

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-A-881-MA-2012 (O&M)

Date of decision: 31.01.2019

Pawan Kumar

..... Applicant

Versus

Soma and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. Arvind Bansal, Advocate for the applicant.

Mr. Munish Sharma, AAG, Haryana.

Mr. Salil Bali, Advocate for respondent No. 1.

RAMENDRA JAIN, J. (ORAL)

Through this application under Section 378(4) Cr.P.C., applicant-Pawan Kumar son of deceased-Raghubir Chand, has sought special leave to file accompanying appeal against the judgment of acquittal of the trial court dated 08.08.2012.

Briefly, on 30.01.2012, Raghubir Chand, jumped in front of a running train. Therefore, he was run over by it. Resultantly, he died leaving behind a suicide note naming 5 persons namely; Soma Ram, Mahinder Pal, Rampal, Ratna and Om Devi, as responsible for his death. The police after registration of FIR No. 04 dated 01.02.2012, under Section 306 IPC, investigated the matter and filed final report under Section 173(2) Cr.P.C. in Court, against 5 accused detailed in the

impugned judgment. After holding trial, the learned trial Court acquitted all the accused vide impugned judgment dated 08.08.2012, holding that prosecution has failed to prove its case against them.

Learned counsel *inter alia* contends that the applicant being real son of the deceased is a aggrieved person. In the suicide note Ex. PE, names of all the respondents-accused were very much mentioned by the deceased. Therefore, the trial Court has illegally and wrongly acquitted them.

On the other hand learned counsel for respondent No. 1-accused vehemently opposing the above submissions of learned counsel for the applicant, pleaded the legality and validity of impugned judgment.

Having given thoughtful consideration to the rival submissions of both the sides, this Court finds the instant Criminal Miscellaneous Application, as a blackmailing device of the applicant. Under some greed, he wants to blackmail the respondents who have been acquitted by the trial Court, inasmuch as, real sister and brother of applicant, namely; PW-6 Bimla Devi, PW-12 Rajinder and PW-5 Satpal, real brother of deceased-Raghubir Chand, who had set criminal law into motion did not support the prosecution story. During trial, they have categorically testified that the alleged suicide note Ex. PE was not written or in the hand writing of the deceased.

There was no other incriminating evidence against the respondents-accused to convict them. Therefore, the trial court has rightly acquitted them.

I have carefully gone through the impugned judgment and do not find any illegality or paucity in the same. The instant Criminal Miscellaneous Application, being meritless is dismissed.

January 31, 2019
rishu

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No