



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

CRR-1435-2018

Date of decision: 07.11.2024

LAKHVIR SINGH

...PETITIONER

V/S

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Shivani, Advocate for
Mr. Narinder S. Lucky, Advocate
for the petitioner.

Ms. Ramta Chowdhary, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. The present revision petition has been filed against the impugned judgment dated 12.01.2017 passed by learned Judicial Magistrate Ist Class, Nakodar as well as impugned judgment dated 12.10.2017 passed by learned Additional Sessions Judge, Jalandhar, whereby respondent Nos.2 and 3 have been acquitted by both the Courts below.

2. Brief facts of the case as alleged, are that marriage of daughter of the petitioner solemnized with respondent No.2 on 10.04.2009. Out of the wedlock, no child was born. However, matrimonial dispute ensued between the couple on account of demand of dowry and in-laws of daughter of the petitioner started harassing her and demanded more dowry in the form of cash, gold etc. Hence, the complaint.

3. Having heard the learned counsel for the petitioner and after perusing the record of the case with his able assistance, it transpires that only vague allegations have been levelled against the private respondents i.e. for



demand of dowry as no specific entrustment to any other accused of any articles on behalf of daughter of the petitioner has been alleged in the testimony of PW-1. Further, actual purchase of the items of furniture and gold ornaments by the complainant has also not been proved. Moreover, as per the prosecution evidence, all the accused went abroad. The dowry articles of daughter of the petitioner were left in India. Later she left the matrimonial home and claims that her dowry articles were left there. The same is not tantamount to entrustment and would not make out offence under Section 406 of IPC. It is further pertinent to note that the daughter of the petitioner claimed that all the accused had beaten her up, however, she did not get herself medico-legally examined and claimed that she did not know at which places on her body, she received injuries. As such, the deposition of witnesses examined by the prosecution does not inspire confidence to the extent as was necessary to bring accusation levelled by them.

4. 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.



5. 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 Court below, which warrants any interference. Accordingly, the present revision petition is dismissed.

November 07, 2024
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(HARPREET SINGH BRAR)
JUDGE

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