

Crl. Rev. No. 1931 of 2017 (O&M)

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

**Crl. Rev. No. 1931 of 2017 (O&M)
Date of decision : 02.08.2018**

Rama Devi and another

.....Petitioner(s)

Versus

State of Haryana and another

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Kartar Singh, Advocate
for the petitioner(s).

Mr. Arun Kumar, AAG, Haryana.

Mr. Johan Kumar, Advocate
for respondent no.2.

ANITA CHAUDHRY, J.

This revision is directed against the order dated 26.04.2017, passed by the Sessions Judge, Faridabad, who dismissed the application and refused to send the documents to the FSL for comparison.

The petitioners are facing trial in a case registered under Section 304-B, 498-A, 34 IPC. The case was registered in 2015. The prosecution witnesses had been examined and the accused moved an application for sending the documents Ex. D-19 and Marked DC and DA to the FSL for comparison of the handwriting. The trial Court dismissed the application and the reasons are as follows:-

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“The applicant requested that documents Mark DA, DC and Ex. D19 be sent to FSL to compare the handwriting and signature of deceased but for that purpose admitted signatures of deceased must have been available on the record. Regarding document Mark DC admission form, the father when appeared as PW1 stated that this document is related to his daughter but he is not sure about the writing and signature on it of his daughter. On the document Mark DA father has denied writing and signature of his daughter. Document Ex. D19 has been exhibited in the evidence of DW7 but this witness also admitted in cross examination that form Ex. D19 was not filled by Poonam in his presence. Since it is instruction that concerned student will fill up the form. So it is assumed that form has been filed by concerned student. He further deposed that he can not say who filled form Ex. D19. So authenticity of document Ex. D19 is also not admitted in the handwriting of Poonam Yadav. Hence admitted signature of deceased are not proved on record even by way of document Mark DC and Ex.D19 and once there is no admitted signature of the deceased on the case file, so the disputed signature cannot be sent to FSL for comparison. Position would have been different if the writing answer sheet of any Academic year of deceased would have come on the case file from the University. Hence, application is devoid of merit. Accordingly, the present applicant stands dismissed.”

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I have heard counsel of both the sides.

The counsel for the petitioner contends that the marriage of Poonam with Kameshwar – petitioner no.2 was solemnized in May 2014 and the girl had committed suicide and the reason for her death was the threat extended by the neighbours for which Poonam had written a letter to the Army Authorities and the police had not taken any action and the letter was written on 06.04.2015 and because of that threat she had committed suicide. The counsel urges that they want to get the letter written by the deceased to the Army Authorities compared with the admission form signed by the deceased so that they can show that the threat was extended by the neighbour. It was urged that their application was wrongly rejected and the girl was being threatened by Amrish Thakur and the letter was written a week prior to the incident. It was urged that the neighbour used to ease himself and bare himself and used abusive language. It was urged that petitioner no.2 had appeared as his own witness as DW-6 and had mentioned the fact that his wife was being harassed by Amrish Thakur and similar was his defence in the statement recorded under Section 313 Cr.P.C.

On the other hand, the submission is that there are no admitted signatures of the deceased and the complainant was confronted with the forms who denied the fact that it was signed by his daughter and signatures can only be compared with documents which are admitted and in the complaint the allegations are of dowry, harassment and there is no evidence to show that the letter had ever reached the Army Northern Command and the application has been moved when the case was fixed for defence evidence.

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Admittedly, the petitioners did not summon any official from the Northern Command to show that any letter written by Poonam was received by it. The letter refers to a complaint made by the husband to the police. That too was not produced. The petitioners were wanting the signatures on the letter to be compared with the admission form Annexure P-4 and Annexure P-5, said to have been signed in 2005. The copy of the statement of DW7 was placed on record. The Superintendent of Chhatarpal Shahu Ji Maharaj University, Kanpur had brought the summoned record and the enrollment form of Poonam and proved copy Ex.D-19 but in the cross-examination he stated that he could not say whether the form was filled by Poonam as the form was not filled in his presence. He stated that as per the instructions a form is to be filled by the student and it is presumed that it has been filled by the student and it could not be said that it was filled by her.

In view of this statement, the order passed by the trial Court cannot said to be perverse or illegal. There are no admitted signatures or handwriting of the deceased. The document was not admitted, therefore, I find no infirmity in the order.

The petition is dismissed.

02.08.2018

Sunil

**(ANITA CHAUDHRY)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No