

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

**CRR-4271-2017 (O&M)
Decided on : 21.01.2020**

Mamta Devi

. . . Petitioner(s)

Versus

Surinder Singh and others

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Ms. Rajni Maurya, Advocate
for the petitioner(s).

MANJARI NEHRU KAUL, J. (Oral)

The instant revision petition has been preferred against the judgment dated 07th March, 2017, passed by the learned Additional Sessions Judge, Rupnagar (for brevity 'trial Court'), whereby the accused respondents No.1, 2 & 3 were acquitted of the charges under Sections 406, 498-A, 34 IPC.

As per the allegations in the FIR registered by the complainant (petitioner herein), the marriage between her and respondent No.2 was solemnized on 25th November, 2007, wherein, a huge amount of money was spent by her parents. However, the accused-respondents were unhappy and dissatisfied with the dowry which was given at the time of marriage for which the complainant-wife would be subjected to harassment by them. On 27th August, 2009, respondent No.2-Rajiv Kumar (husband) after physically assaulting the petitioner wife deserted her by leaving her at the house of one Dhanwant Singh along with her son.

The learned trial Court as well as the Appellate Court on appraisal of the evidence led and other material on record, acquitted the accused-respondents of the charges framed against them by holding that

there was insufficient evidence brought against the respondent-accused to hold them guilty for the offences charged with.

I have heard learned counsel for the petitioner and gone through the impugned orders of the learned trial Court as well as of the Appellate Court.

The petitioner, who stepped into the witness-box as PW-1 admitted in her cross-examination that she had received back all the dowry articles except for 2 to 3 grams of gold. It would be worthwhile to notice that in her examination-in-chief, the petitioner had given a detailed list and description of the jewellery, which had been given to her at the time of the marriage by her parents. In this background, it is very strange that she failed to give a description of the jewellery of 2-3 grams of gold, which had allegedly been retained by the accused-respondents. In the absence of any such specific description of the 2 to 3 grams of gold jewellery, the Court below rightly gave the benefit of doubt to the respondents-accused *qua* the alleged misappropriation of the 'istridhan' of the complainant not being out, so as to attract the offence under Section 406 IPC. *Qua* the allegations of the petitioner having been subjected to physical violence, it fails to inspire confidence as admittedly no place, date or time when the alleged cruelty took place has been brought on record, which remained just a bald allegation, not substantiated by any credible evidence. Further, *qua* the allegations of demands of money of ₹ 35,000/- and later another demand of ₹ 2.00 lakhs for the construction of the house, nothing has been brought on the record to substantiate that the said demands were in connection with the demand of dowry and the evidence adduced in this regard is not convincing and cogent enough to hold the respondent-accused guilty.

In view of the above, there is no illegality or infirmity in the impugned order and thus, no ground is made out to interfere with the same by exercising the revisional jurisdiction of this Court. Consequently, the present revision petition stands dismissed.

There is a delay of 153 days in filing the revision petition. Since the main petition has been dismissed, therefore, no separate orders are required to be passed in the application for condonation of delay in filing the revision petition and the same stands disposed off as such.

(MANJARI NEHRU KAUL)
JUDGE

January 21, 2020

J.Ram

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*