

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

-.-

Crl. Misc. A 574 MA of 2016 (O&M)
Date of decision: 20.03.2017

Yad Ram

..... Appellant

Versus

State of Haryana and others

..... Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. R K Dhiman, Advocate
for the applicant/appellant

-.-

Rekha Mittal, J.

Prayer in this application is for grant of leave to file an appeal against judgment of acquittal dated 28.10.2015 passed by the Additional Sessions Judge, Gurgaon whereby respondents No. 2 and 3 have been acquitted of the offence punishable under Section 306 of the Indian Penal Code (in short, IPC) in FIR No. 324 dated 18.08.2013 registered at Police Station Pataudi.

Counsel for the applicant/appellant has submitted that the findings recorded by the Court below cannot stand the test of judicial scrutiny as the prosecution led sufficient evidence to prove culpability of the accused for the charged offence beyond shadow of reasonable doubt. It is further submitted that the deceased, a young girl, aged about 18 years, committed suicide as the accused had been defaming her by levelling unfounded allegations qua her character. It is further submitted that the trial

Court has wrongly held that suicide note exhibit P5 has not been proved in accordance with law.

I have heard counsel for the applicant, perused the paper book particularly the judgment passed by the trial Court and a copy of the suicide note made available during course of hearing.

The allegations against the accused are that accused Pritam had been spreading a rumour that daughter of the complainant was having illicit relation with accused Parveen. Feeling fed up, Priya committed suicide by hanging from hook of the roof with the help of *chunni*.

The trial Court, in para 28 of the judgment, has held that perusal of suicide note Ex.P5 reveals that name of accused is nowhere mentioned in the suicide note nor it has been mentioned that accused Pritam made false allegation regarding her (victim) illegal relationship with Parveen. Rather, it is mentioned in the suicide note that family matter should not be disclosed outside family. It has further been noticed that the prosecution has not examined any of the class-mates of Priya even to substantiate the allegations that Pritam had been spreading any such words with regard to illicit relation of the deceased with accused Parveen thereby assassinating her character and chastity.

Counsel for the applicant has not pointed out any material on record to substantiate the allegations raised by the complainant. The trial Court has rightly noticed that in suicide note Ex P5, there is no reference to the accused much less they having abetted commission of suicide by the deceased.

In this view of the matter, I do not find any material irregularity

much less patent illegality in the impugned judgment warranting intervention more particularly when the case is examined in the light of ratio laid down by Hon'ble the Supreme Court of India in ***Ganpat v. State of Haryana (2010) 12 SCC 450.***

Dismissed.

(Rekha Mittal)
Judge

20.03.2017
mohan bimbra

Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No