

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

Criminal Misc. No. A-1578-MA of 2016

Date of decision : August 03, 2017

Naveen Munjal

.....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. Maninder Arora, Advocate
for the applicant.

T.P.S. MANN, J.

Applicant-Naveen Munjal, who is father of deceased Sanchi, has filed the present application under Section 378 Cr.P.C. for grant of leave to appeal against the judgment dated 28.7.2016 passed by Sessions Judge, Panipat.

Vide impugned judgment, learned trial Court acquitted accused Akshay Sethi-respondent No.2 herein, of the charges under Sections 436 and 304 IPC.

According to the prosecution, Sunita wife of Krishan Sethi and Manju wife of Satpal Sethi owned a house in Sector 11, Panipat. Both Satpal Sethi and Krishan Sethi were real brothers. Satpal Sethi used to live on the first floor, whereas Krishan Sethi on the ground floor. Relations between Krishan Sethi and his wife Sunita were not cordial and, therefore, Sunita, alongwith her daughter, started living separately with her parents, whereas Krishan Sethi and his son Akshay

Sethi (accused) continued to live in the aforesaid house. Manju Sethi had two sisters, namely, Kanchan and Preeti, who were married to Vijay Sindwani of Ajmer and Naveen of Chandigarh, respectively. Kanchan, alongwith her daughter Khushi and Preeti, alongwith her daughter Sanchi came to their parental home at Panipat during summer vacations in the month of May, 2015. On 30.5.2015, after taking dinner Sanchi and Khushi accompanied Manju's son Tushar and daughter Taniya to their house and slept there during the night. Next morning at about 8.00 a.m., a fire broke out on the ground floor of the house which spread to the top floor as well. Tushar and Taniya managed to come out of the house but Sanchi and Khushi got entrapped in the fire. The relatives and neighbours were attracted and both Sanchi and Khushi were taken out of the house in seriously injured condition. They were removed to Civil Hospital, Panipat where the doctors provided necessary medical aid and tried to save them but it was all in vain.

Having heard learned counsel for the applicant and on going through the impugned judgment, this Court finds that though the occurrence had taken place on 31.5.2015 yet the FIR came to be registered only on 12.6.2015. Though Satpal Sethi, uncle of the accused submitted application Ex.PA to the police holding the accused responsible for setting a roll of curtain on fire but when said Satpal Sethi stepped into the witness box as PW1, he did not support the prosecution case. PW2 Jaswant Sethi, another uncle of the accused had

made statement during investigation that father of the accused had promised him a birthday party and purchase of new clothes on 31.5.2015 by taking him to Faridabad and when the accused learnt in the morning of 31.5.2015 about his father proceeding to Faridabad but without taking him along, he got annoyed and set on fire the rolls of curtain lying in the house which later spread and caused death of the deceased. However, in the witness box he did not support the prosecution case. Similar was the position in the case of PW3 Manju Sethi, aunt of the accused. PW4 Daulat Ram, maternal grand-father of the two deceased and PW10 Kanchan, mother of deceased Khushi. All of them did not support the prosecution case and after getting them declared hostile, learned Public Prosecutor had cross-examined them but could not bring any material on record to connect the accused with the commission of the crime.

In view of the above, it cannot be said that the trial Court erred in acquitting the accused of the charges against him.

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

	(T.P.S. MANN) (MAHABIR SINGH SINDHU)	
	JUDGE	JUDGE
August 03, 2017		
satish		

Whether reasoned/speaking : YES / NO

Whether reportable : YES / NO