

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

**CRR-2258-2017 (O&M)
Date of Decision: 06.09.2018**

Mamta Devi

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Y.P. Singla, Advocate
for the petitioner(s).

ANITA CHAUDHRY, J

This revision is against the judgment of reversal by the Additional Sessions Judge, Panchkula who acquitted respondents No.2 and 3.

The trial Court had convicted respondents No.2 and 3 under Sections 498-A and 323 IPC while acquitting the accused under the other sections.

Copy of the statements have been placed on record.

I have heard counsel for the petitioner at great length and he has taken me through the statements given by the witnesses.

The essential facts only. Mamta was married to Jagpal Singh in April, 2006. The allegations are that sufficient dowry was given but the accused were not satisfied and maltreated her for insufficient dowry. She

was not allowed to visit her parent's house and blamed her for not conceiving a child. The allegations are that on 22.05.2007, all the accused persons gave her beatings and pressurized her to give divorce. It was asserted that Panchayats were convened to settle the matter. The matter was reported to the Police but the accused felt sorry for their conduct. On 09.06.2009, the accused kicked her and gave fist blow and on the intervention of the neighbours the complainant was saved. The allegations further were that on 14.06.2009, threats were given to her that if she did not bring a car, they would kill her.

The police filed the challan against the husband. The mother-in-law was summoned as an additional accused in the application filed by the complainant.

The prosecution had examined the complainant and her father besides the official witnesses.

The accused abjured the trial but did not lead any evidence in defence. The trial Court recorded acquittal under Sections 406 & 506 IPC but convicted the accused under Sections 323 and 498-A read with Section 34 IPC.

Aggrieved by the conviction, an appeal was preferred by the accused. No appeal was preferred by the complainant. The Additional Sessions Judge acquitted the accused and noted that the complainant had made contradictory statements and her version was not believable. It also found that it was the wife who had approached the Court seeking divorce and there was an admission by the complainant that she could not bear a child but it was on account of her husband's infertility. First Appellate

Court also disbelieved the statement of the complainant regarding the beating incidents as there was no medical certificate. Considering her conduct that she had stayed in the matrimonial home even after the beatings, the allegations made by her were found to be trivial when she alleged that she was not served with fresh food. Allegations were also made against the husband that the husband was a drug addict.

On perusal of the statement of the witnesses, I find that though the complainant referred to the Panchayat but neither Panchayat member was joined in the investigation nor their statements were recorded. There was no evidence to support the complainant that she had been beaten up. No person from the neighbourhood was examined. The complainant had taken a specific stand that the neighbours had come forward to help her. A submission was raised that Bachna Ram was an independent witness but on the perusal of the testimony, it is found that he is the maternal Uncle and he was not present at the time of the incident and his deposition is hearsay. The complainant had admitted that there was no demand at the time of the marriage. The allegations that there was a demand of car had been doubted by both the Courts below. The complainant had been unable to prove the entrustment. I find that vague and sweeping allegations have been levelled. The complainant had admitted that she was unable to bear a child and she wanted to adopt a child as the doctor had told them that her husband was infertile. It was the complainant who had approached the Court for divorce. Though the grounds there were entirely different. The First Appellate Court had examined the evidence at length and had disbelieved the statement of the

complainant and rightly so. The complainant had made sweeping and general allegations with no supportive material to record their conviction.

I find no infirmity in the findings recorded by the Court below. The revision is dismissed in *limine*.

September 06, 2018
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(ANITA CHAUDHRY)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No