

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.285

CRR-1865-2018 (O&M)
Date of decision : 21.1.2019

Ramesh Kumar

..... Petitioner

VERSUS

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. PK Rohilla, Advocate, for the petitioner.

Mr. Deepak Grewal, DAG, Haryana

Ms. Shelja Sharma, Advocate, for respondent No.2.

Mr. Surinder Dagar, Advocate, for respondent No.3.

Mr. Rajesh Lamba, Advocate, for respondent No.7

SUDHIR MITTAL, J. (Oral)

The petitioner challenges impugned order dated 14.5.2018 passed by the Addl. Sessions Judge, Sonipat, whereby his application under Section 193 Cr.P.C has been dismissed.

The son of the petitioner namely Deepak has allegedly committed suicide resulting in registration of FIR No.177 dated 16.4.2017, under Sections 306 read with Section 34 IPC, at Police Station Sonipat. One Suresh Vats has been challaned by the police and he is facing trial. The said action by the police has not satisfied the petitioner as according to him, the deceased-Deepak had left a suicide note on the wall of his room, in which he has named two more persons, namely, Usha Bose and Arvind to be responsible for his suicide. Thus, application under Section 193 Cr.P.C. was filed to summon Usha Bose and Arvind also as accused persons.

A perusal of the aforementioned impugned order shows that a photocopy of the diary of deceased-Deepak has been placed on record.

After perusing the contents of the diary, the trial Court came to the

conclusion that no allegations whatsoever had been made by the deceased against Usha Bose and Arvind. Thus, the application was dismissed.

Learned counsel for the petitioner has failed to establish that the aforementioned finding is perverse. He reiterates the fact that in the suicide note, the deceased had mentioned the aforementioned two persons as well and thus, the same was sufficient to summon Usha Bose and Arvind.

In my opinion, in exercise of jurisdiction under Section 193 Cr.P.C, the trial Court has to be more circumspect and mere existence of a prima facie case is not sufficient to exercise jurisdiction under the said provision(s). In this case, the trial Court has examined the evidence on record and has concluded that there is no ground for summoning Usha Bose and Arvind as additional accused and the counsel for the petitioner has not been able to dislodge the said finding by bringing on record any cogent or reliable reasons.

Thus, there is no merit in the petition and the same is dismissed.

(SUDHIR MITTAL)
JUDGE

21.1.2019.

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No