

Raj Kumari vs State Of Punjab And Others on 30 April, 2011
Punjab-Haryana High Court

CrI. Misc. No. 34603 of 2010 - 1- In the High Court of Punjab and Haryana at Chandigarh CrI. Misc. No. 34603 of 2010 (O&M)

Date of Decision: March 30, 2011

Raj Kumari

---Petitioner

versus

State of Punjab and others

---Respondents

Coram: HONBLE MR. JUSTICE GURDEV SINGH

Present: Mr.G.S.Verma, Advocate,

for the petitioner

Mr. P.S.Bajwa, Deputy Advocate General, Punjab for respondent No. 1

Mr.V.K.Sandhir, Advocate,

for respondents No. 2 and 3

GURDEV SINGH, J.

The petitioner, Raj Kumari, who is the complainant in the case titled "State vs. Prem Pal and others" arising out of FIR No. 454 dated 28.12.2006 registered under Sections 304-B, 498-A and 120-B IPC, has filed the

present petition under Section 407 read with Section 482 of the Code of Criminal Procedure for the transfer of that case from District Amritsar to District Ludhiana.

According to her, her daughter, Anju @ Sakshi, who was married CrI. Misc. No. 34603 of 2010 - 2- to Rakesh Kumar-respondent No. 2, died on 20.4.2005 and before her death, she was being subjected to cruelty and harassment on the ground of demand of dowry by the said respondent and respondents No. 3 and 4, who are related to that respondent. The police failed to take any action against those respondents and as such, she approached this Court and it was only after order dated 28.3.2009 was passed in Criminal Misc. No. 13986-M of 2006, that the police registered the above said FIR in Police Station, Civil Lines, Amritsar, against the said respondents. Even after the registration of the FIR, the police was reluctant to take any action against them. So, she filed another petition before this Court in which a direction was issued for concluding the investigation within two months. It was only thereafter that the charge sheet was submitted against them in the Court of Additional Sessions Judge, Amritsar, and they were charged for the offences under Sections 304B/498-A IPC. As a counter blast thereto, respondent No. 2 filed petition under Section 25 of the Guardians and Wards Act, 1890, for the custody of the minor child; named, Chahat @ Nannu. The said Court failed to speed up the trial and the respondents are pressurizing her to compromise the matter and to make a statement before the court for the quashing of the FIR. When she went to Amritsar to attend the Court the respondents threatened her to kill her, in case, she did not compromise the matter with them. They can go to any extent to coerce her and to pressurize her for entering into such a compromise, as the local police of Amritsar is in hand and glove with those respondents. While issuing notice of motion on 25.11.2010, it was observed that the petitioner was seeking transfer of the trial from Amritsar to Ludhiana on the ground of inconvenience, which was on account of non-recording of her statement by the trial court. The Presiding Officer was directed to submit the report regarding the status of the trial. The report was submitted accordingly CrI. Misc. No. 34603 of 2010 - 3- and it was found that it was the petitioner herself, who had been obtaining the adjournments to make her statement as a witness. Faced with that situation, it was submitted by her counsel that after 10.8.2009, she had appeared before the trial court a number of times and there was an opportunity with the Presiding Officer to record her statement and still the same was not recorded nor any sufficient reasons were recorded for grant of adjournments. As the report of the Presiding Officer was silent regarding those facts, so the petitioner was directed to place on record the proceeding orders passed during the period from 10.8.2009 to 16.12.2010. The copies of the proceeding orders from 10.8.2009 to 16.12.2010 were placed on the record. A perusal thereof shows that the petitioner appeared before the Court only once during that period on 22.4.2010. She could not be examined on account of the request made by the proxy counsel for the accused for adjournment. Thereafter, she never appeared before that court. It is very much clear from the report of the presiding Officer and the proceeding orders passed in the case, that she herself is to be blamed, in case her statement has not been recorded. She had been getting one adjournment or the other on flimsy grounds for

not making her statement. When such is the position, there is no ground to transfer the case. The petition is dismissed accordingly.

(GURDEV SINGH)

JUDGE

March 30, 2011

PARAMJIT

