

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM A-995-MA of 2015

Date of Decision: January 15, 2019

Renu Bala

.....Applicant

Versus

Manoj Kumar and another

.... Respondents

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Sajnay Jain, Advocate for
the applicant.

FATEH DEEP SINGH, J.

This application has come about under Section 378(4) of the Code of the Criminal Procedure seeking leave to appeal against the judgment dated 25.10.2012 passed by learned Judicial Magistrate 1st Class, Mahendergarh, whereby, a criminal complaint filed by applicant/complainant Renu Bala against Manoj Kumar and Smt. Chandrawati under Sections 498-A, 323, 406, 506 and 120-B of IPC read with Section 34 IPC stood dismissed and the accused were acquitted.

The allegations of the applicant/complainant were that a marriage between complainant and one Vinod Kumar brother of Manoj Kumar was solemnized on 06.05.2011 and simultaneously at that point of time marriage of elder sister of the complainant namely Asha was solemnized with Rajesh Kumar brother of accused No.1. During the course of events on 17.06.2001, it was alleged by the accused side that Vinod Kumar expired in an accident, which she

claims to be a hoax information. It is further alleged that on 28.06.2001, the complainant was again married with accused Manoj Kumar. On 18.04.2004, the second husband accused No. 1 of the complainant was enrolled in Central Reserve Police Force (for short 'CRPF'). It was during the course of married life, the husband started avoiding the complainant and in spite of being on leave intentionally did not meet her and as a consequence of which the Panchayats were convened but to no avail. On 16.08.2006, the complainant gave birth to a female child, namely, Gudia, out of the wedlock. It is alleged by the applicant/complainant that the accused side used to physically harass her, taunt her and demanded dowry which her parents could not afford and as a consequence of this dispute the present complaint was instituted on 30.01.2007.

In her preliminary evidence, complainant examined herself as CW1, on the basis of which, both the accused Manoj Kumar and Chandrawati were summoned and in the pre-charge evidence the complainant examined herself as CW1, her father Munshi Ram as PW2, Rampal as CW3 and Ram Prasad as CW4.

The accused were, thereafter, charged for the commission of offence under Sections 498-A, 406, 323 and 506 IPC read with Section 34 IPC

After necessary formalities at the trial and completion of after charge evidence, statements of the accused under Section 313 Cr.P.C. were recorded who denied the allegations.

It was thereupon by the impugned judgment dated 25.10.2012, the Court of learned JMIC Mahendergarh acquitted the

accused of the charges so framed against them. This is how the present application has come about for leave to appeal.

Upon hearing Shri Sanjay Jain, learned counsel for the applicant and on perusal of the records, it is the own stand of the complainant that it was her second marriage with the brother of her deceased husband and, thus, it is quite improbable that in such a situation there will be a consideration for dowry by the in-laws side. She claims that initially she was married on 06.05.2001 and subsequently on 28.06.2001 and therefore within a short span of few days a second marriage was solemnized obviously in the light of the customs prevalent in the country and therefore question of demand of dowry at the time of marriage and giving of 'Isthidhan' for the second marriage within a few days of the complainant having been rendered a widow is certainly unacceptable to the mind of this Court. Furthermore, the testimonies of the witnesses of the complainant especially Ram Pal was totally at loss of words as to the members of baraties or the money spent on the marriage of the complainant at the second marriage and so is the fate of CW4 Ram Parshad even in his cross-examination the witness was unable to give particulars of harassment, cruelty or demand of dowry by the accused especially when it is established stand and proved on the record that for a period of 5/6 years, father of the complainant was behind the bars and has even accepted the fact that in his presence the complainant was never harassed nor any demand of dowry was ever raised and rather in her cross-examination Rampal as CW1 has admitted that she was never harassed till date by any person of the family besides the fact as has

been the conclusion drawn by the Court below that there is no incriminating evidence of demand of dowry, harassment or cruelty heaped upon the complainant by the mother-in-law. To the very specific query of this Court, learned counsel for the applicant/complainant could not bring forth to the notice of the Court any such incriminating evidence against the accused which could instil confidence in the version of the applicant/complainant and would tantamount to a criminal offence under the provisions of law. The Court below has rightly drawn the conclusion that there was no truth in the allegations of the complainant and, thus, finding that there is no illegality in the findings of the Court below, the present application being hopelessly without any merit, stands dismissed.

January 15, 2019
amit rana

(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No