

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

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CRM-M-47240-2017

Date of Decision: 13.12.2017.

Smt. Parveena and others

....Petitioners.

Versus

State of Haryana and another

....Respondents.

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Sandeep Parkash Chahar, Advocate for the petitioners.

Ramendra Jain, J.(Oral)

Through the instant petition under Section 482 of the Criminal Procedure Code (for short, 'Cr.P.C.'), order dated 08.09.2017 (Annexure-P5) of the Revisional Court upholding the order dated 10.09.2015 of the trial Court dismissing the application moved by one of the injured under Section 216 Cr.P.C. for alteration of charge against the accused from Section 304-A of the Indian Penal Code (for short, 'IPC') to Section 304-II IPC, has been assailed.

Learned counsel for the petitioners inter-alia contends that the trial Court as well as the revisional Court erred in dismissing the application under Section 216 Cr.P.C. without appreciating the fact that the accused had not got shut down the electricity supply from Jahangirpur feeder, from where it was coming, before taking the help of deceased Kuldeep, who got electrocuted on account of negligence and fault of the accused and died on the way to the hospital. The petitioners are the legal heirs of deceased Kuldeep aforesaid and thus, are aggrieved of both the aforesaid orders.

Considering over all facts and circumstances, I find the instant petition completely devoid of any merit inasmuch as there is no iota of evidence on the record that the accused had any prior knowledge that the electricity supply to his connection was being supplied from the Jahangirpur feeder and he intentionally did not get it shut down before taking the help of deceased Kuldeep for pulling the electricity wire. Even the *mens rea* of the accused is also not proved in the alleged death of Kuldeep by electrocution.

Hence, this petition is dismissed.

(RAMENDRA JAIN)
JUDGE

13.12.2017
jitender sharma

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No