

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**Crl. Misc. No. A-109-MA of 2014
Date of decision : 03.02.2017**

Parveen

....Applicant

versus

Sharafat Ali and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Satish Chaudhary, Advocate
for the applicant

RITU BAHRI, J.

CRM. No. 2611 of 2014

For the reasons mentioned in the application, delay of 31 days in filing of the present appeal is condoned.

The application stands disposed of.

CRM No. A-109-MA of 2014

The present appeal is against the judgment dated 24.07.2013 vide which the respondents were acquitted of the charges framed against them.

Heard.

The complainant/petitioner filed a complaint alleging therein that in the year 2006 and onwards, the accused subjected the complainant to cruelty on account of demand of dowry and committed criminal breach of trust by retaining the istridhan belonging to the complainant. The matter was reported to the police but no action was taken.

In preliminary evidence, complainant herself examined as CW1 and further examined Inam as CW2, Ratik Ahmad as CW3. Thereafter, vide order dated 29.09.2008, the accused persons were summoned for commission

of offence under Sections 406/498-A IPC.

In pre-charge evidence, the complainant herself appeared as CW1, Inam as CW2, Sakur as CW3, Rafik appeared as CW4 and Sarafat appeared as CW5.

Vide order dated 03.02.2012, the accused were charge sheeted under Sections 498-A/406 IPC.

Statements of the accused under Section 313 Cr.P.C were recorded in which the incriminating prosecution evidence was put to the accused, to which they defied and the accused pleaded for their innocence.

The Court below after going through the entire evidence led by the parties acquitted the accused, as the complainant has failed to prove its case beyond shadow of doubt. No specific allegation was made that the accused at which time demanded dowry. She has just stated that a demand of dowry was made. The other two witnesses are saying that demand of dowry regarding TV and cash but they are hear-say evidence, their version cannot be believed at a time when the complainant is herself stating nothing regarding demand of dowry. Further complainant has failed to prove impotency of accused No. 1 as there is no medical proof placed on file. No breach of trust has been proved by the complainant.

The judgment passed by the Court below has been passed by appreciating the evidence in the correct prospective and does not require any interference by this Court.

The appeal stands dismissed.

03.02.2017
G Arora

(RITU BAHRI)
JUDGE

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