

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

**Crl. Revn. No. 1729 of 2009
Date of decision : 18.01.2017**

Naresh Kumar

.....Petitioner

versus

State of Punjab and others

...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. G.P.S. Bal, Advocate
for the petitioner.

Ms. Manpreet Dhaliwal, AAG, Punjab

Mr.Paras Talwar, Advocate
for respondent Nos. 2 to 5.

RITU BAHRI, J.

Challenge is to the judgment dated 03.02.2009 passed by the learned Sessions Judge, Rupnagar, whereby accused-respondent Nos. 2 to 5 have been acquitted in F.I.R No. 139 dated 11.06.2006 under Section 306 IPC.

The above said F.I.R has been registered against respondent Nos. 2 to 5 on the statement of the petitioner. The allegations are that Darshan Lal who is residing with the petitioner started harassing his wife Rashmi Sharma. The other accused also started harassing his wife. On 06.05.2006, a day prior to the marriage of his brother Lalit Sharma, mother of Darshan Lal namely Raj Kumari, sister Geeta and brother Gulshan

Kumar came to his house and asked as to from where good quality articles had come and also entered into scuffle with his wife. On 07.05.2006, they gave beating to his wife and on 08.05.2006, Darshan Lal apologized from his wife in the presence of all family members and the matter was got compromised. On 10.06.2006, Darshan Lal took his santro car from his wife for going to Nangal and his wife made a phone call to Darshan Lal but he did not reply and thereafter, Rashmi consumed poison. She was taken to a hospital in Kharar from where she was referred to PGI where she died. A suicide note was left by Rashmi stating therein that Darshan Lal, Gulshan Kumar, Geeta and Raj Kumari were responsible for her death. The accused were arrested on 21.07.2006.

The learned Illaqa Magistrate complied with the formalities required under Section 207 Cr.P.C. The case was thereafter, committed to the Court of learned Sessions Judge, Ropar.

All the accused were charge sheeted for the offence punishable under Section 306 IPC for abetting commission of suicide by Rashmi Sharma by harassing her to which the accused pleaded not guilty and claimed trial.

The prosecution examined 16 prosecution witnesses and thereafter, evidence of the prosecution was closed.

Statement of the accused was recorded under Section 313 Cr.P.C and they denied all the incriminating circumstances appearing in evidence against them and pleaded innocence.

The Court below after going through the contents of the case,

acquitted on the ground that there is no direct evidence available on the file to show that there was any abetment made by the accused to deceased which compelled her to commit suicide. The deceased had taken salphas tablets on the intervening night of 10 and 11 June, 2006 but the accused had not met the deceased on that day. The only allegation against Darshan Lal is that he borrowed a car from the deceased and when he did not reply to her telephonic call, the deceased committed suicide. The other accused have not met the deceased on that day. There was some quarrel between the accused and deceased and the accused on 06.05.2006 or 07.05.2006 and accused Darshan Lal had given beatings to Navendu Shara P.W.2 son of the deceased but as per statement of the petitioner himself, the matter was compromised.

The main ground on which the accused were acquitted was that the deceased was working as Clerk in Arya Samaj College and some embezzlement was done by the deceased in the college. This fact was admitted by P.W.5 Anil Sharma. This witness also admitted that he along with Mohan Lal and Darshan Lal appeared before SDM and the management Committee of the College was also there for the purpose of settlement. Some settlement was arrived at on payment of certain amount by Rashmi to the management. It was established on record as well that there were allegations of misappropriation of college funds against Rashmi. Naresh Kumar had been helping Darshan Lal and Darshan Lal had been helping Naresh Kumar. Darshan Lal even helped Naresh Kumar in the construction of his house.

After going through the judgment of the Court below, it seems that the accused have rightly been acquitted, as it was the petitioner who was making the payment to the College and when he was unable to make the payment, he used to taunt Rashmi that whey she has done embezzlement in the College. The relation between Darshan lal and Naresh Kumar were cordial, as admitted by P.W.5. Both used to help each other. The other accused have no role to play in the crime. Further body writing of suicide notes Ex P1 to P-4 have not been got compared from any handwriting expert. Only signatures on these documents were got compared from Deputy Director (Documents) vide Ex PU and he has only stated that these show similarity. It is not a detailed report. He has required that for thorough scientific examination and definite opinion signatures of the person concerned already existing on some document and near about the period of questioned signatures are required which were not sent to him for comparison.

Thus the accused have rightly been acquitted by giving them the benefit of doubt, as the abetment is not proved from the evidence available on file and it cannot be held that suicide was the direct result of quarrel between the accused and the deceased

The petition stands dismissed.

(RITU BAHRI)
JUDGE

18.01.2017
G Arora

Whether speaking/reasoned ***Yes***

Whether reportable ***No***