

CRR-2257-2017

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

**CRR-2257-2017 (O & M)
Date of Decision:22.01.2020**

Krati Saxena

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Aman Dhir, legal aid counsel,
for the petitioner.

HARNARESH SINGH GILL, J.

CRM-19971-2017

The present application has been filed under Section 5 of the Limitation Act for condonation of delay of 336 days in filing the present revision petition.

Learned counsel for the applicant-petitioner argued that the applicant had earlier approached Mr. Vikas Lochab, Advocate through legal aid authority of this Court, but due to communication gap between the applicant and the said counsel, the revision could not be filed. Finally, the revision was filed on 22.07.2016, but some objections had been raised by the Registry on 23.08.2016 and the same was re-filed on 26.10.2016. Later due to some misunderstanding between the applicant and her earlier legal aid counsel, the case had been marked to the present legal aid counsel. Thereafter, when the legal aid counsel had tried to contact the applicant, her telephone had been found to be out of order and finally, her father had given

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filed. The delay is not intentional and the application is supported with an affidavit of the applicant-petitioner.

Keeping in view the above, the present application is allowed. The delay of 336 days in filing the present revision is condoned.

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Challenge in the present petition is to the judgment dated 09.03.2016 passed by the learned Additional Sessions Judge, Faridabad, whereby while dismissing the appeal filed by the petitioner, the judgment of acquittal dated 22.07.2015 passed by the learned Judicial Magistrate Ist Class, Faridabad, has been upheld.

Brief facts of the case are to the effect that the petitioner made a complaint that her criminal case for dowry is pending against her husband and other in-laws' in Saket Court. Six months prior to the cancellation of bail, her in-laws' and husband had taken her to their house and thereafter, she started residing in House No.10/14, Dabua Colony. During the said period, her in-laws' had given her beatings and pressurizing her to withdraw the case. On 15.07.2011, her husband had dropped her in her house WCR Colony, Tugalakabad, New Delhi after giving her beatings. Her husband and father-in-law had also pressed her neck and her mother-in-law and father-in-law had burnt her hair. Her uncle Shahsi had stopped her from escaping and locked her in a room and by way of using a nail, she had escaped.

After completion of investigation and necessary formalities, challan was presented against the accused.

Charges were framed against the private respondents under

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Sections 323, 342, 506 read with Section 34 IPC, to which they pleaded not guilty and claimed trial.

In order to prove its case, the prosecution examined as many as seven witnesses.

In the statements recorded under Section 313 Cr.P.C, respondents No.2 to 5 denied the prosecution case and pleaded false implication.

In their defence, respondents No.2 to 5 examined as many as four witnesses.

The trial Court, vide judgment dated 22.07.2015 passed by the learned Judicial Magistrate Ist Class, Faridabad, acquitted respondents No.2 5.

Aggrieved of the judgment and order passed by the learned trial Court, the petitioner preferred an appeal before the learned Sessions Judge, Faridabad. However, vide impugned judgment dated 09.03.2016 passed by the learned Additional Sessions Judge, Faridabad, the appeal was dismissed, thereby affirming the judgment passed by the learned trial Court.

Still aggrieved, the petitioner has preferred the present revision petition.

I have heard the learned counsel for the petitioner and with his able assistance, have gone through the case file.

As rightly pointed out by the courts below that there are material contradictions and improvements in the statements got recorded by the petitioner before the police and the trial Court. Before the police, the petitioner stated that her hair had been burnt by her mother-in-law and

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father-in-law, whereas in the statement made before the court, she stated that her hair had been burnt by her husband and mother-in-law.

Other than the unexplained delay of three days in lodging the present FIR, DW 2 Suman, being the landlady, has specifically stated that the petitioner and her husband had been residing peacefully, alongwith their children, as tenant in her house and nobody from her in-laws' family had come to meet them. Similar is the version of DW 3 Manju Bala in the Court. One of the accused in the present FIR, namely, Shashi Bhushan has appeared as DW 4 and stated that he works as a technician and left for Tripur on 11.07.2011 and re-joined his service on 20.07.2011, meaning thereby he was not present at the spot at the time of occurrence i.e. 15.07.2011. He has also placed on record Ex.DW4/A. Moreover, DW 2 Suman and DW 3 Manju Bala cannot be said to be defence witnesses, rather they are independent and material witnesses. No eye-witness to the occurrence has been examined by the prosecution.

To my mind, the trial Court has rightly acquitted respondents No.2 to 5 of the charges levelled against them, and the appeal has rightly been dismissed by the learned Addl. Sessions Judge. Both the courts below have recorded the findings as per evidence and law. No illegality has been committed by the courts below while passing the impugned judgments.

Therefore, finding no merit in the present revision, the same is dismissed.

22.01.2020
parveen kumar

(HARNARESH SINGH GILL)
JUDGE

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