

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

CRM-A-670-MA of 2014 (O&M)

Date of decision: 28.08.2017

Kamaljeet

...Applicant

Versus

Jagdev Raj and others

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. P.P.S. Duggall, Advocate for the applicant.

None for respondent Nos. 1 & 2.

Jitendra Chauhan, J. (Oral)

By filing the present petition, under Section 378(4) of the Code of Criminal Procedure (for short 'Cr.P.C.'), the applicant has assailed judgment dated 20.01.2014, passed by Sub Divisional Judicial Magistrate, Guruhar Sahai, dismissing the complaint and acquitting the accused/respondents herein of the charges framed against them under Sections 406 and 498-A of the Indian Penal Code (for short 'IPC').

It is contended that the learned trial Court erred in dismissing the complaint without appreciating the fact that the applicant had fully proved her case beyond reasonable doubt by leading cogent and convincing evidence with regard to demand of dowry and the entrustment thereof. In pre-charge evidence, the complainant/applicant herself appeared as CW-1 and has stated that at the time of marriage as per

demand of accused persons, her parents had given dowry articles more than their capacity which consisted of colour T.V., fridge, iron box etc., along with gold ornaments weighing five tolas, clothes. The gold ornaments were entrusted to Charanjit Kaur/respondent No.6. She has further stated that after 6/7 months of marriage, accused persons started harassing and maltreating her on account of insufficient dowry articles and started taunting the applicant/complainant. Further CW-2 Joginder Pal, father of the complainant also toed on the lines of the applicant. CW-3, Gurdev Raj and CW-4 Sahil Singh, members of the panchayat have stated regarding the convening of the panchayat to resolve the dispute between the parties. There are specific allegations of demand of dowry, harassment and cruelty against the respondents.

Heard.

As per the case of the applicant, the private respondents were treated the applicant with cruelty and demanded dowry from her. As per her version, at the time of marriage sufficient dowry articles were given to private respondents but the accused demanded motor cycle and cash from her and when she failed to fulfill the demand, she was thrown out of the matrimonial home in the year 2004, whereas in her cross examination, she categorically admitted that she remained in matrimonial home till 2006. No complaint was ever moved to the police regarding the cruelty meted out to her. Even the father of the applicant had admitted in his examination that respondent No.1 and his father moved an application before Women Cell, Faridkot for rehabilitation. The applicant has failed

to bring on record any bill of articles given at the time of marriage. The basis of complaint rests upon general and vague allegations which the applicant failed to prove. From the material available on record and in the absence of any convincing evidence, this Court feels that the Court below has rightly held that the complaint as well as testimonies of witnesses were full of major contradictions and discrepancies which were not capable of being ignored.

In the circumstances, the finding of acquittal recorded by the trial Court cannot be said to be perverse or contrary to the material on record. In fact there is no infirmity in the reasoning assigned by the trial Court for acquitting the accused/respondents. It is a settled law as has been held in C. Antony Vs. K.G. Raghavan Nair, 2002(4) RCR (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 in his favour; first the 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.

Accordingly, the special leave to appeal stands declined.

Dismissed.

28.08.2017

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No