

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

CRM-A-2336-MA of 2017.

Decided on:-July 24, 2018.

Ram Piari.

.....Applicant.

Versus

State of Punjab and another

.....Respondents.

CORAM: *HON'BLE MR. JUSTICE HARI PAL VERMA.*

Present:- Mr. H.S. Dhandi, Advocate
 for the applicant.

HARI PAL VERMA, J.

Applicant Ram Piari (hereinafter referred to as the 'complainant') has filed the present application under Section 378(4) of the Code of Criminal Procedure for grant of leave to appeal against the judgment dated 03.08.2017 passed by learned Additional Sessions Judge, SAS Nagar (Mohali), whereby respondent No.2 Kuldeep Kaur (hereinafter referred to as the 'accused') was acquitted of the charge levelled against her in case bearing FIR No.145 dated 23.12.2015 under Section 306 IPC registered at Police Station Phase XI, Mohali.

Briefly stated, the aforesaid FIR was registered against the accused on the basis of a statement made by the complainant to the effect that she is working as a Peon in Punjab Civil Secretariat, Chandigarh and her husband had expired in the year 1992. She has two daughters, who are married. Her son Roop Lal solemnized love marriage with the accused 8 years ago and out of the said wedlock, one son, namely, Harsh Kumar was born.

Her daughter-in-law i.e. the accused used to harass her son Roop Lal from the

very beginning of their marriage and was also compelling him to transfer the house in her name.

On 23.12.2015 at about 09.15 A.M., when the complainant was away on her duty, she received a telephonic call from the Municipal Councillor Inderjit Kaur that her son Roop Lal has committed suicide. When the complainant reached her home, she noticed that the dead body of her son was lying on a cot. She came to know that the accused cut a scarf with scissors with which her son hanged himself on the ceiling fan.

After completion of investigation, Challan was presented in the Court. Copies of Challan were supplied to the accused free of cost as envisaged under Section 207 Cr.P.C. On finding a *prima facie* case punishable under Section 306 IPC, the accused was charged accordingly to which she did not plead guilty and claimed trial.

In order to prove its case, the prosecution examined as many as 11 witnesses including the complainant as PW1, Municipal Councillor Inderjit Kaur as PW2, Kanchan as PW3, Sarabjit Kaur as PW4, Dr. Kuldeep Singh, Medical Officer as PW5, HC Kewal Kumar as PW6, HC Sanjay Kumar as PW7, HC Rita Rani as PW8, HC Mohinder Singh as PW9, investigating officer ASI Avtar Singh as PW10 and photographer Sanjeev Kumar as PW11. Thereafter, Additional Public Prosecutor had closed the evidence of prosecution.

After closure of prosecution evidence, statement of accused under Section 313 Cr.PC was recorded to enable her to know about the incriminating evidence appearing against her, but she denied all the allegations of the prosecution and pleaded that she has falsely been implicated

in the present case. In her defence evidence, the accused had examined Gurmeet Kaur @ Sonia as DW1, Pritam Singh as DW2, Balwinder Singh Baidwan as DW3, Rohit Kumar Katri as DW4, Harvinder Singh as DW5, Satinderjit Kaur as DW6 and Pushkal Chauhan as DW7.

After considering the evidence produced on behalf of both the sides and hearing their respective arguments, learned trial Court acquitted the accused of the charge levelled against her under Section 306 IPC vide impugned judgment dated 03.08.2017.

Aggrieved against the aforesaid judgment, the complainant has filed the present application under Section 378(4) Cr.P.C. for grant of leave to appeal.

Learned counsel for the complainant has argued that on the fateful day, when the complainant had gone to her duty at about 08.00 A.M., her son Roop Lal and the accused were together at home. It is the accused who had to explain under what circumstances, Roop Lal had committed suicide, but there is no such explanation regarding the incident by the accused. The trial Court acquitted the accused in a very casual manner without going into the facts of the case and without considering the evidence produced by the prosecution. The trial Court has given weightage to the defence evidence, but even the defence witnesses proved the circumstances as stated by the prosecution, which compelled Roop Lal to commit suicide at the instance of the accused.

