

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRA No.S-2137-SB of 2013 (O&M)
Date of Decision: January 13, 2015

Meenu Rani

...Appellant

VERSUS

Mukesh Kumar and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Brijender Kaushik, Advocate
 for the appellant.

INDERJIT SINGH, J.

Appellant Meenu Rani has filed this appeal against Mukesh Kumar, Bal Kishan, Kanta, Surender Kumar and State of Haryana respondents challenging the impugned judgment dated 16.02.2013 passed by learned Addl. Sessions Judge, Kurukshetra vide which the judgment of conviction dated 08.07.2010 and order of sentence dated 12.07.2010 passed by learned Judicial Magistrate Ist Class, Kurukshetra were set aside and accused-respondents No.1 to 4 were acquitted.

It is mainly stated in the grounds of appeal that impugned judgment of acquittal dated 16.02.2013 acquitting accused-respondents No.1 to 4 under Section 406, 498-A, 506 read with Section 34 IPC passed by learned Addl. Sessions Judge, Kurukshetra wrongly and illegally by ignoring the evidence on record and reversing

the well reasoned and speaking judgment and order passed by learned JMIC, Kurukshetra, is illegal, null and void and liable to be set aside and respondents No.1 to 4 be convicted for the crime committed by them.

I have heard learned counsel for the appellant and have gone through the record.

From the record, I find that Mukesh Kumar, Bal Kishan, Kanta and Surender Kumar, who have been convicted and sentenced by learned JMIC, Kurukshetra in FIR No.73 dated 18.04.2005 under Sections 406, 498-A and 506 IPC registered at Police Station Sadar Thanesar, filed appeal before the Sessions Court. Learned Addl. Sessions Judge, Kurukshetra vide impugned judgment dated 16.02.2013 set aside the judgment of conviction and order of sentence passed by learned JMIC, Kurukshetra and acquitted the appellants (now respondents No.1 to 4).

After perusal of the record, especially the judgment passed by learned Addl. Sessions Judge, Kurukshetra, I find that findings of learned Addl. Sessions Judge, Kurukshetra given in judgment dated 16.02.2013 are correct, as per law and do not require any interference from this Court. Respondent No.1 Mukesh Kumar was the husband of the complainant. Respondent No.2 Bal Kishan was father-in-law and respondent No.3 Kanta was mother-in-law of the complainant. Respondent No.4 Surender Kumar was brother of respondent No.3 Kanta. The findings of learned Addl. Sessions Judge, Kurukshetra are that neither the dowry articles are supposed to be in possession of

respondent No.4 being maternal uncle of the husband of the complainant nor he is residing in the matrimonial house nor the allegations under Section 498-A etc. can be there because he was not residing in the matrimonial house of the parties and from the evidence on record, the Court also found that no cogent evidence has been produced by the prosecution to prove any harassment or demand of dowry. Otherwise also, maternal uncle of the husband, in no way, can be held as beneficiary of demand of dowry and why he would harass the complainant on the ground of demand of dowry. Therefore, the acquittal of respondent No.4 is correct and as per law.

Now as regarding respondents No.2 and 3 i.e. father-in-law and mother-in-law, the accused have proved the compromise. As per the compromise Ex.D1 and D2, it has been proved that the husband and wife have taken away all the articles from the matrimonial house and started residing separately and that compromise has been admitted by the PWs. This has been duly discussed by learned Addl. Sessions Judge, Kurukshetra. PW-4 Madan Lal, father of the complainant admitted his signatures on D1 and also signatures of his son Sanjeev Kumar, Manish and his daughter Meenu over the same. He also admitted the signatures over Mark-C. This fact shows that dowry articles are neither with respondents No.2 and 3 nor they have mis-appropriated the same. There is also no particular instance against father-in-law and mother-in-law for harassment or demand of dowry. Therefore, respondents No.2 and 3 have also been correctly acquitted by learned Addl.

Sessions Judge, Kurukshetra.

As regarding respondent No.1 Mukesh Kumar, learned Addl. Sessions Judge, Kurukshetra held that the Court is of considered opinion that had various contradictions and deficiencies in the case of prosecution been in isolation, those would not have made much difference to the truthfulness of the case of the prosecution but when these contradictions and other deficiencies are put together, some doubt crops up in the story of the prosecution, which comes to be a genuine doubt. It is also held by the Court that prosecution in the instant case has failed to discharge the burden. In the facts and circumstances, nature of the evidence adduced by the prosecution and several dents caused to the story of the prosecution go to roots of the case and shake the story of the prosecution. It is further held that the Court is of the considered opinion that the prosecution has not been able to substantiate the charge attributed to the accused-appellants. The Court has discussed the statements of the PWs. The complainant has also taken the divorce and has stated that her divorce was with consent. She also stated that she had seen Mark-D which was the compromise in the Panchayat but she had written so under pressure of Panchayat. This version of the witness cannot be believed. She also failed to tell as to when her statement was recorded by the police. The complainant PW-2 Meenu Rani in her statement stated that she never remained in the house of the appellants for more than 10-15 days. It is also contradictory to the prosecution story. She also stated that she never got herself medico-

legally examined.

Keeping in view the facts and circumstances of the present case, I find that the findings given in judgment dated 16.02.2013 passed by learned Addl. Sessions Judge, Kurukshetra are correct and as per law and do not require any interference from this Court.

Therefore, finding no merit in the appeal, the same is dismissed in limine.

January 13, 2015
Vgulati

(INDERJIT SINGH)
JUDGE