

mother-in-law made the petitioner to consume some medicine in lieu of conceiving a male child, which cased her various ailments. When the petitioner refused to take the said medicine, respondent No.3- sister-in-law insisted on performing a second marriage of respondent No.1. Respondent No.1 and respondent No.2- father-in-law also threatened to kill the petitioner. On 05.04.2008, respondent No.1 and respondent No.2 took her clothes out of the almirah and burnt them, while threatening to set her on fire if she fails to bring money from her paternal house. Thereafter, on 12.04.2008, the accused gave her beatings and shunned her out of the matrimonial home and refused to rehabilitate her till she satisfies their dowry demands.

3. Learned counsel for petitioner submits that the learned Courts below have fallen into grave error by acquitting the respondents-accused. The family of the petitioner had spent about Rs. 5,50,000/- on the marriage and many gold ornaments were gifted to the family of the respondents. The dowry articles were recovered by the police from the respondents-accused, thereby proving entrustment of the same to them. The same is also supported by the list of dowry articles exhibited in Court after effecting recovery. Further, the respondents-accused have failed to bring forth any reasonable explanation qua the recovery in their respective statements under Section 313 Cr.P.C. The petitioner only failed to disclose the instances of cruelty to her family members in order to save her matrimonial life. Finally, the non-examination of the typist who typed the complaint was given undue importance by the Courts below as the same was skipped merely because of a *bona fide* lapse in memory qua his name and the same is non fatal to the case of the prosecution.

4. Having heard the learned counsel for the petitioner and after perusing the record with his able assistance, it transpires that admittedly, no bill of any dowry articles have been placed on record. The list of dowry articles

(Ex. PA) bears the signature of one Gurpreet Kaur, elder sister of the petitioner.

The signatures of the petitioner on the said list of articles are conspicuously missing. While it has been claimed that about Rs. 5,50,000/- was spent on the wedding, the father of the petitioner has not been examined to prove the same. Mere recovery of alleged dowry articles is not sufficient to attract the offence under Section 406 IPC. Since the petitioner and the respondents were residing in the same house, it cannot be conclusively said on the basis of material available on the record that the dowry articles were specifically entrusted to a particular accused. The petitioner in here statement as PW1 also fails to mention the date on which she asked the accused to return the said articles.

5. Furthermore, the petitioner had moved a complaint before SSP, Patiala, in furtherance of which, her statement was recorded on 02.11.2008 wherein she makes no mention of the alleged incident of burning her clothes or receiving beatings at the hands of the respondents. The petitioner was admitted to Rajindera Hospital, Patiala on 06.04.2008 on account of falling unconscious. She was visited by her father and sister, however, she did not mention anything relating to the instances of cruelty meted out to her, by them.

6. In view of the facts and circumstances of the case, this Court finds that learned counsel for the petitioner has failed to point out any perversity or illegality in findings recorded by the learned Courts below, which warrants any interference. Accordingly, the present revision petition is dismissed, being bereft of any merit.

7. Pending miscellaneous application(s), if any, also stand disposed of.

April 30, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No