

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-1214-2003
Date of Decision:12.02.2024

Suresh Kumar ...Petitioner
Vs.
Sangeeta ...Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Kishan Garg, Advocate for
Mr. Anil Kumar Lamdharia, Advocate
for the petitioner.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present revision petition against the impugned judgment dated 18.11.2002 passed by the Sessions Judge, Faridabad, whereby, the respondent was ordered to be acquitted by the trial Court.
2. As per the case of the prosecution, the FIR in the present case was ordered to be registered against the present respondent and three other accused persons namely Kamal S/o Prithvi, Prithvi S/o Tulsi Dass and Shakuntla W/o Prithvi Raj. On 16.07.1999, on receipt of information regarding death of wife of Kamal, a police team went to his house and found her dead body hanging with a ceiling fan.
3. On the statement made by Suresh Kumar, complainant, the FIR was ordered to be registered against the respondent and the other three accused persons named above. As per the complainant, his younger sister Anita was married to Kamal on 04.05.1998. They had spent money beyond their financial capacity and after two months of the marriage, the in-laws of

Anita started torturing and taunting her on account of insufficient dowry. The complainant was informed telephonically by Anita that Shakuntla (mother-in-law), Prithvi Raj (father-in-law), Kamal (husband) and Sangeeta (sister-in-law)/respondent were making demand of a Van. It was further alleged that some money was given by the father of the complainant to all the accused persons and they bought a Van in March 1999; however, after sometime, they again started torturing Anita and she was not even permitted to talk to her family. Unfortunately, on 16.07.1999 at about 02:00 PM, accused namely Kamal informed the complainant's father telephonically to come to Palwal. On getting the information the complainant and her mother went to Palwal and came to know that Anita had been killed and her dead body was found hanging with a ceiling fan.

4. After holding the trial, the trial Court held that the charge stands proved against Kamal, Shakuntla and Prithvi Raj, co-accused persons and they were held guilty under Section 304-B IPC and were sentenced accordingly.

5. However, it was found that the respondent, who was the unmarried sister of Kamal was involved by levelling general allegations and she could not have been benefited, if the alleged demand was fulfilled. Consequently, the trial Court acquitted the respondent of the charge. Challenging the impugned verdict of acquittal dated 18.11.2002, passed by the Court of Sessions Judge, Faridabad, the petitioner/complainant has filed the revision petition before this Court and prayed for convicting the respondent. However, during the course of arguments it has been brought to the notice of this Court that the co-accused namely Kamal, Prithvi Raj and Shakuntla had already filed an appeal i.e. Criminal Appeal No.2004-SB-

2002 and the said appeal has been partly allowed by this Court. While extending the benefit of doubt to Prithvi Raj and Shakuntla, parents-in-law of Anita and they have already been acquitted and the conviction and sentence awarded to Kamal has been ordered to be maintained by this Court.

6. I have heard learned counsel for the petitioner and perused the record.

7. From the record, it is apparent that the present respondent had been involved in the present case, as unfortunately she happened to be the younger unmarried sister of Kamal, husband of Anita (since deceased).

8. Vide the impugned judgment dated 18.11.2002, passed by the trial Court, the parents of respondent i.e. Prithvi Raj and Shakuntla were also ordered to be convicted by the trial Court under Section 304-B IPC and were sentenced. However, vide the judgment dated 21.04.2010, passed by this Court, both co-accused persons namely Prithvi Raj and Shakuntla have already been ordered to be acquitted by this Court. There can be no doubt that the case of the present respondent is on better footing than Prithvi Raj and Shakuntla. In fact she was the unmarried younger sister of Kamal, husband of Anita and it can never be said that she could be benefited from the demand of dowry in any manner. Even the trial Court has referred detailed findings in this regard and I find no reasons to deviate from the same.

9. Consequently, finding no merits, the present petition is ordered to be dismissed.

12.02.2024

M.Sikka

(N.S.SHEKHAWAT)

JUDGE

Whether reasoned/speaking :

Yes/No