

impugned judgment of acquittal arguing that almost all prosecution witnesses including the victim supported the factum of kidnapping and confinement of the victim in the house of respondent no.4 but learned trial court acquitted respondent nos.2 to 5 only on the ground that daughter of respondent no.4 had filed Complaint case no. 169 (C) 2002 against the victim and others for the offence punishable under section 498A of the Indian Penal Code and 3/4 of the Dowry Prohibition Act claiming herself to be wife of the victim of the present case. He, further, submitted that the learned trial court failed to take note of this fact that the victim was kidnapped and thereafter, daughter of respondent no.4 lodged the above stated case to save skin of her family members after institution of the present case. He, further, submitted that in course of investigation, Investigating officer recovered the victim from the house of respondent no.4 and Investigating officer disclosed that the victim was kidnapped by respondent nos.2 to 5 with an object to forcibly solemnize the marriage of the victim with the daughter of respondent no.4.

4. On the other hand, learned counsel for the respondent nos.2 to 5 refuted the submissions arguing that marriage of daughter of respondent no.4 was solemnized with the victim



much prior to institution of the present case but when the daughter of respondent no.4 went to her in-laws' house, she was subjected into cruelty by her in-laws including the victim. He, further, submitted that, as a matter of fact, in-laws of daughter of respondent no.4 hatched up a conspiracy and lodged the case of kidnapping against respondent nos.2 to 5, particularly, when the victim came to the house of respondent no.4. Learned counsel, further, submitted that the Investigating officer recovered the victim from the house of respondent no.4 but at the time of recovery, victim was moving freely and he had not been confined which had been disclosed by the witnesses including the Investigating officer.

5. Having heard the contentions of both parties, we went through the record as well as the impugned judgment. We find that the appellant lodged Bhadaur P.S. Case no. 10/2002 against respondent nos.2 to 5 for kidnapping of his brother. In course of investigation, brother of the appellant was recovered from the house of respondent no.4. Furthermore, we find that respondent nos.2 to 5 produced and got exhibited some photographs in course of trial and when the aforesaid photographs were shown to the victim, he flatly denied the aforesaid photographs but from perusal of the aforesaid



photographs which have legally been exhibited, it would appear that marriage of the victim had been solemnized with the daughter of respondent no.4. However, DW1, who is photographer, has proved photographs and has stated in his deposition that he had taken the aforesaid photographs on 24.4.2002 i.e. much prior to institution of the present case. Furthermore, we find that learned trial court has discussed all evidences available on record and doubted the prosecution case on account of suppression of real fact by the prosecution party. Therefore, we do not find any ground to interfere into the impugned judgment of acquittal and in our considered view, trial court has passed a very discussed judgment. Accordingly, this appeal along with I.A. no. 1803/2016 stand dismissed on admission stage itself.

(Hemant Kumar Srivastava, J)

(Rajendra Kumar Mishra, J)

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