

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

CRM-A No.390-MA of 2016 (O&M)

Date of Decision: 14.02.2017

State of Haryana

.....Applicant/Appellant

Vs

Amit @ Meeta

....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Pradeep Prakash Chahar, D.A.G., Haryana
for the applicant-appellant.

RAJ MOHAN SINGH, J.

[1]. Applicant-State of Haryana has preferred this appeal against the order of acquittal dated 29.09.2015 passed by the Sessions Judge, Panipat in case bearing FIR No.120 dated 14.03.2013 under Sections 302 IPC, Police Station Model Town, Panipat. Along with the present appeal an application for leave to appeal has also been filed.

[2]. The prosecution story started with the allegations that one Joginder Singh son of Sube Singh was brought to the hospital with the history of consumption of aluminium phosphate. Doctor sent *ruqa* to the Police. Statement of the patient was sought to be recorded by the Police, however the doctor reported that the patient had died. Son of the deceased made complaint to the Police and consequently case was registered against the accused-respondent for the offence

under Section 306 IPC. Complainant Kuldeep handed over a suicide note to the Police, which was allegedly recovered from the pocket of the shirt of the deceased.

[3]. Police collected sample writing of the deceased from the complainant as also original account opening form from the Manager of the Bank where deceased was having a bank account. Suicide note, sample writing, viscera, deceased's vomit and account opening form were sent to the FSL for scientific analysis.

[4]. During investigation confession of the accused was recorded, wherein he admitted that he was compelling the deceased to commit suicide. Ultimately the respondent was chargesheeted after committal to the court of Sessions.

[5]. After conclusion of the prosecution evidence, the statement of the accused was recorded under Section 313 Cr.P.C., where he refuted all the alleged incriminating material against him. He denied that he was having any dealing with the deceased, nor he was known by the nickname Meeta. He also led evidence in his defence by examining his brother Manish Mann DW-1, who deposed that accused was known by the nickname Kala only. He further deposed that the deceased was neither known to the accused, nor the accused had ever visited the house of the deceased for demand of any money.

[6]. The connectivity of the accused viz.-a-viz. the offence on the basis of suicide note, was the core issue before the trial Court. As per the suicide note, the deceased had blamed by name Meeta for compelling him to commit suicide on account of non-payment of Rs.16 lacs.

[7]. From the evidence on record, the trial Court found that the Investigating Officers viz. Jai Narain PW-11 and Siri Bhagwan PW-16 had the opportunity to enquire as to whether the accused was known by his nickname Meeta or not? The factum of borrowing an amount of Rs.16 lacs was required to be proved on record. Jai Narain PW-11 in his cross-examination admitted that no witness came to him during investigation in order to corroborate the factum that deceased gave money to the accused in the presence of witnesses. The Investigating Officer could not collect any incriminating material to show that the accused was also known by his nickname Meeta.

[8]. Similarly, second Investigating Officer Siri Bhagwan PW-16 also admitted that the alleged suicide note did not contain father's name of the accused and address of the Meeta. The Investigating Officer could not collect any material during investigation to connect Meeta with the accused Amit. No inquiry was made from the respectables as to whether Amit was known by his nickname Meeta or not. Link evidence was

missing on this pertinent aspect.

[9]. The story of the complainant viz.-a-viz., paper Ex.PC was also adequately ruled out by the trial Court on the basis of cross-examination of the complainant, who had disclosed that the name mentioned in Ex.PC as Meeta Padha was that of his uncle Balbir's son, who was resident of village Padha. The prosecution also tried to rely upon the oral testimonies of the complainant and other relative PW-6 Manoj.

[10]. The trial Court on the basis of material on record did not find the same to be of any credence. PW-6 Manoj had infact admitted that deceased Joginder was his uncle. His statement in the context of purchase of buffaloes was disbelieved by the trial Court on three counts. Firstly, the witness disclosed in his cross-examination that during his visit to the hospital on 14.03.2013, he did not inform the Police in respect of alleged purchase of buffaloes by the accused from him on three occasions or that the accused owned Rs.16 lacs to the deceased. The witness admitted the fact that he had made the statement to the Police after a gap of one and half month on 07.05.2013. The belated statement of the witness was construed to be doubtful statement lacking credibility.

[11]. Secondly, the witness indicated in his cross-examination that he was regularly maintaining record of his

monetary transaction and had given the same to the Police. The prosecution was duty bound to prove the evidence in respect of purchase of three buffaloes by the accused from the witness Manoj. No such record was produced on record. Thirdly, the cross-examination of the witness also indicated that he had not filed any complaint against the accused for recovery of his dues.

[12]. After considering all the aforesaid instances, the testimony of Manoj PW-6 was found not to be trustworthy.

[13]. From the material on record, I find that the trial Court has rightly discarded the prosecution version as the material ingredients of offence under Section 306 IPC were not attracted. Resultantly, there is no scope for interference in the present appeal. Consequently, no ground is made out to grant leave to appeal, therefore, the application as well as appeal stand dismissed.

[14]. Since the appeal has been dismissed on merit, therefore, the application for condoning the delay of 30 days in filing the appeal has become totally inconsequential. The same is disposed of in the light of decision of the appeal.

February 14, 2017

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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No