

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

**Crl. Rev. No.3827 of 2014 (O&M)
Date of decision : 07.04.2016**

Brij Bhushan and others

.....Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Ms. Sarabjeet Kaur, Advocate
for the petitioners.

Ms. Dimple Jain, AAG, Haryana.

Mr. Ashit Malik, Advocate
for the complainant.

ANITA CHAUDHRY, J.

This revision is directed against the order dated 02.09.2014, passed by the Additional Sessions Judge, Rohtak who had framed charges against the petitioners under Section 306 IPC.

In order to deal with the issues raised by the petitioners, it is necessary to have the factual matrix. A complaint was lodged by Saurav. His sister Bimla was married to Bhushan on 29.10.2009. Allegations were levelled that the husband, the

in-laws and the sister were harassing her from the very beginning for bringing less dowry. Panchayats were held. The harassment stopped for a while but it would start again. Taunts were thrown at her. The couple was blessed with a child. The girl was turned out of the house. She returned to her parent's home three years ago. Prior to the incident, allegations were levelled that the husband had filed a case and his sister used to remain depressed. The in-laws used to send repeated messages asking her to give divorce otherwise she would be killed. Allegations were levelled that the girl consumed poison and committed suicide.

The police investigated into the complaint and filed the challan against all the accused. After commitment, the trial Court heard both the sides and passed an order for framing charge under Section 306, 34 IPC. Aggrieved with the same, this revision.

Counsel for the petitioners has urged that the girl had returned to the matrimonial home three years prior to the incident and there was no contact with the petitioners whatsoever and the police had not collected any material to show that any messages were sent or any call was made and not a single complaint had been made during her life time and the mere fact that the divorce petition had been filed was not enough and there is no evidence of instigation, abetment or aiding and the charge-sheet should be quashed. Reliance was placed upon **Satish**

Fakira Dhangar & Ors. Vs. State of Maharashtra I(2010) DMC 44, Sanju @ Sanjay Singh Sengar V. State of Madhya Pradesh AIR 2002 SCC 1998 and Dalip Chaudhary & Anr. Vs. State Govt. of NCT of Delhi, in Crl. Rev. P. No.725/2007, D.O.D.19.01.2009.

On the other hand, the submission was that there were constant threats to the girl and her character was being doubted and there are allegations in the FIR and charge can be framed on grave suspicion and the case passes the test of prima facie case which is sufficient to frame charge and the fact whether the case would fall under Section 107 Cr.P.C. would be a matter for the trial Court to adjudicate.

The counsel had placed on record copy of the interim orders to show that the accused were not allowing the trial to proceed and they had been moving applications for exemption and had sought adjournment as the revision was pending. It was submitted that there is no stay in this case. It was submitted that the girl had gone missing from the matrimonial home earlier and a DDR was lodged by the husband and allegations were levelled that she was involved with someone else and they had attacked her character. The counsel had referred to the submissions made by the accused side noted in para no.4 of the impugned order.

It is settled that charge can be framed if there are allegations. The Court is not required to go into the truth or the

veracity of the same nor there is any need to formulate any opinion about the prospectus of conviction. The marshalling and appreciation of evidence is not in the domain of the Court. The charge can be framed on the basis of strong suspicions, which exists in the present case. The trial Court had considered the submission of both the sides and had passed a speaking order.

There is sufficient material, which was enough to frame the charge. There is no merit in the revision. The revision is dismissed.

I find that number of adjournments had been granted by the trial Court. The accused have also been seeking exemptions on one pretext or the other, thereby delaying the trial.

The trial Court would expedite the trial by giving short adjournments.

07.04.2016
sunil

(ANITA CHAUDHRY)
JUDGE