

State of Haryana Vs. Surinder Kumar

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Court : Supreme Court of India

Decided On : Oct-15-1999

Reported in : (2000)10SCC337

Judge : G.T. Nanavati and; S.N. Phukan, JJ.

Appeal No. : Criminal Appeal No. 1125 of 1999

Appellant : State of Haryana

Respondent : Surinder Kumar

Judgement :

G.T. Nanavati and; S.N. Phukan, JJ.

1. Delay condoned.
2. Leave granted.
3. Heard learned counsel for the parties.
4. On the basis of the facts and circumstances disclosed by the police statement, the trial court framed charge against the respondent for the offence punishable under Section 306 IPC. The respondent challenged framing of the charge by filing a revision petition in the High Court. It was allowed by the High Court on the ground that the suicide was committed 20 days after he was accused of stealing 10 gm of gold. In our opinion the High Court was not justified in quashing the

charge at that stage holding that the suicide was not as a result of abetment by the respondent. Whether it was so or not will have to be decided on the basis of the evidence which the prosecution may present before the Court.

5. We, therefore, allow this appeal and set aside the impugned order of the High Court. The trial court will now proceed with the case in accordance with the law. It will be open to the respondent to apply to the trial court to seek an appropriate order in respect of involvement of the respondent at an appropriate stage.

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