

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Revision No. 179 of 2015

Date of decision : 18.01.2016

Kavita

... Petitioner

versus

Sunil Kumar and others

... Respondents

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Ashit Malik, Advocate for the petitioner

ANITA CHAUDHRY, J.(ORAL)

This revision is directed against the order of acquittal passed by the Addl. Chief Judicial Magistrate, Kaithal and the order passed in appeal decided by the Sessions Judge, Kaithal on 28.11.2014.

Kavita was married to Sunil on 26.04.2007. The allegations were that one on the Tikka ceremony, demand of Maruti Alto car was made. On the pressure of Mediator Rs. 51,000/- was paid at the time of Tikka and Rs. 40,000/- was paid for the motorcycle. Initially the complainant was kept properly but later the mother-in-law and sister-in-law threw taunts at her. In June 2007, the brother of the complainant was called and he was asked to purchase the tubewell equipment. The complainant's brother tried to put of the matter but on the insistence of the brother-in-law, the equipment worth Rs. 1,95,000/- was purchased and handed over to the accused. Complainant made complaints to her family. The complainant's family talked to the in-laws and they were told that they should pay the price of the Car or take back the complainant. Complainant's father took help of the mediator and other respectables and tried to persuade them. The complainant's brother took her home where she remained for a month. Sunil took the complainant back to the matrimonial home and the harassment continued. In December 2007,

the accused gave her a beating and she became unconscious and suffered a

fracture of the ring finger. She was not taken to the hospital. On this complaint formal FIR Ex. PW 5/A was registered. Investigation was completed and challan was presented under Section 498-A, 406 IPC. The accused pleaded not guilty.

At the trial the prosecution examined 5 witnesses. The accused as usual adjured the trial and pleaded false implication. The trial Court acquitted the accused and found that there were false allegations of cruelty.

The appeal filed by the complainant was also dismissed by the Sessions Judge, Kaithal.

I have heard counsel for the petitioner at length.

I have gone through the judgment of both the Courts below. I find no reason to interfere with the order passed by both the Courts below. The orders are well reasoned. The trial Court had examined the evidence minutely. It had found that there were no allegations that the dowry articles had been misappropriated. It had noted that there were general allegations of entrustment and refusal. With respect to the allegations of demand of dowry, harassment and cruelty as well the prosecution had failed to prove the allegations. The complainant could not produce the bills to show that any equipment had been purchased by the complainant's family nor they could prove the source of the funds provided for the same. The complainant had made vague allegations and could not give the date, month or year when she was beaten up. There was no MLR to support the statement that she had sustained a fracture. There is no reason to interfere with the well reasoned judgments.

The revision petition is dismissed.

(ANITA CHAUDHRY)
JUDGE

January 18, 2016