

**217 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-A-1010-MA-2016
Date of decision-05.12.2017**

Rajvir Kaur

...Applicant

Vs.

Navjeet Singh and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Ms. Jasneet Mehra, Advocate for the applicant.

JITENDRA CHAUHAN, J. (Oral)

The applicant seeks special leave to appeal against judgment dated 23.03.2016 passed by the learned Sub Divisional Judicial Magistrate , Khamanon, District Fatehgarh Sahib (for short, 'the trial Court'), thereby acquitting the accused-respondents in a criminal complaint under Sections 406 and 498-A read with Section 34 of the Indian Penal Code (for short, 'the IPC').

It is the case of the applicant/complainant that her marriage was solemnized with accused/respondent No.1, Navjeet Singh, on 21.03.2008 according to Sikh rites and rituals. Sufficient dowry had been given to the accused/respondents in the marriage. However, after some time, the respondents started demanding more dowry and on the pretext thereof, the complainant was subjected to continuous harassment and maltreatment at

the hands of the accused/respondents. Ultimately, on 09.09.2008 she was forced to move to her parental home and at that time she was pregnant. All the expenses at the time of delivery were borne by the parents of the complainant. Thus, she filed the instant complaint.

On finding a prima facie case, accused-respondent Nos.1 to 3 were summoned to face trial under Sections 406 and 498-A read with Section 34 of the IPC.

In order to prove her case, the complainant examined herself as CW-1; Darshan Singh (father of the complainant) as CW2; Naveen Verma (Goldsmith) as CW-3, Sohan Singh as CW-4 and thereafter closed her pre-charge evidence. Thereafter, charges under Section 406 and 498-A read with Section 34 of the IPC were framed, to which they pleaded not guilty and claimed trial.

In the post-charge evidence, CW1, the complainant; CW3 Naveen Verma; and CW4-Sohan Singh were cross-examined by the accused.

The statements of the accused under Section 313 Cr.P.C. were recorded wherein all incriminating evidence was put to them to which they denied and pleaded innocence.

After hearing learned counsel for the parties and appreciating the evidence on record, learned trial Court dismissed the complaint qua respondent Nos.1 to 3 as well and acquitted them of the charges framed against him.

Hence the instant application.

From the perusal of the case file, it emerges that the allegations levelled in the complaint lack specificity. No time date and month has been stated by the complainant with regard to demand of dowry and beatings. Even it is also not mentioned that in whose presence dowry articles were entrusted to the accused/respondents. The allegations of giving beatings are also not supported by any medical evidence. Further, complainant also failed to prove any record any bill(s) regarding purchase of dowry articles.

It is a settled law as has been held in ***C. Antony Vs. K.G. Raghavan Nair, 2002(4) R.C.R. (Criminal) 750*** that even if a second view on appreciation of evidence is possible, the Court will not interfere in the acquittal of the accused. In the cases of acquittal, there is double presumption of innocence; and secondly, the accused having secured an acquittal, the Court will not interfere until it is shown conclusively that the inference of guilt is irresistible.

In ***State of Rajasthan vs Shera Ram @ Vishnu Dutta, (2012) 1 SCC 602***, Hon'ble the Supreme Court has held as under:-

“13. When an accused is acquitted of a criminal charge, a right vests in him to be a free citizen and this Court is very cautious in taking away that right. The presumption of innocence of the accused is further strengthened by the fact of acquittal of the accused under our criminal jurisprudence. The courts have held that if

two views are possible on the evidence adduced in the case, then the one favourable to the accused, may be adopted by the court. However, this principle must be applied keeping in view the facts and circumstances of a case and the thumb rule is that whether the prosecution has proved its case beyond reasonable doubt. If the prosecution has succeeded in discharging its onus, and the error in appreciation of evidence is apparent on the face of the record then the court can interfere in the judgment of acquittal to ensure that the ends of justice are met. This is the linchpin around which the administration of criminal justice revolves.

14. It is a settled principle of criminal jurisprudence that the burden of proof lies on the prosecution and it has to prove a charge beyond reasonable doubt. The presumption of innocence and the right to fair trial are twin safeguards available to the accused under our criminal justice system but once the prosecution has proved its case and the evidence led by the prosecution, in conjunction with the chain of events as are stated to have occurred, if, points irresistibly to the conclusion that the accused is guilty then the court can interfere even with the judgment of acquittal. The

judgment of acquittal might be based upon misappreciation of evidence or apparent violation of settled canons of criminal jurisprudence.”

In view of the above, this Court is of the considered opinion that the findings recorded by the trial Court are based on correct appreciation of facts and evidence on record and no illegality or perversity can be said to have been committed by it. The complainant has miserably failed to prove his case against the accused-respondents beyond a shadow of reasonable doubt.

Accordingly, the present application is dismissed and the impugned judgment rendered by the trial Court is affirmed.

Special leave declined.

05.12.2017

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No