

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

208

CRM-A-907-MA-2013 (O&M)

Date of Decision: 11.05.2023

Meenakshi

.... Applicant

Versus

Jitender Verma and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: None for the appellant.

None for respondents No.1 to 3.

Mr. Ashok Singh Chaudhary, Addl. A.G., Haryana,
for respondent No.4.

SANJEEV PRAKASH SHARMA, J (ORAL)**CRM-45818-2013**

This is an application for condonation of delay of 533 days in filing the present appeal. It is stated in the application that counsel for the applicant had suffered a heart attack due to which he underwent a bye pass surgery at Fortis Hospital, Mohali and therefore, the appeal could not be filed within time.

For the reasons mentioned in the application, the same is allowed and the delay of 533 days in filing the appeal is condoned.

Main Case

Case has been called twice, but none has put in appearance on behalf of the appellant.

This application has been filed challenging the judgment dated 21.05.2012 passed by the Chief Judicial Magistrate, Amabala, whereby the respondents-accused were acquitted of charges under Sections 406, 498-A,

323 and 506 IPC.

The brief facts which have come on record are that the complaint was filed by the wife on 24.03.2008 stating that her marriage was solemnized with the respondent No.1 on 21.05.2005. Soon after the marriage, accused No.1 at the instance of accused No.2 and 3 taunting upon the complainant-wife with regard to bring less dowry in the marriage. The complainant became pregnant. Therefore, on dated 21.11.2005, all the accused compelled the complainant to undergo ultrasound test to determine the sex of the foetus. Accused came to know about the female foetus, therefore, they compelled the complainant for abortion. The complainant refused to do that. Therefore, she was beaten by the accused and through out of the matrimonial home.

The respondents were charged with Sections 406, 498-A, 323 read with Section 34 and 506 IPC and the prosecution examined the Sub-Inspector-Balwant Singh, Complainant-Meenakshi and one Tara Chand as PW-1 to PW-3 respectively. The statement of accused recorded under Section 313 Cr.P.C. and have pleaded innocence and also pleaded false implications. The divorce has already been granted on 04.11.2008 at the instance of the complainant from accused No.1 and a compromise has been arrived at and placed on the file as mark 'A' which states that accused No.1 shall provide residential accommodation (rented) to Meenakshi-wife and his son. The compromise does not mention about their being of any demand of dowry.

Keeping in the above facts, the trial Court has held that the demand of dowry has not been proved and also there was no cause for the petitioner. Investigating Officer has not been examined by the prosecution and the case property has also not produced before the Court and therefore,

entrustment could not be proved. The documents of ownership of articles has also not been proved.

Taking into consideration all the aspects, this Court does not find any ground to grant leave to appeal against the judgment dated 21.05.2012 passed by the Chief Judicial Magistrate, Amabala.

Accordingly, the application is dismissed.

11.05.2023

D.Bansal

(SANJEEV PRAKASH SHARMA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No