

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

CRR-3038 of 2012

Date of Decision: 01.02.2017

Beena

.....Petitioners

Vs.

Ishwar Pal alias Mohinder Singh and others Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Balraj Singh, Advocate for the petitioner.

Ms.Mahima Yashpal, AAG, Haryana.

Mr.Chander Sekhar, Advocate, for respondents No.1 to 4.

RITU BAHRI, J. (ORAL)

The petitioner has come up in revision against the acquittal of respondents No.1 to 4 of the charges under Sections 498-A, 406 IPC vide judgment dated 03.08.2012 passed by learned Addl.Sessions Judge, Kurukshetra.

The brief facts of the case are that the complaint was filed by the complainant/petitioner-Beena on the ground that she was married with respondent No.1-Ishwar Pal in the year 1990 as per Hindu rites and ceremonies at Village Bahri, Tehsil Assandh, District Karnal. At the time of marriage, father of the complainant had given all the dowry articles as per his capacity. According to the complainant, she remained happily upto 1998 and in that tenure two children, i.e. one son and a daughter were born out of this wedlock. In the end of 1998, the respondents started demanding a scooter from the complainant and cash of Rs.50,000/- for their domestic use but the parents of the complainant were not in a position to pay the amount and on that ground the respondents had become cruel towards the complainant. Thereafter a panchayat was convened by the complainant and his relatives and request was made to the accused to keep the complainant hounourably but respondents had misappropriated the dowry articles and no steps have been taken for her rehabilitation. On this background, FIR has

been registered against the respondents No.1 to 4.

As regard the prosecution evidence, CW1 complainant-Beena deposed that she was married with accused Ishwar Pal in the year 1990 according to Hindu rites and ceremonies and sufficient dowry was given in her marriage. Thereafter, her husband and accused started harassing her on account of demand of scooter and cash of Rs.50,000/-.

CW2 Sakuntala was the Bhabhi of complainant/pationer-Beena who corroborated the version given by the complainant and also stated that accused demanded scooter and cash from the complainant.

After going through the evidence, learned trial Court vide order of conviction dated 13.08.2010 and order of sentence dated 14.08.2010 convicted respondents No.1 to 4 for committing offence under Sections 406 and 498-A IPC and acquitted them from the offence under Section 120-B IPC.

In appeal, the learned appellate Court has held that CW2 Sakuntala was interested witness as she has corroborated the version of the complainant and there is no independent witnesses as supported the case of the complainant. Complainant has put in appearance and stated that she was harassed by the respondents No.1 to 4 by demanding scooter and cash of Rs.50,000/- and they were beating her regularly. Learned appellate Court has observed that the articles shown to be given at the time of marriage in the year 1990 to the persons mentioned in the complaint who were initially accused are gifts and not the dowry articles. Moreover, there was no specific averment in the complaint or in the evidence of the complainant as to when she demanded back the dowry articles from each of the accused and no specific time, date and month of her beatings has been given in the complaint or in the evidence, rather in the complaint she had mentioned that she remained happily with her husband till 1998. However her version in her cross-examination, she stated that when her parents failed to fulfil the demand of scooter and Rs.50,000/-, then her husband and her mother-in-law after causing beatings to her and left her at Pipli and this version had appeared in her examination in chief recorded on 06.05.2002. Thus this version was just contradictory to the version given in the complaint. No receipt of jewellery items which were given at the time of marriage was

placed on record. Simply mentioning that 10 tolas of gold in the shape of ornaments, 10 tolas of silver in the shape of ornaments, one TV, one Sofa Set, fridge etc. were given in marriage was not sufficient. The complainant should have examined at least his brother who had given those articles to the accused persons. So, it cannot be held that dowry article was entrusted to the accused persons and those articles were misappropriated by them. Therefore, the learned appellate Court had acquitted respondents No.1 to 4.

Keeping in view the contradiction in the complaint and deposition made in the trial Court and in the light of the discussion, the order of the lower appellate Court do not reflect any material irregularity or perversity which warrant interference and hence, the present revision is also dismissed.

(RITU BAHRI)
JUDGE

01.02.2017
anil

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