

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

**CRM-A-1577-MA-2014
Date of decision:-7.8.2018**

Harjit Kaur

...Applicant

Versus

Gurnam Singh Doji and another

...Respondents

CORAM : HON'BLE MR. JUSTICE H.S. MADAAN

Present : Mr.A.S. Sodhi, Advocate
for the applicant.

None for the respondents.

H.S. MADAAN, J.

Applicant – Harjit Kaur has filed this application under Section 378(4) Cr.P.C. seeking special leave to appeal.

Briefly stated, facts of the case are that complainant – Harjit Kaur had filed a complaint against her husband – Ranjodh Singh (since declared as proclaimed offender vide order dated 16.1.2012) and his family members i.e. father Gurnam Singh Doji, mother – Jasmail Kaur, brother – Gurmail Singh, Mohinder Kaur - wife of Gurmail Singh and brother Inderjit Singh alias Jit Singh for the offences under Sections 406, 498-A, 494, 506, 148 and 149 IPC. *Inter alia*, in the complaint it is alleged that marriage between the complainant and Ranjodh Singh was solemnized in July, 1989 at Moga as per Sikh religious rites; that the

couple was not blessed with any child; that at the time of marriage of complainant with accused No.1, parents of the complainant had spent a huge amount since the complainant was the only daughter of her parents, giving sufficient dowry articles besides spending a big amount on marriage functions; that those articles were entrusted to accused, which were meant for the use of the complainant, which were to be returned to the complainant on demand but they did not do so and rather committed criminal breach of trust with regard to such articles. According to the complainant, she was harassed and maltreated by the accused in order to compel her to bring more dowry articles and when complainant showed her inability to get the demands fulfilled then she was maltreated and harassed and then given beatings by the accused; that accused No.1 severed his relations with the complainant and turned her out of the matrimonial home; that parents of complainant approached the accused persons with a request not to make any demand and not to maltreat the complainant and so also to keep and maintain her but in vain; that accused No.1 went to America without consulting the complainant; that the complainant has been residing with her father since 1990; that about a month prior to filing of the complaint, accused No.1 returned from America, then parents of complainant arranged a Panchayat trying rehabilitation of complainant but accused refused to keep the complainant and rather insulted the father of the complainant and other Panchayat members stating that accused No.1 had performed second marriage and parents of the complainant could do anything as they liked; that the accused also refused to return the dowry articles to the complainant on her demand.

On presentation of the complaint, preliminary evidence was recorded. Thereafter, accused Ranjodh Singh, Gurnam Singh Doji and Jasmail Kaur were ordered to be summoned to face trial for the offences under Sections 406, 498-A, 494 and 506 IPC.

Accused Gurnam Singh Doji and Jasmail Kaur put in appearance and were admitted to bail. Accused Ranjodh Singh failed to put in appearance and he was ultimately declared a proclaimed offender vide order dated 16.1.2012.

During her pre charge evidence, the complainant examined Jagjit Singh as CW1, Jugraj Singh as CW2 and got her own statement recorded as CW3. With that her evidence stood closed.

Thereafter, finding sufficient grounds to frame formal charge Gurnam Singh Doji and Jasmail Kaur, they were charge-sheeted for the offence under Section 498-A IPC. Both the accused pleaded not guilty and claimed trial.

During post charge evidence, the complainant got her statement recorded as CW3 and thereafter closed the evidence.

Statements of accused were recorded under Section 313 Cr.P.C. in which the accused while denying the incriminating circumstances appearing against them submitted that they were innocent and had been falsely involved in the case.

Accused did not lead any evidence in defence.

Learned trial Court formulated the following point for determination:

Whether from December 1989 to January 1990 accused Gurnam Singh and Jasmail Kaur being relatives (father

and mother) of the husband of complainant, subjected the complainant cruelty/harassment with a view to coerce her or any person related to her, to meet unlawful demand of dowry?

After hearing arguments, the learned trial Magistrate dismissed the complaint and acquitted accused Gurnam Singh and Jasmail Kaur.

This judgment left the complainant dissatisfied and she had knocked at the door of this Court by moving an application under Section 378 (4) Cr.P.C. for grant of special leave to appeal against the judgment of acquittal. Notice of this application was issued to the respondent, who initially put in appearance but later on not appeared.

I have heard learned counsel for the applicant besides going through the record and I do not find any merit in the application.

The trial Court has given following reasons for acquittal of the accused:

- (i) The allegations with regard to demand of dowry and maltreatment of complainant at the hands of accused in connection with such demand to be vague and general in light of the fact that the complainant appearing as CW3 stated in her cross-examination that she could not tell any specific date when the accused demanded dowry from her.
- (ii) The complainant had not submitted any complaint against the accused to the police.
- (iii) The complainant did not get herself medically

examined when she was allegedly beaten up by the accused.

(iv) The delay of 16 years in filing of the complaint, which has been left unexplained.

(v) The witnesses examined by the complainant making stereotype allegations against the accused lacking specific details.

(vi) There being only oral evidence adduced by the complainant not supported by any documentary corroborative evidence.

I do not find any illegality and irregularity in the judgment passed by the learned trial Court. Rather it is based upon proper appraisal and appreciation of evidence and correct interpretation of law.

Therefore, no ground is made out to grant special leave to appeal in this case. The application is, therefore dismissed accordingly.

(H.S.MADAAN)
JUDGE

7.8.2018
Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No