

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

**CRM-A-1112-MA-2017
Date of decision-16.11.2017**

Surjit Kaur

...Applicant

Vs.

Balkar Singh and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Anil Kumar, Advocate for
Mr. B.S.Jaswal, Advocate,
for the applicant.

JITENDRA CHAUHAN, J. (Oral)

The applicant seeks special leave to appeal against judgment dated 13.02.2017 passed by learned Judicial Magistrate 1st Class, Gurdaspur (for short, 'the trial Court'), thereby acquitting the accused-respondents in a criminal complaint filed under Sections 498-A, 406 and 506 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, Balkar Singh, on 30.11.2011 according to Sikh rites and rituals. Sufficient dowry had been given to the accused/respondents in the marriage. At the time of marriage, respondent No.1 was already married and this fact was not known to the applicant.

Respondent No.1 was projected as Head Constable in the CRPF. The petitioner was forced to leave her job. However, after some time, the respondents further raised their demand for dowry and the complainant was made to suffer continuous harassment and maltreatment at the hands of the accused/respondents. Ultimately, in the month of February 2012, she was thrown out of the matrimonial home. Thus, she filed complaint.

On finding a prima facie case, accused-respondent Nos.1 to 3 were summoned to face trial under Sections 498-A, 406 and 506 IPC vide order dated 02.08.2012, whereas, the complaint qua remaining accused was dismissed.

In order to prove her case, the complainant examined herself as CW-1; Harmeet Singh as CW2; Gurpreet Kaur as CW-3 and thereafter closed her pre-charge evidence. Thereafter, charges under Section 498-A, 406 and 506 IPC were framed against the accused-respondents, to which they pleaded not guilty and claimed trial. The accused opted to further cross-examine the witnesses of the complainant, namely, CW-1, complainant; and Gurpreet Kaur as CW-3.

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 them.

Hence the instant application for grant of special leave to file appeal.

I have heard learned counsel appearing on behalf of the applicant/appellant and perused the case file.

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 the alleged demand of dowry. 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 or bill 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 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

her 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.

16.11.2017

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(JITENDRA CHAUHAN)
JUDGE

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