

CRM-A-500-MA-2013 (O&M)

(278)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-A-500-MA-2013 (O&M)
Date of Decision: 11.12.2023

URMILA DEVI

... APPELLANT

Versus

MAYA RANI & OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. H.S Deol, Amicus Curiae
for the appellant.

None for respondent Nos.1 and 2.

Mr. Aman Kumar, Advocate for
Mr. Harsh Chopra, Advocate
for respondent No.3.

JASJIT SINGH BEDI, J.

The present application has been filed for grant of leave to appeal against the judgment dated 23.02.2012 passed by the CJM, Panchkula whereby the respondents have been acquitted.

2. The brief facts of the case are that the applicant/complainant filed a complaint under Section 500 IPC against the respondents/accused with the allegations that she was a divorcee and was living in a Quarter at HMT, Pinjore. The accused/respondent Nos.1 and 2 were living in the same building. For certain reasons enumerated in the complaint, the respondents/accused levelled false allegations against her (complainant) that she had illicit live-in-relations with Ramesh Chander Chopra. Based on the preliminary evidence led, the accused were summoned under Section 500

CRM-A-500-MA-2013 (O&M)

IPC. On the conclusion of the Trial, all the accused came to be acquitted of the charge framed against them.

3. The aforementioned judgment of acquittal has been challenged in the present appeal.

4. The learned counsel for the Amicus curiae contends that the offence against the respondents/accused has been established beyond doubt. The complainant was examined as CW1, R.C. Chopra as CW2-, Brij Mohan Kohli as CW-4 along with one Dr. A.P. Sodhi. The documentary evidence had also been tendered. However, the evidence had been ignored without any cogent reason leading to the passing of the impugned judgment. In fact, accused/respondent No.1-Maya Rani had moved a complaint before the Health Department and other public officials including the Vigilance Department wherein false allegations with regard to the applicant's character had been made. The allegations made in the complaint so sent to the Vigilance Department had been duly proved by the statement of CW3-Brij Mohan Kohli who had deposed that he knew the applicant personally and that he had broken off all relations with her family member after reading the contents of the complaint. He also stated that the prospects of the marriage of the two daughters of the complainant/applicant were affected. Further, the deposition of R.C. Chopra CW2 had not been considered in its proper perspective. It was wrong to call that the said R.C. Chopra an interested witness as allegations had been levelled against him. He, therefore, contends that the judgment of acquittal was liable to be set aside.

5. On the other hand, the learned counsel for the accused/respondents contends that no fault could be found with the impugned

CRM-A-500-MA-2013 (O&M)

judgment of acquittal. The complainant could not establish her case beyond reasonable doubt. She was habitual of filing false complaints as was evident from various litigation which are on record as Ex.D1 to D2. There was no evidence that Maya Rani, accused/respondent No.1 had filed any complaint against the applicant/complainant. Therefore, the application for grant of leave to appeal was liable to be dismissed.

6. I have heard the learned counsel for both the parties.

7. The case of the complainant/applicant is that her reputation was lowered down because of the false imputations made with regard to her character by the accused persons by way of writing of a letter to the Department for which an inquiry had been conducted. CW3-Brij Mohan Kohli stated in his cross-examination that he could not recognise the signatures on the complaint made by Maya Rani, respondent No.1 and that he did not have any knowledge with regard to any dispute between Sunita and Maya Rani. He stated that the complaint in question had not been given personally Maya Rani. He also stated that he was not on visiting terms with the applicant/complainant-Urmila Devi after 1997. Thus, the complaint on the basis of which the reputation of the complainant had been lowered has not been proved as per law. Further, the complainant has not examined any expert to the effect that the said complaint bears the signatures of accused/respondent-Maya Rani. The statement of CW2-R.C. Chopra does not further the case of the complainant as he is an interested witness. The inquiry conducted by CW4 cannot be read in evidence in the absence of the original report being brought on record.

8. In view of the aforementioned discussion, I find no reason to interfere with the well-reasoned judgment of acquittal and therefore, the application for grant of leave to appeal stands dismissed.

11.12.2023
JITESH

(JASJIT SINGH BEDI)
JUDGE

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No