

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

**CRR No. 952 of 2015
Date of decision: 05.12.2016**

Neelam

...Petitioner

Versus

State of Haryana & Others

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. R. S. Bagri, Advocate for
Mr. B. K. Bagri, Advocate
for the Petitioner.

JAISHREE THAKUR, J. (Oral)

The instant revision petition has been filed to challenge the order dated 17.08.2012 passed by the trial Court acquitting the respondents-accused and the order dated 16.12.2014 whereby the appeal filed by the State of Haryana was dismissed.

In brief, the facts of the case are that a complaint under Section 156(3) of the Code of Criminal Procedure was received at Police Station Model Town, Rewari and as per the complaint, the complainant alleged that she was married with Pardeep Kumar on 26.02.2000 as per Hindu rites and ceremonies. At the time of marriage, the father of the complainant gave sufficient dowry as well as a car. It was alleged that after sometime, the complainant was harassed in connection with demand of more dowry. It was also alleged that accused-Pardeep Kumar, after consuming liquor, used to maltreat the complainant. It was further alleged that mother-in-law demanded a gold necklace and cash. The matter was referred to Panchayat and a compromise took place between the parties. However, despite the

compromise, the complainant was again harassed for more dowry and she was forced to leave her matrimonial home. On the basis of the said complaint, a case was registered against the accused-husband along with brother-in-law and mother-in-law under Sections 406, 498-A and 506 of the Indian Penal Code at Police Station Model Town, Rewari. The statement of the witnesses was recorded and after investigation, report under Section 173 Cr.P.C. was prepared. After presentation of the challan, the accused-private respondents herein were chargesheeted under Sections 406, 498-A and 506 read with Section 34 of the IPC. The petitioner herein was examined by the prosecution along with several others. After the evidence was laid, the trial Court acquitted the respondents-accused from all charges framed against them. Aggrieved against the said acquittal, an appeal was preferred which too was dismissed.

Counsel for the petitioner herein submits that both the Courts below have erred in dismissing the cases as the statement of the complainant was sufficient to hold the accused guilty.

I have heard counsel for the petitioner and perused the record of the case.

Both the Courts below have duly appreciated the evidence on record and have found that the same is devoid of any merit. The authorities while examining the statement of the complainant noted that she had not given any specific deposition regarding to whom the aforesaid articles of dowry had been entrusted. Moreover, as per the statement of the witnesses, it is forthcoming that the dowry articles were handed over to the petitioner herself and in her evidence she admitted that the dowry articles were received by her. Taking note of the evidence, both the Courts below came to

the conclusion that the prosecution had failed to bring home the guilt of respondents-accused under Sections 498-A and 406 of the IPC. There is no other evidence available on record to substantiate the claim of the complainant that there was a demand for dowry.

At this stage, counsel for the petitioner contends that he is in possession of several documents/letters which would prove that there was demand for dowry. However, since none of them are on record, the same can not be looked at.

It is well settled principle that High Court in Revision has limited jurisdiction to entertain the matter especially in view of the fact that two Courts below has already gone into the evidence. High Court in a revision is empowered to interfere with an order of acquittal and direct fresh trial however, would not disturb a finding of fact unless it appears that trial Court shut out any evidence, or overlooked any material evidence or admitted inadmissible evidence or where there has been manifest error on a point of fact. Circumstances in which interference may take place is if, where trial Court has no jurisdiction to try a case, where trial Court has wrongly shut out evidence which prosecution sought to produce, where material evidence has been overlooked, where the appellate court has wrongly held evidence admitted by trial Court as inadmissible.

In *State of Maharashtra vs. Jagmohan Singh Kuldip Singh and Others, 2004 (7) SCC 659*, the Supreme Court has held that the revisional powers of the High Court cannot be exercised as second appellate power. In exercise of revisional power the High Court cannot undertake in depth and minute re-examination of entire evidence and upset concurrent findings of trial Court and first appellate Court.

In the instant case the counsel has not been able to point out any irregularity in the conduct of case or that the evidence adduced has been overlooked. Therefore in the facts of the present case when both the courts have already examined the allegations and after duly appreciating evidence have acquitted the accused, no ground is made out for interference and hence the revision petition stands dismissed.

December 05, 2016
Ansari

(JAISHREE THAKUR)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>