

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

Criminal Misc.No. A-1040-MA of 2016

Date of Decision : July 24, 2017

Chavi Raj

....Applicant

Versus

State of Haryana and another

....Respondents

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

HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present : Mr. Angel Sharma, Advocate
for the applicant.

T.P.S. MANN, J.

Acquittal of accused Rajwati, respondent No.2 herein, stands challenged by complainant Chavi Raj by filing the present application under Section 378 Cr.P.C.

Rajwati, alongwith her husband Lekh Ram Yadav and son Ravinder, was tried for committing offences punishable under Sections 120-B and 302 read with Section 120-B IPC. Ravinder accused was also tried for committing the offences punishable under Sections 25 and 27 of the Arms Act.

Vide impugned judgment dated 17.3.2016, learned Additional Sessions Judge, Faridabad convicted Lekh Ram Yadav and Ravinder under Section 302 read with Section 34 IPC. Ravinder was also held guilty under Sections 25 and 27 of the Arms Act. However, Rajwati was acquitted of all the charges against her.

It is the prosecution case itself that Rajwati was not armed with any weapon at the time of the alleged occurrent. She was said to have caught hold of Mohit, brother of the complainant, which was followed by Lekh Ram Yadav giving a lathi blow to him. Further, Lekh Ram Yadav asked his son Ravinder to shoot at Mohit. This was followed by Ravinder firing at Mohit and when the complainant and others tried to save him, Ravinder pointed the pistol towards them but he saved himself. Later on, Mohit was shifted to the hospital but he died before reaching there.

As is clear from para 81 of the impugned judgment, Rajwati was an old lady and said to have caught hold of a young man like deceased Mohit. Apparently, the involvement of Rajwati does not stand proved and for that reason no fault can be found with the impugned judgment passed by the learned trial Court acquitting Rajwati accused of the charges against her.

The application is without any merit and, therefore, dismissed. Leave to appeal is declined.

July 24, 2017

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(T.P.S. MANN)
JUDGE

(MAHABIR SINGH SINDHU)
JUDGE

Whether reasoned/speaking : YES / NO

Whether reportable : YES / NO