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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-1573-2014 (O&M)
Date of Decision: 03.04.2024

Pooja

...Petitioner

Vs.

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Vishal Munjal, Advocate
for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

1. The present revision petition has been preferred against the impugned judgment dated 21.03.2014 passed by learned Additional Sessions Judge (Adhoc), Fast Track Court, Hoshiarpur, vide which respondents-accused No.2 & 3 have been acquitted from the offences under Sections 498A, 406, 323 of IPC, of which they were convicted by the learned Sub Divisional Judicial Magistrate, Dasuya, vide judgment and order dated 29.09.2010 in FIR No.51 dated 22.10.2003 under Sections 498A, 406, 323 and 341 IPC. registered at Police Station Talwara.

2. Briefly, the facts are that the FIR (*supra*) came to be registered on the basis of a written complaint dated 09.07.2013 made by the petitioner to the

concerned police. It was alleged in the said complaint that her marriage was solemnized with accused Kranti Marwaha on 04.12.1999. At the time of the marriage, parents of the petitioner spent around Rs.4,95,000/- including gold ornaments upon the marriage ceremonies. Few days after the marriage, husband of the petitioner and mother-in-law as well as respondent No.2 being brother-in-law (*jeth*) and respondent No.3 being her sister-in-law (*jethani*), residing in a joint family, started harassing her for inadequate dowry. Due to the harassment meted out to the petitioner-complainant, her father had to visit her matrimonial home to resolve the matter and he even paid Rs.30,000/- to her husband in March, 2000. Soon after, husband of the petitioner again demanded Rs.2,00,000/- and to satisfy him, her father arranged another sum of Rs.50,000/-, which was handed over to respondent No.3. Still not satisfied, in-law's family of the petitioner again demanded Rs.2,00,000/-. When the petitioner objected, respondent No.3 started beating her and also gave fist blows to belly of the petitioner at the time when she was pregnant. Thereafter, the petitioner made a phone call to her father and on the same day, her father brought her to her parental home and got her admitted in a hospital. On 10.01.2001, the petitioner gave birth to a male child, but her in-laws family did not even visit her to see the child. Even after repeated phone calls, husband of the petitioner refused to visit her and consequently, father of the petitioner gave an application to Women Crime Cell on 29.06.2002 seeking justice for the petitioner. In consequence of the said application, a compromise was affected

and the petitioner again started residing in her matrimonial home. But the harassment meted out to the petitioner for dowry continued like before, due to which, a complaint was made to the concerned police, upon which the FIR (*supra*) came to be registered.

3. After completion of the necessary formalities, challan against the accused was presented in the Court for commission of offences under Sections 498A, 406, 323 of IPC read with Section 34 IPC. The learned trial Court convicted all the accused, including present respondents/accused persons except mother-in-law, under Sections 498A, 406, 323 of IPC, vide judgment and order dated 29.09.2010.

4. Thereafter, all the accused preferred an appeal before the learned Additional Sessions Judge (Adhoc), Fast Track, Hoshiarpur, wherein, respondents No.2 & 3 were acquitted. Aggrieved by the same, the petitioner has approached this Court by way of filing the present revision petition.

5. Learned counsel for the petitioner, at the outset, contends that the petitioner-complainant had specifically proved in evidence entrustment of the dowry articles by her parents to respondents No.2 & 3, which makes the impugned order of acquittal erroneous and bad in the eyes of law. He further submits that case of the petitioner, that cruel treatment was meted out to her for dowry and in lieu of demand of Rs.2,00,000/- as dowry, Rs.30,000/- and 50,000/- were given to her in-laws on different occasions, has been duly corroborated by the testimonies of PW2, PW3, PW9 as well as PW10, which

shows that allegations levelled by the petitioner are not vague. He further contends that since there are specific and serious allegations against respondents No.2 & 3, which stand corroborated by the evidence on record, the impugned judgment of acquittal is liable to be set-aside.

6. I have heard learned counsel for the petitioner and after perusing the paper-book with his able assistance, it transpires that there is specific allegation qua entrustment of the dowry articles to the private respondents in the complaint filed by the petitioner. When the specific entrustment of dowry articles is not proved on record, it shows that the said articles were entrusted to the husband. Similarly, no specific allegation of harassment for dowry qua the private respondents has been proved on record by the prosecution. Likewise, the allegation of fist blows given by respondent No.3 upon the body of the petitioner lacks specificity of time, date, month or year. Further, it appears that after first compromise was effected between the parties on 04.07.2002, the petitioner-complainant along with her husband used to stay separately from the accused relatives. All the aforesaid facts clubbed together are sufficient for this Court to opine that the petitioner has miserably failed to prove on record the ingredients required under Sections 406, 498A & 323 of IPC against the private respondents. Thus, the judgment under challenge in the present petition does not warrant any interference by this Court.

7. Furthermore, 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, the view, which favours the accused, should prevail over the other pointing towards his guilt. Furthermore, learned trial Court has the additional advantage of closely observing the prosecution witnesses and their demeanour, while deciding about reliability of the version of prosecution witnesses. (*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, 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.

8. 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 the findings recorded by learned Courts below, which warrants interference by this Court. As such, there is no merit in the present petition and the same stands dismissed.

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

[HARPREET SINGH BRAR]
JUDGE

03.04.2024
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No