

HIGH COURT OF CHHATTISGARH, BILASPUR
Criminal Revision No. 592 of 2007

Subrat Mandal, Aged about 33 years, S/o. Shri Sharadchandra Mandal, Resident of Near Flour Mill Shankar Nagar, Bilaspur (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through the Police Station Torwa, District Bilaspur, through District Magistrate Bilaspur (C.G.)

---- Respondent

For the Applicant : Mr. Shashi Bhushan Tiwari and
Mrs. Laxmin Tonday, Advocates
For the Respondent : Mr. Raghvendra Verma, P.L.

Hon'ble Smt. Justice Vimla Singh Kapoor
Order on Board on 17.06.2019

The judgment under challenge in this revision petition is dated 05.11.2007 passed by Additional Sessions Judge Bilaspur, in Criminal Appeal No. 221/2004, affirming the judgment dated 06.11.2004 passed by Chief Judicial Magistrate, Bilaspur, in Criminal Case No. 3845/2000, convicting the accused/applicant under Sections 498-A IPC and 4 of the Dowry Prohibition Act and sentencing him to undergo SI for 6 months with fine of Rs. 200/- u/s. 498-A IPC, SI for 6 months with fine of Rs. 200/- u/s 4 of the Dowry Prohibition Act plus default stipulation.

2. Facts of the case, in short, are that complainant Ila Mandal was married to accused/applicant Subrat Mandal on 12th March 1999. After marriage, the complainant was subjected to cruelty

and harassment by the applicant for demand of dowry. During her stay in Bilaspur, the applicant and his parents demanded money from her and when she showed her inability to fulfill their demand, the applicant started subjecting her to beating. It is further alleged that even the salary of the complainant was being garbed by the applicant every month. It is further alleged that mother-in-law of the complainant also demanded Rs. 2,00,000/- for marriage of her daughter and kept all the ornaments of the complainant in her possession. The complainant (PW-1) lodged a written report in Police Station Torwa at Bilaspur and on the basis of which FIR (Ex.P-3) was registered against the applicant and his family members. After filing of charge-sheet, the trial Court framed the charge against the under Section 498-A/34 and section 4 of the Dowry Prohibition Act.

3. Learned Magistrate having perused the material before it convicted the accused/applicant under Sections 498-A IPC and 4 of the Dowry Prohibition Act and sentenced him as above, which on appeal has been affirmed by the judgment impugned. Hence, this revision.

4. Learned counsel for the applicant submits that the finding of conviction are illegal and against the material available on record, hence the impugned judgment liable to be set aside. Learned counsel for the applicant submits that learned Appellate Court seriously erred in believing the omnibus allegations of the demand of dowry and harassment without any basis with respect

to period place etc. and therefore, it deserves to be disbelieved. State counsel however, supports the findings recorded by the both the Courts below.

5. From the testimony of the Complainant (PW-1), it is clear that after marriage, the applicant and his family members started ill-treating her. The evidence shows that once the accused/applicant along with his mother raised demand of Rs. 2,00,000/- from the complainant for the marriage of his sister and when the complainant expressed her inability, the applicant started meeting cruelty with her and the applicant also grabbed her monthly salary. Thus the ingredients of cruelty contained under Sections 498-A IPC and 4 of the Dowry Prohibition Act are fully attracted to the case of the prosecution, and being so both the Courts below do not appear to have committed any illegality in holding him guilty as such. His conviction under Section 498-A IPC and 4 of the Dowry Prohibition Act is hereby maintained. He is extended the benefit of the provisions of section 4 of the Probation of Offenders Act. It is therefore, directed that the applicant shall be released on probation, on his entering into a personal bond in the sum of Rs. 5,000/- with one surety in the like amount, to the satisfaction of the trial Court concerned. However, it is also made clear that the release of the applicant on probation will not be a disqualification attaching to the conviction with regard to the service and other consequential benefits, which may otherwise accrue or be admissible to him

under the rules, under Section 12 of the probation of Offenders Act. With this observation, the revision is disposed.

Sd/-
(Vimla Singh Kapoor)
JUDGE

santosh