

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.647 of 2015

Arising Out of PS.Case No. -null Year- null Thana -null District- PATNA

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1. Chitranjan Prasad Singh, son of Late Narayan Singh, resident of Mohalla- Shyam Sunder Lane, Mithapur, B Area, Police Station- Jakkanpur, District- Patna.

.... Petitioner

Versus

1. The State of Bihar.
2. Manish Prasad, son of Mahendra Prasad.
3. Mahendra Prasad, son of Late Ragho Prasad.
4. Nirmala Prasad @ Nirmal Prasad wife of Mahendra Prasad.
All resident of Park Road, Kadamkuan Police Station, District- Patna.

.... Respondents

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Appearance :

For the Petitioner : Mr. Makardhwaj Upadhyay, Advocate
For the State : Mr. Kumar Ranjit Ranjan, APP

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

JUDGMENT AND ORDER
ORAL

Date: 11-11-2016

The petitioner of the present revision application, filed under Section 397 read with Section 401 of the Code of Criminal Procedure, 1973, is the complainant of Complaint Case No. 1503 (C) of 2009, filed in the Court of learned Chief Judicial Magistrate, Patna. He is aggrieved by the judgment and order, dated 16.04.2015, passed, by learned 3rd Additional Sessions Judge, Patna, in Criminal Appeal No. 1896 of 2014, whereby the learned Appellate Court has set aside the

judgment of conviction and the order of sentence, recorded by the learned Sub Divisional Judicial Magistrate, Patna, in Trial No. 3234 of 2013, arising out of the said Complaint Case No. 1503 (C) of 2009.

2. The learned Trial Court, by the aforesaid judgment and order, had held the respondent nos. 2 to 4 guilty of the offence punishable under Section 500 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act. The learned Trial Court sentenced them to undergo rigorous imprisonment for a period of one year for the offence punishable under Section 500 of the Indian Penal Code and for 06 (six) months, for the offence punishable under Section 4 of the Dowry Prohibition Act. The learned Trial Court also imposed fine of Rs. 2,000/- for each of the offence, with stipulation that in the event of default in payment of fine within one month, the respondents 2 to 4 will have to undergo imprisonment for a further period of one month.

3. It was the case of the petitioner (complainant) that he, along with his relatives, had negotiated marriage of his daughter with the son (i.e. respondent no. 2) of respondent no. 3. The family members of respondents 2 to 4 had thereafter seen the complainant's daughter, whereafter the son of respondent no. 3 started calling the complainant's daughter through cell phone. It was alleged in the complaint



petition that the accused persons, named in the complaint petition, had given money and sweets to the complainant's daughter. It is further alleged that thereafter a ritual "*Cheka*" was held on 19.03.2009 when the complainant had given certain gifts to respondent no. 3. Further, he had given certain cash to the respondent nos. 3 and 4, father and mother respectively of respondent no. 2 as gift. The date of "*Tilak*" ceremony was fixed on 03.05.2009 and for marriage, the date 05.05.2009 was fixed. Allegedly, after 08.04.2009, respondents 2 to 4 started demanding money as dowry and when the complainant refused to fulfill the demand, the accused persons refused to solemnize the marriage.

4. It is also alleged that the complainant was subsequently assaulted by the accused persons and finally the marriage could not be solemnized.

5. Upon framing of charge, respondents 2 to 4 were put on trial, during which both the parties adduced evidence, both documentary as well as oral.

6. It is to be mentioned that the charges were framed for the offences punishable under Sections 406 and 500 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act. The learned Trial Court, upon analysis of the evidence on record, found respondent nos. 2 to 4 guilty of the offence punishable under Section 500 of the Indian Penal Code

and Section 4 of the Dowry Prohibition Act, as mentioned above.

7. The learned Appellate Court, on re-appreciation of evidence, reached a conclusion that whatever amount was allegedly given by the complainant to respondent no. 2 was in the shape of gift and no demand of dowry was ever made by the respondents 2 to 4. The learned Appellate Court, upon analysis of evidence, held that no offence under Section 500 of the Indian Penal Code, too, could be said to be proved.

8. I have heard learned Counsel for the petitioners and the learned Additional Public Prosecutor appearing for the State.

10. I have also perused the judgment and order passed by the Appellate Court, wherein the Appellate Court has discussed the entire evidence adduced at the trial, in detail. The reasonings assigned by the Appellate Court, while recording acquittal of respondent nos. 2 to 4 cannot be said to be wholly illegal. This Court rarely interferes with the findings recording acquittal of an accused, if the same is based on deliberation and appreciation of evidence on record. The revisional jurisdiction needs to be exercised only if the impugned decision of the Courts below is patently illegal and unsustainable. I do not such ground present in this application.

11. I, therefore, do not find any merit in this application. This application is, accordingly, dismissed.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-c

AFR/NAFR	NAFR
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