

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-3352-2016 (O&M)

Date of Decision:- 21.03.2017

Manju

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Jai Narain, Advocate, for the petitioner.

RITU BAHRI, J. (Oral)

Present revision petition is against order dated 28.04.2016, passed by the learned Additional Sessions Judge, Ambala, whereby an appeal filed against judgment of acquittal dated 11.06.2015, passed by Judicial Magistrate 1st Class, Ambala, has been dismissed and all the accused-respondent Nos.2 to 5 have been acquitted from the charges framed against them.

Concisely, the case of prosecution is that on 07.05.2016 in the area of Singhpura Colony, P.S. Barara, accused were entrusted with the dowry articles belonging to complainant-Manju Rani and accused converted the same to their own use and committed criminal breach of trust and also subjected her to cruelty for not bringing sufficient dowry and accused persons also caused simple hurt to Manju Rani and accused criminally intimidated the complainant by threatening to kill her.

After completion of investigation and other formalities, challan under Section 173 Cr.P.C. was produced in the Court.

After presentation of the challan, accused were charge-sheeted

under Sections 406, 498-A, 323 and 506 IPC read with Section 34 IPC to which they pleaded not guilty and claimed trial.

In order to substantiate its case, the prosecution has examined PW1 Manju Rani (complainant), PW2 Om Parkash, PW3 Babu Ram (Retd. SI) and PW4 Narinder Partap.

Thereafter, the statements of accused were recorded u/s 313 Cr.PC. on 15.12.2014. In defence evidence, the accused have examined DW1 Subhash, DW2 Om Pal and DW3 Rakesh Kumar.

Complainant-Manju Rani in her examination-in-chief has levelled allegations against all the accused persons, but during her cross-examination, she has stated that she cannot produce any medical record regarding injury sustained and she has even stated that she cannot produce any panchayati compromise on the Court file.

Both the Courts after going through the evidence have held that complainant-Manju Rani and her minor son Huketch Kumar had instituted petition under Section 125 Cr.P.C. on 09.06.2010 against Sushil Kumar, which was dismissed, vide order dated 23.12.2013, passed by the Court of Ms. Neena Chaudhary, the then learned District Judge, Family Court, Ambala. The said petition was dismissed on the ground that Manju Rani has performed marriages with Subhash and Om Pal and that without getting divorce from them from any competent Court, she has performed marriage with the respondent Sushil Kumar. Since there was no dispute with regard to the paternity of the child, he was held entitled for maintenance from the father. In this backdrop, the allegations of regarding demand of dowry and cruelty during her matrimonial home would not shift criminal liability

punishable under Sections 406 and 498-A IPC.

With regard to offence under Section 323 IPC, complainant did not sustain any injury nor she can be able to establish even a single instance to show that she was given beatings in her matrimonial home w.e.f. 07.05.2006 to 20.02.2010 and the allegations were held to be concocted, manipulated, after due thought and just to shift undue burden upon respondent Nos.2 to 5.

Consequently, in the absence of any evidence with regard to maltreatment and harassment, the accused-respondents could not saddled with criminal liability and accordingly they have been acquitted of the charges framed against them.

After hearing the learned counsel for the petitioner, going through the entire record, this Court is of the considered view that the both the Courts below have recorded the valid reasons/grounds and rightly acquitted accused-respondent Nos.2 to 5. Learned counsel for the petitioner did not point out that how and in what manner, any interference is warranted in the impugned judgments. Such well-articulated judgments, containing the valid reasons/grounds of acquittal, cannot possibly be interfered, unless the same are illegal and without jurisdiction. No such patent illegality or legal infirmity has been pointed out by the learned counsel for the petitioner in the impugned judgments.

In the light of aforesaid reasons, as there is no merit, therefore, the present revision petition is hereby dismissed.

March 21, 2017
naresh.k

(**RITU BAHRI**)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No