

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 542 of 2010**

1. The State Of C.G.

---- Appellant/Applicant**Versus**

1. Suresh Kumar, S/o Motilal Zumnani, aged about 26 years, R/o Lakhenagar Chowk, P.S. Purani Basti, Raipur (CG)
2. Poonam Zumnani, wife of Roshan Zumnani, aged about 28 years, R/o Lakhenagar Chowk, P.S. Purani Basti, Raipur (CG)
3. Raja @ Parasaram S/o Narayandas, aged about 32 years, R/o M.G. Road, Vizianagaram (AP)

---- Respondents/accused

For Appellant:

Shri Ashish Shukla, Government Advocate.

For Respondents:

None.

Hon'ble Shri Justice Pritinker Diwaker**Order On Board****12/01/2016**

1. Heard on admission.
2. This petition under Section 378 (3) read with Section 378 (1) of Cr.P.C. is directed against the judgment dated 19.10.2001 passed by the Judicial Magistrate 1st Class, Raipur in Criminal Case No.379/2001 acquitting the respondents herein of the charge under Section 498-A of the IPC.
3. As per prosecution case, complainant Jyoti Zumnani was subjected to cruelty and harassment by the respondents herein in connection with demand of dowry and to compel her to give divorce to respondent No.1 herein. Upon consideration of evidence, the trial court vide impugned judgment acquitted the respondents herein of the charge under Section 498-A of IPC on the ground the prosecution has failed to bring home the

essential ingredients of Section 498-A of IPC. Aggrieved therewith the complainant has preferred Criminal Revision No.3/2002 before this Court which came to be dismissed by this Court vide order dated 25.6.2003 after considering all the aspects of the matter. Special Leave Petition filed against the order dated 25.6.2003 has also been dismissed by the Supreme Court on 19.1.2004.

4. The In-charge Officer, Record Section, District & Sessions Court, Raipur has informed vide memo dated 6.11.2015 that the entire original record of Criminal Case No.379/2001 has been destroyed on 5.1.2009.
5. The finding recorded by the trial Court regarding acquittal of the accused persons on the ground that the prosecution has not been able to prove the torture which was being meted out by the accused persons to the complainant for not bringing dowry, appears to be just, proper and no illegality or infirmity is lurking in the same. Even the criminal revision preferred against the order of acquittal has also been dismissed by this Court and the said order has been confirmed by the Supreme Court while passing the order in the SLP preferred there-against. Moreover, this Court cannot be oblivious of the fact that record of the case has already been destroyed by the trial Court.
6. In view of above, this Court does not perceive any merit in this petition and the same is, accordingly, dismissed in limine.

Sd/-

(Pritinker Diwaker)
Judge