

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-A-70-MA-2013 (O&M)
DATE OF DECISION:-03.12.2018

MANJINDER KAUR

...APPLICANT...

V.

AMRIK SINGH AND ANOTHER

...RESPONDENTS...

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Vijay Lath, Advocate,
for the applicant.

Mr. JBS Gill, Advocate,
for respondent No.1

Mr. Harpreet Multani, AAG, Punjab,
for respondent No.2-State.

RAMENDRA JAIN, J. (ORAL)

CRM-8589-2013

Prayer in this application is for condonation of delay of 382 days in filing the appeal.

Heard.

The explanation furnished by applicant for condonation of delay is not justified, inasmuch as the plea of blaming an Advocate and his Clerk, is a routine plea, which is taken by every litigant in almost 90% of the cases, since, last 2-3 decades. Now, the time has come to curb down such malpractices of seeking condonation on the basis of false and frivolous pleas. The applicant was supposed to be vigilant

himself. He cannot be permitted to blame a third person. Resultantly, the application is dismissed.

The case is dealt with on merit also.

Main case

Briefly, respondent No.1 was booked, tried and held guilty under Sections 498-A and 506 IPC, vide judgment of conviction dated 03.03.2011 and sentenced to undergo rigorous imprisonment for a period of 2 years under Section 498-A and one year under Section 506 IPC. He was also ordered to pay fine of Rs.2000, under Section 498-A IPC and Rs.1000/- under Section 506 IPC. In default, to further undergo rigorous imprisonment for 10 days and 7 days respectively vide order of sentence of even date, on the allegations that his son was married to complainant-Manjinder Kaur on 11.09.2000. Immediately, within 4/5 days of marriage, his son and other family members started beating her on the pretext of bringing less dowry. They raised a demand of Rs.3 lakh in cash. Thereafter, complainant was regularly tortured, maltreated and given beatings and finally, she was kicked out of her matrimonial home.

Being aggrieved, respondent No.1 filed appeal against the aforesaid judgment of conviction and order of sentence dated 03.03.2011 and got success, as the first appellate court while setting aside the aforesaid judgment and order of trial court, acquitted him vide judgment dated 13.10.2011.

Dissatisfied with the judgment of first appellate court, applicant has approached this Court by way of instant appeal.

court had failed to appreciate that judgment of conviction and order of sentence of the trial court were well reasoned, based on appreciation of evidence led by the prosecution against respondent No.1. Applicant was regularly maltreated, tortured and given beatings by respondent No.1 and his family members. The impugned judgment of the first appellate court is based on conjectures and surmises.

On the other hand, learned counsel for the respondents pleaded legality and validity of the impugned judgment of the first appellate court.

Having given anxious thought to the rival submissions, this Court finds the instant appeal completely devoid of any merit for the reasons to follow:-

(1) no medical evidence was produced by the applicant, in support of her allegation that she was given beatings or tortured by respondent No.1 and his family members before the trial court. Even applicant did not ever subject herself for medical examination. She even did not ever make any complaint to her brother or relatives regarding her alleged maltreat and torture

(2) According to the prosecution story, the marriage of the applicant was solemnized on 11.09.2000 with the son of respondent No.1 and reception was held on 7th day i.e. 17.09.2000 i.e. after 6 days. The applicant and her father in their deposition had categorically testified that everything was fine till the date of reception. Their above admission has falsified the allegation of the applicant/appellant that within 4/5 days of the marriage, respondent No.1 and his family

bringing less dowry.

(3) All the witnesses examined by the prosecution were interested witnesses without corroboration from any independent person. Therefore, first appellate court has rightly disbelieved the story of the prosecution considering material contradictions in the statements of prosecution witnesses.

Consequently, Criminal Misc. Application filed under Section 378, 372 read with Section 482 Cr.P.C., seeking leave to appeal is declined.

03.12.2018

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(RAMENDRA JAIN)
JUDGE

whether speaking/reasoned:
whether reportable:

Yes/No
Yes/No