

Cr. Appeal No. 451 of 2000

28.9.2007 Present: Mr D.S.Nainta, Deputy Advocate General, for the appellant.

Mr. Raman Sethi, Advocate, for the respondent.

Respondent No.1 is stated to have died on 1.3.2005, as such the appeal stands abated against her. Only appeal against Oma Devi (respondent No.2) survives. Arguments have been heard and I have also gone through the record carefully.

As a matter of fact, it is borne out from the evidence on record that daughter of respondent No.1 Smt. Kala Devi (deceased) was married to the son of the complainant Balbir Kaur (PW1). Since their marriage, their relations interse remained strained and even they were not on visiting terms in the house of each other. The complainant was living separately from the deceased. Oma Devi is the sister of daughter-in-law of the complainant. The learned trial court had acquitted the respondents on the grounds of material contradictions in the statement of the witnesses, more

specifically in the statement of the complainant. She had materially deviated from her F.I.R. Further it has also been observed and held by the learned trial court that PW-2 Ajeet Singh, PW-3 Sunder Singh and PW4 Gulab Singh are the interested witnesses. Sunder Singh (PW3) has also stated that some villagers were present at the time of the incident but neither he had supplied their names to the investigating officer nor examined during the trial to lend strength to the authenticity of the prosecution case. Therefore, for want of the corroboration of the statements of the interested witnesses a considerable doubt has arisen. It is also stated by PW3 Sunder Singh, an alleged eye witness in his cross examination that he had not seen the incident. Statement of PW2 the husband of the complainant reveals that he arrived on the spot about 1.30 p.m. from the Chemist shop for lunch whereas the complainant has stated that her husband came there on hearing her cries. There is also a contradictory statement with regard to the missing of ornaments

in the FIR as well as in the statement recorded before the court. Further the complainant is stated to have sustained injuries in the said quarrel but she had refused to undergo medical examination without any reasonable explanation also throws a doubt on the contention of the complainant that she had sustained injuries in the said incident or that the incident had taken place as projected by her.

Thus, in the totality of the circumstances, the learned trial has held that the prosecution case is not free from doubt, as such gave benefit of doubt to the respondents, which on reappraisal of the evidence is found to be correct.

Therefore, for the above reasons, I do not find any infirmity in the impugned judgment. Accordingly the appeal is dismissed. The respondent is discharged of the bail bonds, entered upon by her at any stage, during the proceedings of the case.

Sept. 28, 2007
(D)

(Surinder Singh), J.

