

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

CRM-A-759-MA of 2015 (O&M)

Date of decision : 03.12.2015

Mandeep Kaur

...Petitioner

Versus

Mandeep Singh and anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Naresh Kumar Manchanda, Advocate
for the applicant-appellant.

JITENDRA CHAUHAN, J. (Oral)

This appeal is directed against the impugned judgment dated 07.03.2015 passed by the learned Judicial Magistrate Ist Class, Moga whereby the respondents were acquitted from the charges framed against them under Sections 406/498-A/34 of the Indian Penal Code (for short 'the IPC').

The learned counsel contends that the learned trial Court has passed the impugned judgment on the ground that the appellant has failed to

prove the bills of dowry articles and maltreatment, whereas appellant examined herself as CW2 and one Gurmeet Singh CW1, who specifically stated that he was present at the time of marriage and the dowry articles were entrusted to respondent No.2. Therefore, the learned trial Court has not considered these facts on the record and wrongly acquitted the respondents.

I have heard the submissions of the learned counsel and have carefully gone through the record.

The trial Court has rightly acquitted the respondents as the applicant-appellant did not produce any record or evidence to prove that the dowry articles were given in the marriage and material contradiction in the testimony of the appellant.

Keeping in view the above, the finding of acquittal recorded by the trial court cannot be said to be perverse or contrary to the material on record. In fact there is no infirmity in the reasoning assigned by the trial court for acquitting the respondents, this Court feels that the learned Judicial Magistrate Ist Class, Moga, has passed the impugned judgment dated 07.03.2015 after appreciating the entire facts and circumstances of the present case and no other view is possible.

Accordingly, the leave to appeal stands declined.

Dismissed.

03.12.2015

ashok

(JITENDRA CHAUHAN)
JUDGE