

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.860 of 2016

Arising Out of PS. Case No.-474 Year-2000 Thana- AURANGABAD COMPLAINT CASE
District- Aurangabad

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Lalti Devi, wife of Manoj Kumar, resident of village – Ram Nagar, Police Station – Kundwan, District – Aurangabad.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Prabha Devi, Wife of Vinod Paswan
3. Vinod Paswan, son of Chanarik Paswan
Both are resident of village – Vetaliya, P.S. Obra, District – Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar
For the Respondent/s : Mr. Sri Akhileshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 21-06-2018 The petitioner has challenged the judgment dated 29.06.2016 passed in Cr. Appeal No. 09 of 2010/101 of 2015 whereby the conviction and sentence recorded by the learned trial court against the opposite parties no. 2 and 3 has been set aside.

The opposite parties no. 2 and 3, being the sister-in-law and brother-in-law of the revisionists/petitioner, were prosecuted and tried for the offence under Section 498A of the Indian Penal Code in connection with Complaint Case No. 474 of 2000. In the aforesaid trial, the learned trial court convicted them under Section 498A of the Indian Penal Code and sentenced them to undergo R.I. for two years and also



to pay a fine of Rs. 2000/-.

As against the aforesaid judgment, the opposite parties no. 2 and 3 preferred the appeal referred to above and the appellate court, taking into account that the opposite parties no. 2 and 3 were, though related to the husband of the revisionists/petitioner, but were married long time back and had been staying separately from the house of the husband of the petitioner, set aside the judgment of conviction and acquitted them of all charges.

From the records, it appears that five witnesses were offered on behalf of the prosecution including the petitioner (C.W. 3). Though the allegation regarding demand of dowry and assault by fists and slaps because of non-fulfillment of the same has been reiterated by the revisionists/petitioner and other witnesses as well but nothing specific was stated against the petitioner. On the other hand, the witnesses offered on behalf of the defence categorically stated that the opposite parties no. 2 and 3 never stayed in the ancestral house where the husband of the petitioner resided and that opposite party no. 2 worked as an *Anganbari Sevika* at Aurangabad.

Taking into account the paucity of the allegation of demand of dowry and torture of the revisionists/petitioner at the hands of opposite parties



no. 2 and 3, the appellate court did not sustain the judgment and order of conviction and sentence.

This Court is also of the view that no interference is required with the appellate judgment of acquittal.

The petition is without merits and is dismissed.

(Ashutosh Kumar, J)

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