

In the High Court of Punjab and Haryana at Chandigarh

Crl. Revision No. 2709 of 2015

Date of Decision: 08.11.2016

Manju Bala

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. R.S.Budhwar, Advocate
for the petitioner.

ANITA CHAUDHRY, J(ORAL)

This revision is directed against the judgment of both the Courts below vide which the accused had been acquitted. The appeal filed by the complainant was dismissed by the Additional Sessions Judge.

Manju Bala was married to Shri Krishan in 2005. A complaint was given to the police in February 2009. The allegations were that there were demand of dowry and taunts were thrown at the complainant. A demand of Rs. 70,000/- was made when her husband got an appointment in the Income Tax Department. The complainant was asked to bring Rs. 70,000/- and a sum of Rs. 50,000/- was sent through her brother. Later in July 2008, the husband was selected as a Sub Inspector and a sum of Rs. 80,000/- was demanded which was paid during the training period. The allegations are that thereafter the behaviour of the husband and the in-laws changed and they started harassing her and threats were given that they would perform second marriage of the husband. The complainant not only

named the husband, the mother-in-law, father-in-law, sister-in-law besides the mausa sasur i.e. maternal father-in-law and her jeth, devar and chacha sasur. The allegation were also made that on 6.9.2009, Charan Singh tried to outrage her modesty. The police filed the challan only against the husband and the in-laws. The rest of the seven persons were found to be innocent.

At the trial, the prosecution examined the complainant, her brother, father, mother and the police officials.

The trial Court acquitted the accused doubting her statement. It considered the evidence produced by the defence which was led to show that the complainant was in touch with a male friend. The transcription of the conversation was placed on record.

It would be relevant to refer to the findings recorded in Para 22 and 23 of the judgment of the trial Court:-

“22. The second point for determination in the present case is to whether the accused persons harassed and tortured the complainant for demand of dowry articles. The complainant Manju Bala has mentioned in her application, Ex.PW1/A that her mother-in-law Santra Devi and her sister-in-law Seema Rani started harassing and torturing her for bringing less dowry articles. The complainant has also mentioned in her application that a sum of Rs.70,000/- was demanded by accused Shri Krishan in the month of February 2008 and he further demanded a sum of Rs.80,000/- in the month of July 2008. The complainant has also alleged in her application that a sum of Rs.50,000/- was paid to accused in the month of

February, 2008 and a sum of Rs.80,000/- was paid to accused in the month of July, 2008. The complainant Manju Bala (PW-1) has deposed in her cross-examination at page no.2 that her mother had helped her husband i.e. accused Shri Krishan at the time of his selection in Income-Tax department by making a payment of Rs.50,000/-. She has further deposed in her cross-examination at page no.3 that her mother further helped her husband i.e. accused Shri Krishan by making payment of Rs.80,000/- at the time of selection in Delhi Police. In the similar manner, PW-3 Rajpal, who is father of the complainant has deposed in his examination-in-chief that he had helped the accused Shri Krishan at the time of his employment on two occasions. PW.4 Smt. Murti, mother of the complainant has also deposed in her examination-in-chief that her husband had helped accused Shri Krishan on two occasions by giving a sum of Rs.50,000/- and Rs.80,000/- at the time of getting job. The testimonies of PW-1 Manju Bala, PW-3 Rajpal and PW-4 Smt. Murti Devi shows that the parents of complainant Manju Bala had helped the accused Shri Krishan by making payment of Rs.50,000/- as well as Rs.80,000/- on two occasions in order to help the accused Shri Krishan in getting a job.

23. *PW-3 Rajpal and PW-4 Smt. Murti Devi have not deposed in their examination-in-chiefs that accused Shri Krishan himself demanded the aforesaid sum of Rs.50,000/- and Rs.80,000/- from them. Hence, no demand of aforesaid amount was made by accused Shri Krishan from the*

complainant and her parents at the time of getting job in Income-Tax department in the month of February, 2008 and in Delhi Police in the month of July 2008. Moreover, PW-3 Rajpal has also deposed in his examination in-chief that accused Shri Krishan, Santra Devi and Hawa Singh started asking his daughter that they were expecting ornaments in the marriage of accused Shri Krishan and only one gold ring was given to accused Shri Krishan. The aforesaid testimony of PW-3 Rajpal also shows that there was no specific demand of gold ornaments from accused persons from the complainant.”

The records have been summoned.

I have heard the counsel for the revisionist at great length.

The complainant in her statement in the Court had admitted that the amount that was paid was to render help. Neither the complainant nor her parents had stated that the amount was demanded or that it was a dowry demand. Both the Courts below held that the accused had taken financial help and it was rightly observed that it would not fall under the definition of dowry demand. The accused had also produced documents to show that the complainant was in touch with a male friend. Both the Courts below had rightly observed that there were general allegations of harassment.

The High Court ought not to interfere with the order of acquittal unless the judgment of acquittal is perverse or highly unreasonable as held in **Vimal Singh Vs. Khuman Singh, 1998(4) RCR(Crl.) 423**. In the instant case, the judgment of acquittal rendered by the Court below is neither perverse nor unreasonable and it cannot be said that the court based its findings on irrelevant or inadmissible

evidence. In the circumstances, the instant revision petition is dismissed.

(ANITA CHAUDHRY)
JUDGE

November 08, 2016
Gurpreet

Whether speaking/reasoned	:	Yes
Whether reportable	:	No