

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

CRR-4636-2016
Decided on : 27.02.2020

Neelam

..... Petitioner

Versus

Surender Kumar & others

..... Respondents

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. S.N.Pillania, Advocate
for the petitioner.

Manjari Nehru Kaul, J.

Instant revision petition has been preferred against the judgment dated 09.08.2016 passed by the Appellate Court vide which the judgment of conviction and order of sentence dated 31.01.2013 passed by the trial Court was set aside.

Prosecution case in brief was that the petitioner was married to respondent No.1 on 29.06.2001 as per Hindu rites and ceremonies. The petitioner was meted out maltreatment and harassment and she would often be asked to get dowry from her parents despite the fact that adequate dowry had been given at the time of her marriage. As she was unable to oblige the respondents-accused with regard to the demands of dowry made by them, she was thrown out of the matrimonial home. Resultantly, being left with no other option the FIR in question was lodged against the respondents.

Learned counsel for the petitioner has vehemently argued that the learned Appellate Court gravely erred in setting aside the judgment of

conviction and order of sentence passed by the trial Court without appreciating that the testimony of the petitioner found full corroboration with that of her father, who stepped into the witness box as PW-5. It was further submitted that sufficient cogent and convincing evidence had been led which clinchingly proved that the petitioner had been harassed and maltreated by the respondents, who would continuously make demands of dowry and cash from her and threaten her with dire consequences.

I have heard learned counsel for the petitioner and gone through the evidence and other material available on record.

A perusal of the testimonies of PW-2-Chander, brother of the petitioner and PW-5 Raghbir, father of the petitioner reveal that no demand of any dowry was ever made to them at the time of marriage. Hence, it is hard to digest that a demand of dowry would be raised from the petitioner and that too after a lapse of more than 7 years of her marriage. A glaring contradiction, which further creates a big dent in the case of the prosecution is that on one hand the petitioner alleged and deposed during her testimony that it was only respondent No.2-Sher Singh i.e. her father-in-law, who had raised a demand of Rs.10 lakhs, PW-5-Raghbir, father of the petitioner, on the other, alleged and deposed that all the respondents were demanding Rs.10 lakhs of dowry from his daughter. Not only this, it was further admitted by the petitioner herself, when she stepped into the witness box as PW-1, that no dowry whatsoever was demanded by the respondents in her presence and it was her brother PW-2 Chander and her father PW-5 Raghbir, who told her that the respondents had raised a demand of dowry in the panchayat, which had been convened between the parties to bring about

a reconciliation. Besides this, the allegations of demand of dowry and cash are not even supported by any specific date, place or time when they were made from the petitioner or her family. It is indeed very strange that on one hand it has been alleged that due to continuous harassment, the FIR in question was lodged by the petitioner but at the same time, PW-5 Raghbir, father of the petitioner, submitted that it was at the behest of the panchayat, which had been convened, the FIR in question was lodged. Not only this, no person, who was a member of the said panchayat was examined. Had somebody from the said panchayat been examined by the prosecution, it would have definitely lent support and credence to the case of the prosecution qua the demand of dowry and cash specially when the alleged demand of dowry was raised not in the presence of the petitioner but in the presence of the panchayat.

As a sequel to the above, I do not find any ground to interfere in the impugned judgment dated 09.08.2016 passed by the Appellate Court. Accordingly, the present petition stands dismissed.

(MANJARI NEHRU KAUL)
JUDGE

27.02.2020
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Whether speaking/reasoned:	Yes
Whether reportable :	Yes