

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).3779/2005

(From the judgement and order dated 07/07/2005 in CRLR No. 1075/2005 of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

SUMITRA DEVI

Petitioner(s)

VERSUS

STATE OF HARYANA

Respondent(s)

(With appln(s) for stay and impleaded as R-2 and office report)

Date: 28/08/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.G. BALAKRISHNAN

HON'BLE MR. JUSTICE D.K. JAIN

For Petitioner(s)

Mr.Rutwik Panda,Adv.

Mr. Raj Kumar Gupta, Adv.

Mr. Sheo Kumar Gupta, Adv.

For Mr. A.N. Bardiyar, Adv.

For Respondent(s)

Mr. Rajeev Gaur 'Naseem', Adv.

For Mr.T.V.George,Adv.

UPON hearing counsel the Court made the following

O R D E R

Leave granted.

tate. Heard learned counsel for the appellant and counsel for the S

The appeal is disposed of in terms of the signed order.

(R.K. DHAWAN)

(VEERA VERMA

COURT MASTER

COURT MASTER

(Signed order is enclosed herewith)

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.892 OF 2006

(Arising out of SLP(Cr1) No.3779 of 2005)

SUMITRA DEVI
.... APPELLANT.

VERSUS

STATE OF HARYANA
.... RESPONDENT.

O R D E R

Leave granted.

Heard learned counsel for the appellant and counsel for the State.

The appellant herein was implicated under Section 319 Cr.P.C. on th

basis of the evidence given by PW-8, who was the complainant and also the father of the deceased Vinod Devi. In the evidence PW-8 has given some vague statement to the effect that the present appellant used to demand dowry from the deceased. In the cross-examination, it is admitted that the appellant is the married sister of the husband of the deceased and was aged about 40-45 years and was married about 20 years prior to the marriage of the deceased and is residing in a village at a distance of 45 kms. away and has three school going children. On this evidence alone, the learned

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Magistrate was not justified in involving the present appellant under Section 319

Cr.P.C. Accordingly, we set aside the orders of the learned Magistrate and he shall

proceed with the trial of the case against other accused.

The appeal is disposed of accordingly.

.....J

(K.G. BALAKRISHNAN)

.....J

(D.K. JAIN)

NEW DELHI;

AUGUST 28, 2006