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refusal, the petitioner was beaten mercilessly. The dowry articles were taken into possession by the parents-in-law, who also asked her to bring a motorcycle as well. Subsequently, the petitioner found out that her husband has extra-marital relations with a lady named Suman who stayed at her matrimonial house, with the consent of her mother-in-law. Moreover, when she was pregnant, the petitioner was ousted from the matrimonial house as she could not fulfill the demand of her in laws for Rs. 4,00,000/-. Even after the birth of her daughter on 08.09.2002, the petitioner was taunted for giving birth to a female child and pressurised to bring Rs. 4,00,000/- from her parents. Respondent No.2 threatened to die by suicide, if the said demand was not fulfilled, and kept a suicide note blaming the petitioner and her parents in his pocket.

3. The petitioner made a complaint to the police on 13.11.2007 alleging that respondent No.2 and his brother tried to kill her and her child and proceedings under Sections 107 and 151 Cr.P.C. were initiated. During the said proceedings, the petitioner and her daughter were kept starving for several days and she was also made to call her father and demand Rs.2,00,000/-. However, her father did not show up with the money and the petitioner was given beatings. Respondent No.2 gave a *danda* blow on her head, arms and legs. Thereafter, he dragged her by her hair while his brother dragged her by her legs, while her mother-in-law put a *dupatta* around her neck. Respondent No.2 took her to the railway lines and tried to throw her before a train but she was rescued by persons from that locality. Ultimately, the petitioner was thrown out of her matrimonial home along with her minor daughter on 09.06.2008.



4. Learned counsel for petitioners submits that the learned Courts below have failed to consider that the petitioner was repeatedly harassed by making demands for Rs. 4,00,000/- and a motorcycle. On her refusal to meet the said demands, the petitioner was beaten mercilessly. Not only did respondent No.2 have an extra-marital relationship, he also ousted the petitioner and their minor daughter out of the matrimonial home and even failed to pay maintenance. Further, admittedly, the *stridhan* of the petitioner still remains in the possession of respondent No.2 and the same has not been recovered. The learned Courts below have fallen into error by rendering a judgment of acquittal because no specific date was mentioned for the demand of dowry as the same is not fatal to the case of the prosecution. Moreover, the marriage between the parties was solemnised in the year 2001 while the FIR(supra) was registered in the year 2008, as such, it would be unreasonable to expect that the bills qua the dowry articles would still be readily available.

5. Having heard the learned counsel for the parties and perusing the record of the case with their able assistance, it transpires that the FIR(supra) was registered in the year 2008 claiming harassment qua unlawful demand of dowry, which allegedly began a week into their marriage that was solemnised in the year 2001. No reason is forthcoming on the part of the prosecution to explain the said delay. Moreover, the father of the petitioner appeared as PW5 and admitted in his cross-examination that the articles presented at the time of marriage were given of their own volition. A perusal of the FIR(supra) indicates that no specific act constituting harassment has been attributed to any member of the family of respondent No.2-husband. In fact, the petitioner, in her cross-examination, has admitted that she shared a cordial relationship with



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her mother-in-law and that there was no marital discord between her and her husband.

6. Additionally, nothing available on the record indicates that the dowry articles brought by the petitioner were entrusted to respondent No.2. The petitioner placed on record bills dated 18.10.2002, 01.11.2003 and 05.07.1997 to prove purchase of dowry articles, however the same do not correspond to the articles allegedly presented by the family of the petitioner. Curiously, a divorce petition was filed by respondent No.2 which was allowed by the learned Additional District Judge, Ludhiana vide judgment dated 08.02.2013 on the grounds of cruelty at the hands of the petitioner. Finally, while it was claimed that the petitioner was mercilessly beaten at the hands of respondent No.2 and his family, she was not medically examined. As such, the alleged injuries as well as the case of the prosecution, remain uncorroborated.

7. The power of the Appellate Court to unsettle the order of acquittal on the basis of re-appreciation of the evidence is subject to the settled law that where two views are possible and out of the two, one points towards the innocence of the accused, the view which favours the accused should prevail over the other pointing towards his guilt. (See **H.D. Sundara and others vs. State of Karnataka, Criminal Appeal No.247 of 2011 decided on 26.09.2023**; **Kali Ram vs. State of H.P., 1973 (2) SCC 808** and **Chandrappa and others vs. State of Karnataka, (2007) 4 SCC 415**). A Division bench of this Court in the judgment passed in **State of Haryana vs. Ankit and others** passed CRM-A No.3 of 2022 decided on 06.07.2023 has held that presumption of innocence further gets entrenched on the acquittal of accused by the trial Court.



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8. In view of the discussion above, 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.

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

May 06, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

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