

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-A-1398-MA-2016 (O&M)
Date of Order:05.04.2019

Manjit Kaur

..Appellant

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Kuldip Sanwal, Advocate
for the appellant.

ANIL KSHETARPAL, J(Oral)

Delay condoned for the reasons stated in the application.

Learned trial court after appreciating the evidence has recorded
a finding of fact in paragraph 19 of the order, which is extracted as under:-

“19. What comes out from above summarized facts, evidence and discussion is that except for PW1 Manjit Kaur there is no eyewitness examined on record by prosecution. Main complainant Kashmira Singh had expired. Ingredients of Section 3(1) (X) of the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act, 1989 are neither there in the prosecution version nor in the deposition of PW1. The alleged occurrence neither took place at any public place, in public view, nor the alleged place of occurrence is proved to be in possession of complainant party which might had

justified their presence at the spot. No medical evidence has come on record. Complainant party already is litigating with accused Harpreet Kaur, their daughter-in-law and both parties are residing separately since the year 2010. Accused Harpreet Kaur also belongs to Ramdasia Caste, a Scheduled caste, to which complainant party belongs. Remaining two accused are also not proved to have caused any offence. The delay of two days in lodging of the FIR has remained totally unexplained.”

Learned counsel appearing for the appellant, although, made sincere attempt, however, could not draw any perversity or error due to substantive misreading of evidence.

Hence, the application for leave to appeal is declined.

April 05, 2019
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No