
(2007) 01 P&H CK 0118
In the Punjab And Haryana At Chandigarh

State of Punjab	Vs	APPELLANT
Nasib Singh and Others		RESPONDENT

Date of Decision : 18-01-2007

Acts Referred:

Penal Code, 1860 (IPC) — Section 304B, 498A

Citation : (2007) 2 DMC 245

Hon'ble Judges : H.S. Bhalla, J; Adarsh Kumar Goel, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

1. This application has been filed for leave to appeal to challenge acquittal of the respondents of the charge u/s 498A, IPC and acquittal of respondent Nos. 2 and 3 of the charge u/s 304B, IPC also, for which respondent No. 1 has been convicted.
2. Pal Singh son of Santa Singh made a statement Ex. PA on 13.5.2005 to the effect that his daughter Rajwinder Kaur, deceased was married to Naib Singh about one and a half years back. Naib Singh and his parents Bhagwan Singh and Manjit Kaur were harassing her for dowry. She conveyed this to her father Pal Singh, PW-1. When he went to the in-laws of his daughter along with Kulwant Singh on the day of occurrence, he found that she was lying dead. On the basis of this statement, FIR Ex. PH was registered.
3. PW-7 Inspector Harjinder Pal Singh visited the place-of occurrence, prepared inquest report Ex. PC, moved application Ex. PD for post-mortem examination. Post-mortem was conducted of which report is Ex. PF. The Investigating Officer prepared rough site plan and arrested the accused. He also recovered rope Ex. P19 at the instance of accused Naib Singh.
4. After completing investigation, accused persons were challaned. Charges were framed under Sections 304B/498A, IPC.

5. The accused pleaded not guilty.

6. The prosecution, inter alia, relied upon the testimony of PW-1 Pal Singh, PW-2 Kulwant Singh, PW-3 Major Singh, PW-4 Dr. Daljinder Singh and PW-7 Inspector Harjinder Pal Singh.

7. The accused denied the prosecution allegations and stated that the deceased was under depression on account of having given birth to a dead child earlier and was also having similar apprehension that she may give birth to another dead child. She committed suicide on account of that.

8. The Trial Court acquitted respondent Nos. 2 and 3, parents of respondent No. 1, holding that no harassment on the part of the parents on account of demand of dowry was proved. As regards respondent No. 1, it was held that case u/s 304B, IPC was proved. He was, accordingly, convicted.

9. We have heard learned Counsel for the State and perused the findings recorded by the Trial Court.

10. The finding that as far as parents respondent Nos. 2 and 3 are concerned, there was no satisfactory evidence about demand of dowry and the allegations against them were not substantiated by any satisfactory evidence, is not shown, in any manner, to be unreasonable or perverse. Even if two views are possible, acquittal of respondent Nos. 2 and 3 is not liable to be interfered with, in an appeal against acquittal.

11. Scope of appeal against acquittal has been gone into by the Hon'ble Supreme Court, inter alia, in *Jaswant Singh v. State of Haryana II* (2000) CCR 23 : AIR 2000 SC 1833, wherein it was observed:

21. The principle to be followed by appellate Courts considering an appeal against an order of acquittal is to interfere only when there are compelling and substantial reasons for doing so. If the order is clearly unreasonable it is a compelling reason for interference (see *Shivaji Sahabrao Bobade and Another Vs. State of Maharashtra*, . The principle was elucidated in *Ramesh Babulal Doshi Vs. State of Gujarat*, :

While sitting in judgment over an acquittal the Appellate Court is first required to seek an answer to the question whether the findings of the Trial Court are palpably wrong, manifestly erroneous or demonstrably unsustainable. If the Appellate Court answers the above question in the negative the order of acquittal is not to be disturbed. Conversely, if the Appellate Court holds, for reasons to be recorded, that the order of acquittal cannot at all be sustained in view of any of the above infirmities it can then and then only reappraise the evidence to arrive at its own conclusions.

12. In view of above, we do not find any ground to grant leave to appeal.

13. The petition is dismissed.