

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

Sr. No.224

CRM-A-2381-MA-2016
Date of decision: 06.07.2022

Jeet Kaur @ Rajwant Kaur

....Applicant

Versus

Sheel Kaur and others

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Munish Gupta, Advocate
for the applicant.

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DEEPAK SIBAL, J. (Oral)

Through the present application, the applicant seeks grant of leave to appeal against the judgment dated 08.08.2016 passed by the Judicial Magistrate, Ist Class, Mukerian (for short – the Trial Court) through which the respondents have been acquitted.

The applicant and one Joginder Singh were married on 27.02.2008. The respondents are Joginder Singh's mother, sisters and brother respectively. The applicant filed a complaint with the police that soon after her marriage, the respondents tortured and harassed her for bringing less dowry. She was also physically beaten. At one time her head was struck against the wall and when she raised alarm Charan Singh, a neighbour, came and saved her. On 15.05.2008, the applicant alleged that the respondents had physically beaten her and on such date respondent No.4, who is a drunkard also threatened to kill her. The applicant then went for help to the house of the Sarpanch – Mahabir Singh. Panchayat was held

where the respondents demanded dowry from the applicant/her family as also hurled abuses. All the dowry articles including jewellery of the applicant have been misappropriated by the respondents.

After recording of preliminary evidence, the Trial Court summoned the respondents to face trial under Sections 406 and 498-A IPC. The pre-charge evidence was led thereafter on the basis whereof the respondents were charged. After consideration of the evidence led by the parties the Trial Court through judgment dated 08.08.2016 acquitted the respondents. It is in these circumstances that the applicant has filed by the present application for the aforesaid relief.

Learned counsel for the applicant submitted that there was enough evidence on the record in the form of statements and documents to convict the respondents for having treated the applicant with cruelty as also misappropriating of her Istridhan. In this regard reference was made in particular to the statements of the applicant, her father – Saudagar Singh and of the Sarpanch of the village – Mahavir Singh who according to learned counsel for the applicant who had all towed the line of the prosecution.

The applicant filed a complaint with the police against the respondents for them having treated her with cruelty on account of her having brought less dowry; for misappropriating her Istridhan and for giving her beatings.

Admittedly, no complaint was filed by her against her husband. Even in her complaint against the respondents, for the period prior to 15.05.2008, no specific date or time was mentioned by the applicant as to when beatings were given to her as also with regard to demand of dowry by them.

Even qua the incident of 15.05.2008 it had simply been stated by her that when she was given beatings by the respondents she had raised hue and cry on the hearing of which her neighbour, namely Charan Singh came and saved her. However, Charan Singh was not even produced by the prosecution at the pre or post charge stage of the respondents' trial. Since at that stage he was not subjected to any cross-examination such statement of his cannot be read to support the case of the prosecution. There was also no medical evidence to support the allegations of beatings given to her on 15.05.2008.

The applicant's father Saudagar Singh was also not examined at the pre or post charge stage of the respondents' trial. He was only produced at the pre summoning stage. Since at that stage he, like Charan Singh, was not subjected to any cross-examination such statement of his also cannot be read to support the prosecution's case.

The Trial Court has found unexplained delay of over 01 year in the filing of the complaint by the applicant. No explanation in this regard has been offered to this Court as well.

The Trial Court further found evidence of disputes between the applicant's husband and the respondents over family assets and therefore held that it could not be ruled out that the complaint in question had been lodged by the applicant only to exert pressure on the respondents to settle such disputes.

So far as Mahavir Singh is concerned, for the stated reasons, his testimony is also not found by the Trial Court to be trustworthy. No argument has been even raised to persuade this Court to reach a conclusion to the contrary.

Even with regard to misappropriation of articles of Istridhan of the applicant, no specific allegations are found to have been either pleaded or proved. The invoices of the articles allegedly given as dowry/Istridhan were also not proved as neither the bill books nor the persons who had prepared those bills (shopkeepers) were produced. Specific entrustment of these articles by the applicant/her family members to the respondents was also neither pleaded nor proved.

In view of the above, no error is found in the impugned judgment of the Trial Court through which the respondents have been acquitted. Resultantly, leave to appeal is declined.

July 06, 2022
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(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No