder Pal and

Main Pal, who eliminated Sher Singh. In the said case, accused Ilmo Devi had appeared as main prosecution witness. The trial, which started in the month of March 1999 ended with the acquittal of Inder Singh on 21.11.2003. Under these circumstances, the defence plea is rendered plausible that in order to pressurize the accused for effecting compromise in the aforementioned case under Sections 364, 302, 201, 34 and 120-B IPC, the present case was got registered.

In view of the above, there is no merit in the revision, and the same is, accordingly, dismissed.

December 16, 2016
amit rana

(T.P.S. MANN)
JUDGE

Whether speaking/reasoned. : Yes/No

Whether Reportable. : Yes/No