

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

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CRM-A-1241-MA-2017 (O&M).
Decided on: September 1, 2017.

Rajbir

.. Appellant

VERSUS

Garja and others

.. Respondents

* * *

CORAM: HON'BLE MR.JUSTICE M.M.S.BEDI
HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

* * *

PRESENT Mr.Sandeep Kotla, Advocate,
for the appellant.

M.M.S. BEDI, J. (ORAL)

Private complaint filed by the appellant against his brother-in-law Garja and other family members under Section 302 IPC, has been dismissed vide order dated 5.4.2017, on the ground that the allegations in the complaint and the preliminary evidence produced were not sufficient enough to try the respondents. Sister of the appellant, who was mother of four children, was allegedly murdered after 18 years of marriage. The appellant was not called at the time of cremation. The appellant is admittedly a truck driver.

Counsel for the appellant has vehemently contended that the preliminary evidence produced has not been fairly appreciated to determine the prima facie case which was made out against the respondents. He has also contended that it is a case of dowry death on the basis of the circumstances on the record.

We have considered the contention of the learned counsel for the appellant in context to the fact that the marriage was admittedly 18 years old. Though the appellant has tried to make it a case of dowry death but the legal presumption under Section 113-A of the Evidence Act, will not be attracted in the present case. The allegations of the appellant have not been corroborated by statements of other witnesses.

We have gone through the statements made by other witnesses also which do not corroborate the testimony of the appellant. The circumstances do not warrant interference in the order of acquittal passed on the basis of the inadequate circumstantial evidence produced before the Magistrate.

The leave to appeal is dismissed.

(M.M.S. BEDI)
JUDGE

September 1, 2017.
raj arora

(AUGUSTINE GEORGE MASIH)
JUDGE