

CRR-4125 of 2015

1

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

Sr. No.265

CRR-4125 of 2015

Date of decision : 25.07.2016

Poonam

.....Petitioner

versus

Onkar Nath Sharma

.....Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Petitioner in person

Mr. Rajinder S. Rana, Advocate
for respondent No.1.

Mr. Sandeep Vashishth, DAG, Haryana.

AJAY TEWARI, J. (Oral)

This petition has been filed against the acquittal of the respondent by both the Courts below.

As per the case of the petitioner, she along with her husband and her son had taken the premises of the respondent on rent in Kurukshetra. However, in the year 2010 petitioner with her son had temporarily shifted to Hisar to her parental house for the treatment of her son. During this interregnum her husband was living at Dhuri in

Punjab. As per the case of the petitioner she had to come on and off to Kurukshetra to look after her house. In the year 2013 when she went to Kurukshetra, she found that all house hold things had been sold to somebody else and her valuables were not traceable. She thereafter lodged the instant complaint under Sections 451 and 380 of the IPC.

Both the Courts below found that apart from the petitioner there was no other evidence and the petitioner had not been able to show as to how and when the material had been taken. They also found that she did not even know up to what date rent had been paid but her husband had once told that he had paid the rent upto December 2010.

Both the Courts found that she had not produced either her son or husband and had not even made her husband as a co-accused when she subsequently made allegations that her husband was in connivance with the respondent. In the circumstances, the Courts below held that the allegations were not proved. The petitioner who is present in person has argued that when the investigation was made by the police the respondent had accepted that he had sold the material to a passing 'raddiwala' for a sum of Rs.1,500/-.

Learned counsel for the respondent has argued that this statement which is on the record of the police can not be relied upon against the respondent who has denied making any such statement in the

CRR-4125 of 2015

3

Court.

Keeping in view the entire facts, I see no reason to
take a different view than that taken by the Courts below.

Consequently, this petition is dismissed.

July 25, 2016
Pooja Sharma-I/anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No