

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

**CRM-A-3037-2019 (O&M)
Decided on : 24.02.2020**

Maina Devi

... Applicant(s)

Versus

Ravinder Kumar and others

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. Sandeep Godara, Advocate
for the applicant(s).

MANJARI NEHRU KAUL, J. (Oral)

The present application has been filed under Section 378 (4) Cr.P.C., seeking grant of special leave to appeal against the judgment of acquittal dated 13th April, 2018, passed by the Ld. Chief Judicial Magistrate, Fatehabad (hereinafter referred to as 'the Ld. Trial Court'), vide which respondents-accused have been acquitted of the charges under Sections 323, 498-A, 406 read with Section 34 IPC.

It was contended by the learned counsel for the applicant that despite there being sufficient evidence on record, the Ld. Trial Court gravely erred in recording a finding of acquittal against the respondents-accused. It was further submitted that the trial Court failed to appreciate that the complainant had made a mention of one particular day when she was physically assaulted, as a result of which, she suffered a fracture. Besides this, there were other allegations also levelled against the respondents-accused of mentally and physically harassing the complainant on account of dowry demands.

I have heard learned counsel for the applicant as well as gone through the impugned judgment.

As also noticed by the Ld. Trial Court in the impugned judgment, there are material contradictions in the testimony of the complainant Maina Devi, who stepped into the witness-box as CW-1 as well as other witnesses, who appeared in support of her case. Though there were allegations of demands of dowry soon after the marriage, but strangely, it was admitted by CW-3/Vinod Kumar that a dispute arose between the complainant and her husband only after the six months of their marriage which is contrary to the version of the complainant. Even the allegations of dowry demands and physical assault are totally vague as no particular date, time or place has been given when such harassment and cruelty was meted out to her. In fact, the complainant in her cross-examination submitted that there was a demand of a car and motorcycle made at the time of engagement ceremony, but her own witness i.e. CW-2/Ajay Kumar, in his cross-examination came out with a totally contrary version that no such demand was made at the time of the engagement. The complainant no doubt did mention one particular date i.e. 10.05.2014 when she was physically assaulted by the respondents-accused, as a result of which, she suffered a fracture in her right hand, however, the complainant did not even support the factum of her having suffered a fracture by way of any medical evidence. Not only this, strangely, the complainant did not even remember the name of the hospital, where, she was medically treated for the fracture in her hand.

In view of the above glaring contradictions appearing in the testimonies of the witnesses as well as no corroborative evidence having been led by the complainant in support of the injuries suffered by her at the hands of the respondents-accused, the Ld. Trial Court rightly extended the

benefit of doubt to the respondents-accused. Thus, the finding recorded by Ld. Trial Court cannot be faulted with.

Dismissed.

There is a delay of 554 days in filing the application for leave to appeal. Since the main case has been dismissed, therefore, no separate orders are required to be passed in the application for condonation of delay and the same stands disposed off as such.

(MANJARI NEHRU KAUL)
JUDGE

February 24, 2020

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No