

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.A-329-MA of 2014

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Date of decision:10.9.2015

Neena Chohan

...Applicant

v.

State of Punjab and others

...Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. R.K. Trikha, Advocate for the applicant.

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Inderjit Singh, J.

This criminal miscellaneous application has been filed under Section 378(4) Cr.P.C. against State of Punjab and others-respondents praying for the grant of leave to file appeal against the judgment dated 4.1.2014 passed by learned Additional Chief Judicial Magistrate, Hoshiarpur.

It is mainly stated that an appeal has been filed which is likely to succeed on the grounds taken therein. It has been prayed that the present application may be allowed and the leave to file appeal may be granted against the impugned judgment.

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

The brief facts of the case are that Neelam Chohan-complainant

filed complaint against Sudesh Kumar, Smt. Manorama Devi, Mukesh alias Pappu and Smt. Kamla Devi for the offences under Sections 406 and 498-A IPC. It is mainly stated that the complainant was married to accused Sudesh Kumar on 8.6.2006 as per Hindu rites at Village Alampur. The parents of the complainant spent huge amount on her marriage on the demand of accused but they were not satisfied and from the very beginning of the marriage, they started humiliating and harassing the complainant on account of dowry. All the accused started saying that at least sum of ₹4 Lacs was to be spent on the marriage and instead thereof the parents of the complainant only spent ₹2.5 Lacs and openly started pressurizing her to bring ₹1.5 Lacs from her parents to make the deficiency in the dowry. It is further submitted that in the month of September 2006, the complainant was tortured and sent to Hoshiarpur along with accused Sudesh Kumar to bring cash of ₹1.5 Lacs. It is also in the complaint that the accused treated her like a dump driven cattle. They abused her as 'Bhukihan Nangian Di Dhee' and with many other such like adjectives. She was tortured to the extent that either she leaves the house or she commits suicide. It was averred that ultimately, when all the accused lost hope of getting above cash amount, then shunted the complainant out of the matrimonial house on 8.8.2007.

On the basis of the evidence, the accused were summoned for the offences under Sections 406 and 498-A IPC.

After the appreciation of evidence, the learned Additional Chief Judicial Magistrate, Hoshiarpur, convicted and sentenced the husband of the complainant for the offences under Sections 406 and 498-A IPC, but

acquitted other accused, who are private respondents in this application.

At the time of arguments, learned counsel for the applicant argued that the findings given by the Court below are perverse and against the evidence.

After going through the record specially the judgment passed by the Court below, I find that there is no specific allegation against any of the respondents who have been acquitted. Manorama Devi is mother-in-law, Mukesh alias Pappu is brother-in-law of the complainant and Smt. Kamla Devi is wife of Mukesh. A perusal of the complaint itself shows that only general allegations have been levelled. Even no specific allegation by name has been levelled against any of the accused. The learned Additional Chief Judicial Magistrate, Hoshiarpur, after appreciating the evidence held that there is general tendency on the part of bride side to rope in all the family members from the bridegroom side. The Court below also held that the complainant has made material improvements in the Court to make out a case against accused Nos.2 to 4. The Court also held that she might be having dispute with her husband, i.e. accused No.1 Sudesh Kumar, but in the garb of that, it is not justified to entangle the other family members because this thing does not appeal to reason that accused Nos.2 to 4 were raising the demand of money. The Court also held that the case of husband is totally on separate footing. The Court after discussing the evidence held that the complainant failed to narrate any such fact or circumstances except this circumstance that accused No.2 to 4 raised the demand of dowry, which could satisfy the conscience of the Court that they tortured the complainant

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for bringing money. The findings given by the learned Additional Chief Judicial Magistrate, Hoshiarpur, are correct, as per evidence and law and do not require any interference from this Court.

Nothing has been pointed out as to which material evidence has been misread by the Court below nor anything has been pointed out to show which evidence has not been discussed by the Court. There is also nothing argued as to how the judgment passed by the learned Additional Chief Judicial Magistrate, Hoshiarpur is perverse.

Therefore, from the above discussion, I do not find any ground to grant leave to file appeal. Consequently, finding no merit in the criminal miscellaneous application filed under Section 378(4) Cr.P.C. seeking leave to file appeal, the same is dismissed.

September 10, 2015.

(Inderjit Singh)
Judge

hsp