

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRR No.837 of 2017

Date of Decision:15.05.2019

Lajwanti

...Petitioner

Versus

Ashok Kumar and others

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: None for the petitioner.

ANIL KSHETARPAL, J.

This revision has been filed against the order dated 22.09.2016 passed by Judicial Magistrate 1st Class, Amritsar.

The petitioner had filed a criminal complaint asserting that she has two sons and three daughters. Her son Naresh Kumar had solemnised his marriage 8/9 years ago with Ranjit Kaur against the wishes of the family, because it was an inter-caste marriage. From the wedlock, two sons were born. Initially, after marriage Naresh Kumar lived in a rented accommodation and thereafter he purchased his own house. After having purchased the house, his father-in-law, mother-in-law, brother-in-law and sister-in-law also started residing with him in that house. It was further pleaded that Ashok Kumar (accused No.1), who is son of sister of the complainant, played an important role in the love marriage of her son. It has been alleged that her son had informed her that his wife Ranjit Kaur is having illicit relations with Ashok Kumar. On 11.08.2011 when Suresh Kumar, the another son of the complainant, was passing through the street in which house of Naresh Kumar is located, some persons in the locality

were standing and on being enquired, he was informed that his brother Naresh Kumar was sick and taken to Guru Nanak Dev Hospital, Majitha Road, Amritsar. Suresh Kumar in turn informed his father on telephone but when they visited the hospital, there was no patient with the name of Naresh Kumar admitted there. However, Suresh Kumar when again went to the locality, he came to know that Naresh Kumar has died. When complainant along with her husband and son Suresh requested the accused to get post-mortem of Naresh Kumar, they flatly refused. The complainant has alleged that she and her family are certain that Ashok Kumar and other accused, who had been impleaded, have murdered her son.

Learned Judicial Magistrate, on appreciation of evidence, has found that the complainant has failed to make out a case for summoning the accused. In this case, counsel through whom the present revision petition has been filed has not chosen to appear ever before the court whenever the case was listed for hearing.

On 03.04.2019, noticing the aforesaid fact by this Court, office was requested to inform learned counsel for the petitioner, which has been complied with but even thereafter the counsel has not appeared when the case was called. Hence, this Court is left with no other option except to examine the file and decide.

On careful reading of the grounds of revision and evidence led, it is apparent that the petitioner has based her allegation on suspicion. The complainant alleged that on the day of occurrence, her son called her at 10.30 AM and he came to her house at 11.00 AM to take Gas Cylinder. It has further been alleged that since her son was not taking any kind of intoxicant nor suffering from any ailment, therefore, her son has been

murdered.

The complainant has examined herself as CW-1, Suresh Kumar, her another son as CW-2 and Inder Kumar as CW-3.

On reading of the statements, which have also been annexed with the revision petition, it is apparent that the complainant is calling upon the Court to draw an inference on certain facts. The complainant has failed to lead any cogent evidence which may support or even prima facie establish or there is any circumstantial evidence which leads to only one conclusion i.e. the accused have committed the offence alleged against them. In revision petition, the jurisdiction of the Court is limited and from the reading of grounds of revision, it is clear that the complainant has failed to point out any perversity or substantive error in the order impugned.

In such circumstances, this Court does not find any good ground to interfere. Hence, the present revision petition is dismissed.

15.05.2019
mks

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No