

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 192 of 2007****Judgment Reserved on 17.10.2016****Judgment Delivered on 25.10.2016**

1. Ghasi Das @ Ajay S/o Bholadas Vaishanav aged about 26 years,
2. Bholadas, S/o Purushottam Das Vaishanav, aged about 63 years,
3. Bhuri Bai w/o Purushottam Das Vaishanav, aged about 60 years, All Caste Bairagi, occupation Beggar, Resident of Semarapali, Thana Sarangarh.
4. Rukhamani w/o Nanhu Das Vaishanav, aged about 29 years occupation House wife. Resident of padaki Chipa Thana Baramkela Tah. Sarangarh, District Raigarh.

---- Applicants (in jail)**Versus**

State of Chhattisgarh through District Magistrate Raigarh,
Chhattisgarh.

---- Respondent

For the Applicants	:	Shri Vimlesh Bajpai, Advocate.
For the Respondent/ State	:	Shri Vijay Bahadur, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**CAV Judgment**

1. This revision petition has been preferred against the judgment of conviction and order of sentence dated 10.04.2007 passed by the Additional Sessions Judge, Sarangarh, District Raigarh, Chhattisgarh in Criminal Appeal No. 80 of 2006, whereby and whereunder he dismissed the appeal filed by the applicants and upheld the Judgment dated 26.09.2006 of the Judicial Magistrate First Class, Sarangarh, Chhattisgarh in Criminal Case No. 392 of 2003, in which the learned Trial Court convicted the applicants/ accused under Section 498-A read with Section 34 of the Indian Penal Code (for short 'IPC') and sentenced them to undergo rigorous imprisonment for a

period of one year and to pay fine of Rs.500/- each, in default of payment of fine, to further undergo RI for one month.

2. The case of the prosecution, in brief, is that the marriage of complainant - Annapurna Kumari was solemnized with applicant No.1 – Ghasi Das @ Ajay in the year 2000. Thereafter, the complainant started residing in her matrimonial house for about two months. During this period, her husband and her in-laws (applicants No.3 and 4) tormented her for meeting their demand of dowry and she was ill-treated by use of abusive words, violence and even they did not provide her food. It is also alleged that her father-in-law (applicant No.2) attempted to sexually assault her at a point of time. Upon narrating this incident to her husband (applicant No.1), he did not believe and gave beatings to the complainant. The applicants sent the complainant to her parental home on 6.12.2001 and informed the mother and brother of the complainant that unless the demand of dowry is fulfilled, the complainant should not be sent back to her matrimonial house. This matter was taken up in the society, but no reconciliation was arrived at. Hence, the complainant lodged the First Information Report (Ex. P/1) in Police Station Sarangarh, District Raigarh on 18.1.2003.

3. After completion of the investigation, charge-sheet was filed against the applicants under Section 498-A of the IPC. On their denial, trial was conducted and the learned Trial Court after hearing the counsel for the respective parties and considering the material available on record, convicted and sentenced the applicants as mentioned above.

4. This revision has been brought on the grounds that the impugned judgment is bad on the basis of the facts as well as on law. The entire story of the prosecution is false and concocted. No independent witness has been examined. The evidence of defence has not been appreciated in proper perspective. The applicants are innocent and have been falsely implicated in the case. Hence, it is prayed that the impugned judgment of conviction and sentence may be set aside.

5. The scope of revisional jurisdiction under Section 397 of the Cr.P.C. is very limited, whereby the jurisdiction is exercised only to examine the correctness, legality and propriety of the order passed by the subordinate Court. Within this scope, the impugned judgment is examined.

6. In support of the charge, Annapurna Kumari (PW-1) has stated that after marriage and during her stay in the matrimonial house, she was ill-treated and demand of dowry was made by the applicants for which she was tormented time and again. At one occasion, her father-in-law tried to sexually assault her. On complaining, she was not believed and was beaten by her husband. Lastly, she was sent to her parental home on 6.12.2001, which was done with the purpose that the demand of dowry of the applicants is fulfilled. This statement made in examination-in-chief is not reverted in her cross-examination. Shanti Bai (PW-2), Bradiprasad (PW-3), Mongra Bai (PW-4) and Dutia Bai (PW-5) have supported the version of the complainant.

7. Phagulal (PW-7) has stated that the applicants came to Village Bhedvan, the parental village of the complainant and left the complainant in her parental home saying that the demand of dowry has not been fulfilled.

Nirmal Sidar (PW-8) has also made similar statement.

8. Purushottam Das (PW-12) has stated that he raised the matter before the Samaj (Society). Duryodhan Das (PW-9) and Krishna Das (PW-10) have also supported his statement. The society could not help in resolving the situation. Head-Constable, Jaimangal Prasad Patel (PW-11) has proved the investigation. Head-Constable, Ravichandra Paikra (PW-12) has recorded the statements under Section 161 of the Cr.P.C. Inspector, Krishna Kumar Singh, (PW-13) is scribe of FIR. Ghasidas (PW-14) has stated that the complainant was not willing to reside in her matrimonial house which was informed to him by the complainant herself. He was declared hostile. Tularam Bariha (PW-15) is also a hostile witness.

9. Defence has examined Banmalidas Vaishnav (DW-1), who has stated that he is related to the applicants. Complainant – Annapurna Kumari used to complain that her in-laws earned by begging. For this reason, she did not want to reside in her matrimonial house and she left her matrimonial house on her own will. He is also the witness of Samajik Panchayat in which neither the complainant nor any of her family members were present.

10. I have carefully gone through the records and find that the trial Court has considered and rightly rejected the version of the defence witness and after appreciating the evidence adduced by the prosecution has come to a conclusion that the applicants have committed the offence under Section 498-A of the IPC. This Court, while exercising revisional jurisdiction, cannot re-appreciate the evidence. In State of Maharashtra vs. Jagmohan & Others reported in (2004) 7 SCC 659, Apex Court has held that in exercise of

revisional power High Court cannot undertake in-depth and minute re-examination of entire evidence and upset concurrent findings of trial Court and lower appellate court. The impugned judgment appears to be well reasoned. There is no scope for interference with the impugned judgment as to its correctness, propriety and legality.

11. In view of the above discussion, I find no merit in the revision petition. Accordingly, the revision petition is dismissed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge