

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

1. CRA-D-491-DBA-2004 (O&M)
Date of Decision: 03.10.2019

State of PunjabAppellant

Vs.

Mohd. Rafiq and othersRespondents

2. CRR-1558-2003 (O&M)

Mohd. KhalilPetitioner

Vs.

Mohd. Rafiq and othersRespondents

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI
HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: - Mr. Sandeep Vermani, Addl. A.G., Punjab.

Mr. M.S.Joshi, Advocate
for the petitioner (in CRR-1558-2003)

Mr. S.S.Salar, Advocate
for the respondents.

AJAY TEWARI, J. (ORAL)

1. This order shall dispose of above mentioned appeal and revision filed by the State as well complainant, respectively.

2. This appeal and revision have been filed against the judgment dated 20.5.2003 passed by the learned Additional Sessions Judge, Fast

Track Court, Sangrur vide which respondent No. 1-Mohd. Rafiq (husband),

respondent No. 2- Jano (mother-in-law) and respondent No. 3-Rafiq (daughter-in-law) the respondents, who were accused of having killed Ruksana, were acquitted of the charges under Sections 304-B, 498-A of the Indian Penal Code, 1860. It deserves mention here that Ruksana aforesaid died due to aluminium phosphide poisoning within seven years of marriage.

3. Charge was framed against the accused-respondents under Sections 304-B, 498-A IPC to which they pleaded not guilty and claimed trial.

5. Vide the impugned judgment dated 20.5.2003, the accused were acquitted by the trial Court.

6. Aggrieved against the said judgment, the present appeal and revision have been filed by the State and the complainant, respectively.

7. As per the latest report of the Registry, respondent No. 1-Mohd. Rafiq (husband) and respondent No. 2-Jano (mother-in-law) have died and only respondent No. 3-Rafiq (sister-in-law) is still alive.

8. In the circumstances, the proceedings against respondents No. 1 and 2 stand abated and the appeal as well as revision qua the said respondents is disposed of as such.

9. Coming to Rafiq, the sole surviving respondent.

10. Learned counsel for respondent No. 3 has submitted that originally the police had found the mother-in-law and sister-in-law to be innocent and they had been summoned under Section 319 Cr.P.C.

11. We find that the Court below has considered the evidence minutely. The Court below found that the testimony of complainant-Mohd. Khalil did not inspire confidence since he had made material improvements

and the allegations regarding demand of dowry were completely vague. The

Court below also found that the complainant had not even met his daughter for one year. The Court below also observed that two relatives of the complainant, who were stated to have gone with him at the house of the accused, as members of panchayat had not supported the prosecution case that there was a demand of dowry.

12. Learned State counsel as well as learned counsel for the petitioner has failed to point out any material illegality or perversity in the impugned judgment of acquittal. Nothing has been shown as to the misreading and misinterpretation of the evidence by the learned trial Court, while passing the impugned judgment.

13. Consequently, both the appeal as well revision is dismissed.

(AJAY TEWARI)
JUDGE

(HARNARESH SINGH GILL)
JUDGE

October 03, 2019
Gurpreet

Whether speaking /reasoned : Yes
Whether Reportable : No