

State of U.P. Vs. Iftekhar and ors.

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Court : Allahabad

Decided On : Aug-17-2004

Reported in : 2005CriLJ1976

Judge : S.K. Agarwal and ;R.C. Pandey, JJ.

Appeal No. : Govt. Appeal No. 2872 of 2002

Appellant : State of U.P.

Respondent : iftekhar and ors.

Advocate for Def. : Prashant Kumar Singh, Adv.

Advocate for Pet/Ap. : A.G.A.

Disposition : Appeal allowed

Judgement :

ORDER

1. Heard learned AGA. We have also gone through the judgment and order.

2. The trial Court had decided the case in a very cursory manner even if it is a case of suicide within seven years of the marriage the burden always rests upon the Accused to explain the cause behind such suicide. The accused has come out in trial with the defence that she was suffering from abdominal ailment for which she was also subjected to operation process but in no way the problem was

remedied. As a consequence she lodged herself in a room bolted from inside and committed suicide. There is evidence on record that the latch of the room was opened by another woman, wife of father-in-law by putting her hand from outside. If the latch could be removed from outside by placing hand then certainly it could also be bolted from outside. This was the aspect which has to be given due consideration by the trial Court but it some how or the other skipped his attention. The trial has been taken on fast pace. The accused and the defence counsel as well the prosecution has accepted the genuineness of the post mortem examination report. Its genuineness and also the other documents. In the case of this nature the medical evidence has been of serious importance. The medical officer from the facts and circumstances regarding the post mortem examination report would have been in a position to throw better light whether it was a case of suicide or hanging by the others.

3. In view of the above discussion we find it a fit case for grant of leave.

4. Leave to file this Government Appeal is granted.

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