

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

**CRR-2475-2014
DECIDED ON: 12.03.2019**

STATE OF HARYANA

...PETITIONER..

VERSUS

VED PAL TANWAR

...RESPONDENT..

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Munish Sharma, AAG, Haryana for the petitioner-State.

Mr. J.S. Rana, Advocate for the respondent.

RAMENDRA JAIN, J. (ORAL)

State has filed instant revision against order dated 24.01.2014 of trial court, discharging the respondent, in case FIR No.634 dated 15.08.2012, registered under Sections 304, 342 and 297 IPC, Police Station Civil Lines Hisar.

Briefly, according to the prosecution, on 15.08.2012, respondent-accused illegally confined a lady named, Suman in his farm house, who was beaten by a snake. Respondent-accused, instead of taking said Suman to hospital, kept on treating her with black magic. As a result thereof, Suman expired in the next morning. The police after registration of aforesaid FIR against the respondent, swung into action. Trial court, however, finding no prima facie case for prosecuting the respondent, discharged him vide impugned order dated 24.01.2014.

Learned State counsel contends that trial court has failed to

appreciate that Suman was illegally confined by respondent in his farm house, who was was beaten by a snake, despite that the respondent did not took her to the hospital, rather, killed her by doing black magic. The trial court also did not take into consideration two witnesses namely Ajmer and Sajna Ram, who made statements under Section 161 Cr.P.C. before police, while discharging the respondent.

On the other hand, learned counsel for the respondent vehemently refuting the above submissions of learned counsel for the petitioner, contends that Mala Devi, mother of deceased-Suman gave specific statement before the investigating officer, exonerating the respondent for the death of his daughter. Since, the mother of deceased-Suman was not having any grouse against the respondent, therefore, the impugned order has legally been passed by the trial court.

Having given thoughtful consideration to the rival submissions, the instant revision of the State is completely devoid of any merit, inasmuch as, learned State counsel has not been able to dispute the contention of learned counsel for the respondent that mother of deceased-Suman had given statement before the investigating officer, exonerating the respondent.

I have gone through impugned judgment dated 24.01.2014 and finds no illegality or perversity in the same. Consequently, it is upheld.

12.03.2019*sonika***Whether speaking/reasoned****Whether reportable****(RAMENDRA JAIN)****JUDGE****Yes/No****Yes/No**