He has further contended that the trial Court has not applied its judicious mind while acquitting the accused in the present case and had passed a totally illegal and unjust judgment against the facts of the case,

which has caused grave injustice to the complainant. Therefore, the impugned judgment dated 03.08.2017 passed by the trial Court is liable to be set aside and the accused be punished in accordance with law.

I have heard learned counsel for the complainant.

The impugned judgment dated 03.08.2017 reveals that learned trial Court has observed that in the present case, deceased Roop Lal had not written any suicide note to describe the cause of taking such an extreme step. Further, there are improvements in the statements of prosecution witnesses i.e. the complainant as PW1 and the sisters of deceased Roop Lal who appeared in the witness box as PW3 and PW4. The complainant while appearing in the witness box as PW1 has deposed that on 23.12.2015, there was a prior quarrel between the deceased and the accused when she was preparing to go for her duties in the morning and she left for her duties at 08.00 A.M. However, in her statement Ex.PW1/A made before the police, she has not mentioned about the fact that there was any prior quarrel between the deceased and the accused in the early morning on that day. Further, in her statement before the Court as PW1, she has stated that the accused had abetted Roop Lal to commit suicide, but there is no such utterance in the statement Ex.PW1/A. Further, the cross-examinations of PW1, PW3 and PW4 revealed that the accused had a love marriage with the deceased and it was an inter-caste marriage, which was not accepted by the family of Roop Lal.

Learned trial Court has also observed that the deceased committed suicide between 08.00 to 09.00 A.M. on 23.12.2015, but the statement of the complainant was recorded at 05.50 P.M. In his cross-examination, ASI Avtar Singh as PW10, who is investigating officer of the

case, has stated that the complainant told him that she will give her statement after consulting her daughters. Thus, clearly there is a delay in the registration of FIR. As such, the statement before the police was made by the complainant after consultation and possibility of coloured version coming on record cannot be ruled out, particularly when the complainant and her daughters were not having cordial relations with the accused, who was married to deceased Roop Lal against the wishes of the complainant and her daughters.

Learned trial Court has also taken into consideration the evidence of Balwinder Singh Baidwan as DW3 who deposed that the marriage of the deceased and the accused was not acceptable to the family of Roop Lal, but ultimately they bowed to the wishes of deceased Roop Lal under compulsion. Even after marriage, the accused was not accepted in the family and Roop Lal remained under continuous tension and depression due to quarrels in the family. Deceased Roop Lal was very sensitive and his father had also committed suicide earlier.

Thus, learned trial Court has observed that the non-acceptance of the wife of the deceased in the family might be the reason for the quarrels in the family and tension to the deceased. In case of stressful circumstances, every individual behaves differently. In this unfortunate case having failed to cope up with the stress of his circumstances, the deceased took the extreme step of suicide. Learned trial Court has also held that the prosecution has failed to lead any cogent and convincing evidence in order to prove the existence of any overt act on the part of the accused immediately before the commission of suicide by Roop Lal or any previous circumstances, which could have forced him or instigated him to commit suicide. In these

circumstances, learned trial Court has determined that the prosecution has failed to prove on record that the accused had abetted suicide of Roop Lal and, therefore, acquitted her of the charge levelled against her.

This Court finds that the complainant has failed to show any misreading of evidence by learned trial Court and has not been able to point out any legal error in the judgment under challenge which may warrant interference by this Court. When there is no evidence available on record to connect the accused with the alleged crime, no case is made out for interference in the impugned judgment dated 03.08.2017 passed by learned Additional Sessions Judge, SAS Nagar (Mohali).

Accordingly, the present application, being devoid of any merit, is dismissed. Leave to appeal is declined.

July 24, 2018
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No