

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

**CRR No.142 of 2017 (O&M)
DATE OF DECISION:-17.01.2019**

STATE OF HARYANA

...PETITIONER...

V.

SHAKUNTLA

...RESPONDENT...

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

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

Mr. H.S. Sidhu, Advocate,
for the respondent.

RAMENDRA JAIN, J. (ORAL)

CRM-1419-2017

Through this application under Section 5 of the Limitation Act, prayer has been made for condonation of delay of 118 days in filing the instant revision.

Heard.

Learned State counsel submits that after discharge of the accused, ld. District Attorney, Ambala forwarded his comments vide memo No.1411/DA dated 02.06.2016 to the office of Deputy Commissioner of Police, Urban Ambala, who further forwarded the same for filing revision to District Magistrate, Ambala vide memo

No.22691/DCP(U) dated 04.06.2016. Thereafter, the time consumed in

the office of District Magistrate and Advocate General Haryana.

The above plea taken by State for condonation of delay is being taken since last 2-3 decades in general by almost every litigant. Much water has already flown. Now, it is the need of hour that the official machinery should sensitize and may think thousand times before adopting any legal course. Since no cogent reason or plausible explanation has been furnished by the applicant-State for condonation of delay in filing the revision petition, therefore, the application is dismissed.

The case is also dealt with on merit.

Briefly, Deepak Kumar son of Ashok Kumar resident of Baldev Nagar, Ambala City committed suicide on 27.01.2015 leaving behind a suicide note, wherein, he levelled allegations that he was honey trapped by respondent and her daughter namely, Surjit Kaur @ Sweety. Surjit Kaur @ Sweety and her family members blackmailing him, which forced him to commit suicide.

On the basis of suicide note, FIR No.24 dated 28.01.2015, under Section 306 IPC, Police Station Baldev Nagar was registered against 4 persons including respondent, her daughter and their two relatives. However, during investigation, police found two relatives of the respondent innocent. Therefore, they were not challaned.

After completion of investigation, initially final report under Section 173(2) Cr.P.C. was filed against Surjit Kaur @ Sweety daughter of the respondent. Thereafter, respondent was also summoned

to face trial by filing a supplementary challan, after committal of court to the court of Sessions. At the time of consideration of framing charge, respondent was discharged vide order dated 27.05.2016, mainly, on two grounds that story introduced by deceased in the later part of the suicide note, does not prove abetting and goading the deceased to take an extreme step to commit suicide.

Learned State counsel contends that trial court had failed to appreciate that respondent was specifically named in the suicide note as one of the members of the gang, which had honey trapped the deceased. The daughter of the respondent has been convicted under Section 306 IPC, on the basis of same suicide note, which was relied upon by the prosecution in the instant case.

Having given thoughtful consideration to the submissions, this Court finds instant revision being devoid of any merit for the reason to follow:-

To charge a person under Section 306 IPC, it is mandatory under law to prove immediate instigation or provocation to a person, forcing him to commit suicide. In the instant case, there is no such evidence available on the record. The only allegation against the respondent is that she was part and parcel of the conspiracy with her daughter with whom the deceased was having sexual relation and they were blackmailing the deceased with the aid of two other relatives. This allegation is not sufficient to charge the respondent under Section 306

IPC, in view of the dictum laid down by this Court and Hon'ble Apex

Court through various pronouncements enumerated in the impugned order.

I have gone through the impugned judgment dated 27.05.2016 and find no illegality and infirmity in the same. Accordingly, the same is upheld and instant revision petition is dismissed.

17.01.2019
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(RAMENDRA JAIN)
JUDGE

whether speaking/reasoned:	Yes/No
whether reportable:	Yes/No