

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRA-S-1455-SB-2014 (O&M)

Decided on 02.04.2025

Santosh Kumar

... Appellant

VS.

Sheetla Prashad & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Ms. Manju Goyal, Advocate for
Mr. Pawan Girdhar, Advocate for the appellant

Mr. HS Randhawa, Advocate for respondent No.1 to 5

Mr. JS Rattu, DAG Punjab

Sandeep Moudgil, J.

(1). This appeal is directed against the judgment dated 08.11.2013 passed by Additional Sessions Judge, Patiala whereby the respondents No.1 to 5-accused have been acquitted in case FIR No.213 dated 23.09.2008 under Section 306 IPC registered at Police Station Civil Lines, Patiala.

(2). Briefly stated, the deceased Ashok Kumar, elder brother of the appellant, was married to respondent No. 2 for approximately five years. Respondents No. 1 and 3 are his parents-in-law, and respondents No.4 and 5 are his brothers-in-law. The marriage faced difficulties as the respondents allegedly demanded that Ashok Kumar separate from his parents and bring Rs.15 lakhs from them. In 2006, respondent No.2 deserted Ashok Kumar, prompting him to file a petition under Section 9 of the Hindu Marriage Act, 1955 for restitution of conjugal rights. Although he later withdrew the petition after respondent No.2 rejoined him, the relationship continued to deteriorate. On September 16, 2008, respondents No.1, 3 and 4 allegedly visited Ashok

Kumar's matrimonial home in his absence and abused and assaulted his parents. Ashok Kumar was later assaulted by unidentified persons allegedly at the respondents' behest. Despite attempting to seek police protection, Ashok Kumar's complaints were not adequately addressed. Ultimately, on September 18, 2008, Ashok Kumar took his own life by jumping into a canal, leaving behind a suicide note holding the respondents responsible for his death. The note was recovered by the police, and the dead body was retrieved on September 23, 2008, leading to the registration of the present FIR.

(3). Learned counsel for the appellant-complainant contends that the trial court did not take into consideration the fact that the investigating officer failed to place on record the original suicide note after taking it from him i.e. Pw1 and the defect, if any, on the part of the investigating agency by itself cannot be a ground for acquittal and in such eventuality, it was incumbent upon the trial court to examine the prosecution evidences de hors the lapses of the investigating agency.

(4). It is argued that the observation made by the trial court that the suicide note scribed by the deceased cannot be termed as a document written by a depressed person suffers from material infirmity, fallacy and biased mind inasmuch, the deceased in the note has given details of the mental harassment meted out to him by his inlaws and wife and such details has not been analysed by the trial with proper detachment.

(5). Before trial court, the prosecution examined 10 witnesses out of which PW1 complainant Santosh Kumar deposed that he received telephonic message from security guard of Spice Officer whereby he was informed that some persons were beating his brother and he went towards Baradari, where

2/3 unknown persons were present on the motor cycle. He also deposed that Ashok Kumar disclosed that he was beaten by his brother-in-law namely, Rakesh Kumar and his friend Mikka and was taken to Bahadurgarh, where again, he was given beatings. It was further stated by complainant PW1 that an employee of the Spice Office handed over to him one envelope containing one camera, mobile and one suicide note written by his brother Ashok Kumar and found that his brother had proceeded to Bakhra Canal to commit suicide.

(6). PW2 Ganga Ram father of the deceased also deposed that his son Ashok was married to accused Ranjit Kaur daughter of accused Sheetla Prashad in 2005 and they were not having cordial relations and on 16.09.2008, a dispute arose between the duo wherein the family members of Ranjit Kaur came to matrimonial home, entered into scuffle and took Ranjit Kaur with them. He then deposed that Ashok Kumar had committed suicide at the instance of his wife Ranjit Kaur, her parents and brothers who had been maltreating him for the last four years prior to the occurrence.

(7). PW3 Dr. KG Goyal, conducted the medico legal examination and proved the same as Ex.PE whereas PW5 Munish Sagar deposed that Ashok Kumar was working with him and he had left the suicide note in the cabin in office, however, the said witness was declared hostile during cross-examination. Rest of the witnesses are the official witnesses.

(8). The trial court framed following points for determination on the basis of arguments advanced by the parties:-

1. Whether the prosecution has been able to prove its case beyond shadow of reasonable doubt that accused abetted the commitment

of suicide by deceased Ashok Kumar on 18.09.2008 and thereby, they committed an offence punishable under Section 306 IPC.

(9). The trial court considered the facts and evidence and while answering the question as to whether the offence under Section 306 IPC is made out against the respondents No.1 to 5 or not, laid great stress on the suicide note ExPC left behind by the deceased and found that the same did not inspire confidence. It was observed that the suicide note was produced by one Munish Sagar PW5 and during cross-examination, he categorically stated that he had not gone through the contents of the suicide note and had not handed over the same to the police and as such there is no evidence, as to who handed over the suicide note to the police.

(10). Surprisingly, it is the finding returned by the trial court that the said PW5 has even deposed that he could not say if the suicide note handed over by him to his senior official is the same which was there on the file as Ex.PD and even expressed doubt about its genuinity. Further it has also come on record that the FSL report has failed to give any definite opinion regarding the handwriting and signature of the deceased on the suicide note. Based upon such evidence and testimonies on record, the trial court came to the following conclusion:-

“Even otherwise, perusal of suicide note shows that same is not a genuine and plausible document. It seems that the author had tried to save his family members then to level allegations against the accused. It is more in the shape of a will than in the shape of suicide note. Rather, from the last few lines of the suicide note, it seems that the same is product of a legal mind as it had been stated by the author that he had put his signatures and thumb

impressions on the suicide note, so that same could be compared with his standard signatures. Last but not the least, wording of suicide note does not suggest that same is product of a depressed mind.”

(11). Having gone through the judgment passed by the trial court, there is no material on record put forth by the appellant in order to show that the judgment has been passed without applying judicious mind and is not based on proper appreciation of evidence. This is particularly for the reason that once the trial court, after scrutinizing the testimonies and the suicide note vis-à-vis other mitigating circumstances, has come to a well reasoned conclusion that the suicide note is not a genuine and plausible document and seems to have been author by a legal mind and moreover the wording of suicide note does not suggest that same is product of a depressed mind, this Court has no reason or material to disbelieve such finding of fact returned by the trial court.

(12). In view of the above discussion, there is no merit in the present appeal and the same is accordingly dismissed.

02.04.2025

V.Vishal

- 1. Whether speaking/reasoned?
- 2. Whether reportable?

(Sandeep Moudgil)
Judge

Yes/No
Yes/No