

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRA-S-3742-SB of 2013 (O&M)

Date of decision: 01.12.2015

Sujata

...Appellant

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Hemant Bassi, Advocate for the appellant.

Mr. Yashwinder Singh, DAG, Haryana

Ms. Urmil Verma, Advocate
for respondents No.2 to 4.

Jitendra Chauhan, J. (Oral)

The present appeal is directed against the judgment of acquittal dated 22.07.2013, passed by the learned Addl. Sessions Judge, Jhajjar, whereby the judgment of conviction dated 25.04.2012 and order of sentence dated 28.04.2012, passed by the Chief Judicial Magistrate, Jhajjar was set aside and accused/respondents No.2 to 4 herein, were acquitted of the charges framed against them under Sections 323, 498-A, 406, 506 and 34 of the Indian Penal Code.

It is contended that the learned Appellate Court has wrongly set aside the judgment of conviction and order of sentence passed by the trial Court despite there being sufficient material on

record against respondents No.2 to 4. It is contended that there are specific allegations against the accused/ respondents No.2 to 4 regarding demand of dowry from the appellant. The prosecution version had been duly proved by the appellant and her father while they appeared as PW1 and PW2. The dowry articles and jewelry were duly recovered from the possession of respondent No.4, husband and this fact has been duly corroborated by PW-3, but the learned Appellate Court has not taken into consideration this aspect of the matter. The version of DW1 and DW2 was also totally ignored by the Appellate Court. The learned trial Court has rightly convicted the respondents No.2 to 4, after finding the allegations to be true.

On the other hand, the learned counsel for respondents No.2 to 4 submits that the Appellate Court has rightly set aside the judgment of conviction and order of sentence. The appellant has levelled false allegations against respondents No.2 to 4 and the whole prosecution story is based upon PW-1, appellant herself and PW-2 her father. No independent witness from neighbourhood was examined to prove the allegations. Even, the mother of the appellant was not examined.

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

The marriage between the appellant and respondent No.4 is not disputed. The respondent No.4 lodged the complaint against the

appellant on 03.01.2005. The appellant had been residing separately since 29.12.2004. There are material contradictions in the statements of PW-1, Sujata appellant and PW-2 Prahlad, her father. No independent witness from the neighbourhood was examined to prove the allegations. The mother of the appellant who could be the best witness was not examined. The allegations levelled by the appellant are vague and general in nature.

In these circumstances, the finding of acquittal recorded by the Appellate Court cannot be said to be perverse or contrary to the material on record. There is no infirmity in the reasoning assigned by the trial Court for acquitting the accused/respondent.

It is a settled law as has been held in **C. Antony** Vs. **K.G. Raghavan Nair**, 2002(4) RCR (Criminal) 750 that even if a second view on appreciation of evidence is possible, the Court will not interfere in the acquittal of the accused. In the cases of acquittal, there is double presumption in his favour; first the presumption of innocence, and secondly the accused having secured an acquittal, the Court will not interfere until it is shown conclusively that the inference of guilt is irresistible.

Accordingly, the present appeal stands dismissed.

01.12.2015

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(JITENDRA CHAUHAN)
JUDGE