

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-AS-205-2019(O&M)

Date of decision: 26.11.2019

UT, Chandigarh

.....Appellant

Versus

Amber and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Dr. Sukant Gupta, Advocate, APP for UT, Chd.

ANIL KSHETARPAL, J.

UT, Chandigarh has challenged the correctness of judgment of acquittal passed by learned Additional Sessions Judge dated 9.1.2019.

Facts in details have been noticed by learned Additional Sessions Judge. However, in nutshell the facts are that police control room received intimation that a person has committed suicide by hanging himself in his house No.927 Tin Colony, Sector 52, Chandigarh. When the police party reached at the house, the door of the room was opened and it was discovered that late Sh. Anoop Kumar had committed suicide by hanging himself. The incident took place on 23.3.2015. On 24.3.2015 mother of the deceased made a complaint that employers of her son, respondents herein, had given him slap due to which her son Anoop was upset, on which DDR was registered. Thereafter on the opinion of the District Attorney, FIR was registered under Section 306 IPC. It may be noted here that after substantive evidence had been recorded, the charge had to be amended as supplementary challan by adding the offence under Section 3 (i) (x) of Scheduled Caste and

Scheduled Tribe Act was filed. Thereafter, once again the evidence of the prosecution was recorded.

This Court has heard learned counsel for the appellant at considerable length and with his able assistance has gone through the judgment passed by the learned Court below. It has been noticed that when inquest proceedings were held, mother of the deceased (first informant) or father of the deceased, did not make any allegation against the accused. Both of them had categorically mentioned that they have no doubt on anyone regarding suicide of their son.

It has also come in evidence that deceased Anoop Kumar, who before his death, was working at Burger Point, had gone out for a party alongwith Pardeep, a co-employee of the deceased and returned home only early in the morning. On 23.3.2015 he went to Burger Point where he was working and came back to his residence at about 12-12:30 p.m in the afternoon. He requested his father to fetch him a cold drink by handing over Rs.50/- and when his father went to fetch cold drink, Anoop Kumar committed suicide.

The mother of the deceased PW1 Maha Devi was not present in the house when her son came back. She claims that when late Sh. Anoop Kumar came back from place of work, he told his father that his employers have abused him by calling the name of his caste in a derogatory manner. However, when Bhimsen appeared in evidence he has stated that his son did not speak to him except asking for a cold drink by handing over Rs.50/-. Still further statement of Pardeep, a co-employee of the deceased was also not found to be reliable. Pardeep has made significant improvements and therefore, his statement was found to be unreliable.

Still further it has come in evidence that Late Sh. Anoop Kumar was having an affair with a girl and his parents were not allowing him to receive his salary as they had requested co-employee to receive his salary and hand over the same to them. The allegations of employer having slapped deceased on 22.3.2015 are also not established on the file as other co-employees namely Roshan, Rahul and Vikas have been examined by the defence and they have stated that their employer never slapped Late Sh. Anoop Kumar.

As regards charge under the Scheduled Caste and Scheduled Tribe Act, it may be noted that the evidence of the prosecution was found lacking and insufficient to return a finding of conviction.

Counsel for the appellant has made sincere attempt to persuade this Court to take a different view, however, in the absence of the attention of this Court having been drawn to any substantive error in appreciation of evidence, this Court does not feel inclined to interfere.

Dismissed.

26 .11. 2019

rekha

Whether speaking/reasoned

Whether Reportable

(ANIL KSHETARPAL)

JUDGE

Yes / No

Yes / No