

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No. 175 of 2008

Smt. Ila Mandal, D/o. Shri D.N. Vishwash, Aged about 24 years,
R/o. RTS Colony, Qtr No. 959/2, Torva, District Bilaspur (C.G.)

---- Applicant

Versus

1. Smt. Sukumari Mandal, W/o. Shri Sharat Chandra Mandal, Aged about 68 years, R/o. Collegepara, Gagula Nandiya (West Bangal) **(Died)**
(Deleted)
2. Shri Sharat Chandra Mandal, S/o. Shri Nagorkhasi Mandal, Aged about 75 years, R/o. Collegepara, Gagula Nandiya (West Bangal) **(Died)**
3. Smt. Shivani Mandal, W/o. Shri Apurv Mandal, Aged about 52 years, R/o. Ha skhani, District Nandiya (West Bangal)
4. Shri Apurv Manal, S/o. Late Shri Amulya Mandal, Aged about 52 years, **(Died)**
5. Smt. Seems Mandal, S/o. Shri D.J. Mandal, R/o. Veer Bhumi, Kolkatta (West Bangal)
6. State of Chhattisgarh, S.O. Police Station Torwa, Bilaspur District Bilaspur (C.G.)

---- Respondents

For Applicant : None
For Respondents No. 1 to 5 : Mr. Shashi Bhushan Tiwari, Advocate
For Respondent No. 6 : Mr. Aman Kesharwani, Panel Lawyer

Hon'ble Smt. Justice Vimla Singh Kapoor

Order on Board

10.05.2019

The applicant has preferred this revision against the judgment of conviction and order of sentence dated 05.11.2007 passed by First Additional Sessions Judge, Bilaspur in Criminal Appeal No.221/2004, modifying the judgment dated 06.11.2004 passed by the Chief Judicial Magistrate Bilaspur in Criminal Case No. 3845/2000. By judgment dated learned Magistrate had convicted the respondents under Section 498(A)/34 IPC and section 4 of Dowry Prohibition Act and sentenced them to undergo SI for 6 months and to pay fine of Rs. 200/- under Section 498(A)/34 IPC, SI for 6 months and to pay fine of Rs. 200/- under Section 4 of Dowry Prohibition Act. However, in appeal, learned Lower Appellate Court has acquitted the respondents of the offences punishable under Sections 498(A)/34 IPC and Section 4 of Dowry Prohibition Act. Hence, this revision.

2. Facts of the case, in short, are that complainant Illa Mandal was married to Subrat Mandal. Respondent No. 1 is mother-in-law, respondent No.2 is the father-in-law, respondent No. 3 is the sister-in-law and respondent no. 4 is the brother-in-law and respondent No. 5 is the sister-in-law of the applicant. After the marriage, applicant/complainant was residing along with the respondents in her matrimonial house. The applicant lodged a report alleging that she was subjected to cruelty and harassment by the respondents to fulfill demand of dowry. Thereafter, she was sent to her matrimonial house after due advice, but the

respondents again started harassing and treating the applicant with cruelty by demanding dowry. FIR was lodged by the applicant/complainant against the respondents at Police Station Torva. After filing of charge-sheet, the trial Court framed the charge against them under Section 498-A/34 IPC and Section 4 of Dowry Prohibition Act.

3. On being satisfied with the averments of the parties and the evidence on record the trial Court convicted and sentenced the respondents as mentioned above. The findings recorded by the trial Court have been modified by the lower appellate Court acquitting the respondents under Section 498-A/34 IPC and Section 4 of Dowry Prohibition Act.

4. Applicant remain unrepresented today. However, counsel for all the respondents support the findings recorded by the Court below.

6. Though the applicant has made allegations against the respondents/accused regarding cruelty and ill-treatment, no cogent and clinching evidence in support of this has been led by her. Furthermore, no specification of time and place of the actual incident have come out showing the manner in which the cruelty was meted out by the respondents/ accused.

7. In this view of the matter, the view taken by the lower appellate Court absolving the respondents/accused from the charges levelled against them does not suffer from any illegality or infirmity. The lower appellate Court has thus been fully justified in doing so. Accordingly, the judgment impugned is

hereby maintained and the revision being without any substance
is hereby dismissed.

Sd/-
(Vimla Singh Kapoor)
JUDGE

Santosh