

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

CRR No. 1582 of 2016

DATE OF DECISION :- August 24, 2018

Manjit Kaur

...Petitioner

Versus

State of Punjab and another

...Respondents

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

Present:- Mr. Amit Arora, Advocate for the petitioner.

Complainant Manjit Kaur had filed a complaint under Section 498-A and 406 IPC against her husband Sukhjit Singh and his family members i.e. father-in-law Avtar Singh, mother-in-law Gurbachan Kaur, husband's brother Rajwinder Singh, sister of her husband Pushpinder Kaur on the allegations that she was married with Sukhjit Singh on 1.4.1998 at Taran Taran. At that time her parents had given sufficient dowry however, the accused were not satisfied with the same and they had been harassing and maltreating her to bring more dowry articles, which demand the complainant could not get conceded. For that reason the complainant was given beatings also. According to the complainant she has not only been harassed, maltreated and tortured by the accused in connection with demand of dowry but the accused have committed criminal breach of trust with regard to her dowry articles. As such she prayed that accused be summoned

and dealt with according to law.

Accused were accordingly summoned. They put in appearance and were admitted to bail. The complainant led pre charge evidence, thereafter, formal charge for offences under Sections 498-A and 406 IPC was framed against the accused. During post charge evidence the accused subjected the CWs to further cross examination.

Statements of the accused were recorded under Section 313 Cr.P.C. in which all the incriminating circumstances appearing against such accused were put to them but they denied the same pleading innocence. The accused led evidence in defence.

After hearing the arguments, the trial Magistrate convicted Sukhjit Singh and Avtar Singh under Section 498A IPC and sentenced them to undergo rigorous imprisonment for a period of 1 year each and the complainant was awarded compensation to the tune of Rs.1,00,000/- from the accused, whereas remaining accused were acquitted.

Sukhjit Singh and Avtar Singh filed appeal against the judgment of their conviction and sentence before the Court of Sessions. That appeal was assigned to Additional Sessions Judge, Tarn Taran, who vide judgment dated 5.2.2016 accepted the appeal as regards Avtar Singh, he was acquitted of the charge whereas appeal qua Sukhjit Singh was dismissed. The operative part of the judgment is as under :-

“11. Accused Avtar Singh is a very old person, who even cannot walk properly. Alleging that he on 13.2.2002 was armed with Sotta has not been substantiated proved beyond any reasonable shadow of doubts through evidence by the complainant. Giving of an injury by Sotta should have been

resulted in some injury on the person to complainant and thereafter getting treatment by her. In the case in hand, no such evidence has come on record. Otherwise also complainant has not specifically stated as to on her which part the injury was given by accused Avtar Singh through the means of Sotta. She has further not attributed any specific act and conduct on the part of accused Avtar Singh to have subjected her to cruelty. The case of the complainant has already been disbelieved at the stage of summoning the accused as Rajwinder Singh and Pushpinder Kaur, named as accused by the complainant, have not been summoned and thereafter at the time of final judgment when as per the case of the complainant, accused have been acquitted of the charge of having committed an offence punishable under Section 406 IPC.

12. Criminal case are required to be proved beyond any reasonable shadow of doubt, which in the case in hand complainant Manjit Kaur has failed regarding her beating either by accused Avtar Singh, an old and infirm person, which appears to have been merely roped in being her father-in-law. Therefore, accused Avtar Singh deserves the benefit of doubt in the commission of offence punishable under Section 498-A IPC, on account of which he deserves to be acquitted.

13. On the other hand, accused Sukhjit Singh is the husband of Manjit Kaur. The taking place of marriage has not been disputed. Manjit Kaur is residing at her parental house. No legally wedded wife would like to stay at her parents house provided she is treated well by her husband in her matrimonial house. Sukhjit Singh having wedded Manjit Kaur was duty bound to keep and maintain her with dignity and self respect. Though the complainant has exaggerated the things, however, certainly she is subjected to cruelty by her husband, who was wedded her with a promise to keep and maintain her in a dignified manner.

14. The learned trial Court after appreciating the evidence has

rightly held that accused Sukhjit Singh, being the husband of the complainant, is guilty of having committed an offence punishable under Section 498-A IPC.

15. In these facts and circumstances and in the light of said discussion and observations, this Court is of an opinion that complainant has failed to prove beyond any reasonable shadow of doubt that accused Avtar Singh has committed an offence punishable under Section 498-A. Accordingly, giving him benefit of doubt, the impugned judgment dated 15.3.2013 is set aside against accused Avtar Singh and he stands acquitted from the charge of having committed an offence punishable under Section 498-A IPC. As far as accused Sukhjit Singh is concerned, the judgment of the learned trial Court dated 15.3.2013 regarding his conviction under Section 498-A IPC is hereby upheld and affirmed. Accordingly, the instant Criminal Appeal stands accepted on behalf of appellant/accused Avtar Singh and stands dismissed on behalf of appellant/accused Sukhjit Singh. Appeal file be consigned to the record, whereas record of the learned trial Court be returned forthwith. Pronounced in the open Court.”

The complainant has challenged the judgment of Additional Sessions Judge acquitting Avtar Singh by way of filing the present revision petition.

I have heard learned counsel for the petitioner and learned State counsel besides going through the record.

The scope of revision petition is quite limited. The Court exercising revisional jurisdiction is to interfere only when the order passed by the Court below is perverse or is in violation of settled principles of criminal law or there is an error or illegality on the face of it. Here I find that judgment passed by Additional Sessions Judge does not suffer from any

such defect rather the same is well reasoned one based on proper appraisal of evidence and correct interpretation of law. There is no ground to upset the judgment while exercising revisional jurisdiction.

Accordingly, the revision petition being without merit is dismissed.

(H.S. MADAAN)
JUDGE

August 24, 2018
p.singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No