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

CRM-A-975-MA of 2016

Date of decision: March 07, 2017

Aarti

.....Applicant

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Mr. Jagdeep S Virk, Advocate or the applicant.

A.B. CHAUDHARI, J (Oral)

This is an application filed by the complainant against the judgment of acquittal, decided on 18.02.2016 by the Additional Sessions Judge, Hoshiarpur by which the respondents were acquitted of the charge under Section 306 of the Indian Penal Code, 1860 (for short 'IPC').

Learned counsel for the applicant vehemently argued that the trial Court ignored the basic material fact from the evidence of Dr. Naresh Kumar who clearly stated that the death of husband of the applicant was caused because of hanging and that was the cause of death. According to him, the prosecution thus, clearly proved the case of suicide by the husband of the applicant. He invited my attention to evidence of the applicant-Aarti (PW-2) and contended that the suicide note exhibit PA clearly disclosed that the respondents-accused persons were responsible for the suicide committed by her husband and therefore, in terms of Section 107 IPC read with Section 306 IPC,

there was clear-cut abatement and the accused persons ought to have been held guilty of the offence punishable under Section 306 IPC. He submitted that the judgment and order of acquittal is thus, perverse and is liable to be interfered with by this Court.

I have perused the reasons given by the learned trial Judge who has recorded the order of acquittal. I have heard learned counsel for the applicant and also perused the deposition of PW2-Aarti before the Court. Her evidence shows that her husband-Ravi Kumar had been telling her on telephone when she was at mother's house at Mohali, that the accused persons had assaulted him and also used to giving threats to him. According to her, on the fateful day, the accused persons committed the murder of her husband by strangulating him. She also stated that Jasbir Kaur alias Jassi also told her that the accused persons committed the murder of her husband and she will also be eliminated. In so far as exhibit PA suicide note is concerned, she stated that the hand-writing on the said exhibit might be of her husband-Ravi Kumar. This is the only material evidence that is available on record.

It is true that the doctor's evidence shows that the deceased died due to hanging. The question whether he was strangulating or he died by committing suicide has been answered by the trial Court by holding that there is no eye witnesses in the first place about the commission of murder of Ravi Kumar, secondly, PW2-Aarti also does not state that she is the eye witnesses of the alleged murder. The charge was framed under Section 306 IPC against them. She is not

sure about the hand-writing on exhibit PA which is the suicide note. In that view of the matter, the prosecution failed to prove rather the prosecution did not have satisfactory evidence to prove its case about the offence under Section 306 IPC. The evidence was totally insufficient and did not lead the prosecution case anywhere for proving the guilt of accused persons. At any rate, looking to the parameters in the matter of appeals against acquittals, as stated in the case of *Darshan Singh versus State of Punjab and another*, 2010(2) SCC 333, I do not think that this Court would be entitled to interfere with the order of acquittal.

In the result the appeal is summarily rejected. Application stands dismissed, accordingly.

(A.B. CHAUDHARI)
JUDGE

March 07, 2017

mahavir

Whether speaking/ reasoned Yes/No

Reportable Yes/No