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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Date of decision: 18.09.2024

Prem Lata

...Petitioner

V/s

Sandeep and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Ashwani Gaur, Advocate for the petitioner.

SUMEET GOEL, J. (Oral)

1. Present revision petition has been filed against the judgment dated 23.04.2018 passed by Additional Sessions Judge, Rewari upholding the order dated 24.07.2017 passed by Judicial Magistrate Ist Class, Rewari, whereby respondent No.1 (herein) was acquitted from the charges under Sections 323, 406, 498-A and 506 of IPC.
2. For clarity and simplicity, the revisionist-petitioner, who has filed the impugned FIR, will be referred to as the 'complainant' while respondent No.1, the accused in the impugned FIR, will be referred to as the 'accused' throughout this judgment.
3. In the present revision petition, the pertinent facts for adjudication are that the FIR No.40 dated 20.02.2013 was lodged against the accused-respondent No. 1, a resident of village Sedpur, Tehsil Tijara, District Alwar (Rajasthan), under Sections 323, 406, 498-A, and 506 of the Indian Penal Code (for brevity the 'IPC') at Police Station City, Rewari. The matter proceeded to trial before the Court of Judicial Magistrate, First Class, Rewari, which concluded its proceedings and, vide judgment dated



charges. Dissatisfied with the acquittal, the complainant preferred an appeal against the said judgment passed by the Judicial Magistrate Ist Class, Rewari. However, the learned Additional Sessions Judge, Rewari, vide judgment dated 23.04.2018, upheld the trial court's decision, affirming the acquittal of the accused. The appellate Court held that the trial court had correctly appreciated the evidence in accordance with the legal principles and had reached the appropriate conclusion based on the material facts presented during the trial and hence does not require any interference.

4. The petitioner, aggrieved by the consistent findings of both the trial Court and the appellate Court, has now invoked the revisional jurisdiction of this Court, seeking re-examination of the findings as the same are based on alleged mis-appreciation of evidence and procedural irregularities. However, it is well-settled law that the scope of revision is limited and does not entail a re-appreciation of evidence unless there is a manifest illegality or a serious miscarriage of justice.

5. In brief, the case of the prosecution, as detailed in the FIR, is that the complainant namely Prem Lata had married the accused (respondent No.1 herein) on 24.02.2012, in accordance with Hindu rites and ceremonies. After marriage, the complainant resided with the accused (respondent No.1 herein) at her matrimonial home. The father of the complainant allegedly spent approximately Rs.10.00 lacs on the wedding, including Rs.2.00 lacs in cash and various dowry articles, which were given to the family of the accused (respondent No.1 herein). However, the accused and his family were dis-satisfied with the dowry and began harassing the complainant, demanding additional dowry. Despite the complainant becoming pregnant,

the accused and his family allegedly continued their abusive behavior,

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demanding a car worth Rs.8.00 lacs. They allegedly beat her, forced her to take harmful medication which caused stomach infection and ultimately left her at the Rewari bus-stand on 24.05.2012. The complainant was treated at hospital where she gave birth to a son, with all medical expenses borne by her parents. A Panchayat was held to reconcile the matter, but the accused maintained their demand for a car as a condition for her return. They allegedly threatened to harm her if she approached the Police. Based on these allegations, an FIR was registered under Sections 323, 498-A, 406 and 506 of IPC. The complainant later provided a supplementary statement detailing further harassment related to her appearance and the confiscation of her jewellery. Investigation ensued, resulted in the arrest of the accused (respondent No.1 herein) and a final report under Section 173 of Cr.P.C., 1973 was filed before the competent Court of jurisdiction.

6. Learned counsel for the petitioner-complainant has argued that both the Courts below have erred in acquitting the respondent No.1 and the impugned orders are contrary to the law, facts and evidence on record. According to learned counsel, the prosecution witnesses had fully established the case against the respondent No.1 during the trial, but both the Courts below failed to properly appreciate the evidence on record in correct perspective. Furthermore, the statements of the complainant and her father (examined as defence witnesses) clearly show that the prosecution proved its case beyond a reasonable doubt. The decision of the trial Court to acquit the accused was faulty, as it emphasized the absence of independent witnesses. However, since the complainant was harassed within the confines of her home due to demand of dowry, the question of independent witness does not



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acquitted the accused-respondent No.1 on account of lack of medical evidence regarding the abuse, but the petitioner-complainant had avoided the medical examination to prevent escalating the situation, hoping to adjust in her matrimonial home, which in-fact was completely overlooked. It has been further submitted that the petitioner-complainant was given incorrect medication during pregnancy, leading to stomach infection that could have endangered her baby but the investigating officer failed to gather evidence from the hospital or list the doctor as a witness. It has been argued that both the Courts below acknowledged this oversight by the prosecution but has noted down this lapse as a link evidence to corroborate the version of the complainant. Learned counsel has further canvassed that the both the Courts below have wrongly and unlawfully acquitted the accused/respondent No.1, despite there being sufficient evidence on record to establish his guilt and hence his acquittal is not justified in light of the evidence presented.

7. The principles governing the scope of interference by the High Court in an appeal against the judgment of acquittal, have been laid down by the Hon'ble Supreme Court in the judgment passed in the case titled as ***Babu Sahebagouda Rudragoudar and others versus State of Karnataka, 2024 INSC 320 = 2024(2) Law Herald (SC) 928*** held as under:

“39. Thus, it is beyond the pale of doubt that the scope of interference by an Appellate Court for reversing the judgment of acquittal recorded by the trial Court in favour of the accused has to be exercised within the four corners of the following principles:-

- (a) That the judgment of acquittal suffers from patent perversity;*
- (b) That the same is based on a misreading/omission to consider material evidence on record;*
- (c) That no two reasonable views are possible and only the view consistent with the guilt of the accused is possible from the evidence available on record.”*



8. In the light of the above principles laid down by the Hon'ble Supreme Court, I have thoughtfully considered the arguments advanced on behalf of the petitioner, perused the entire case record and judgments passed by the learned trial Court as well as by the appellate Court.

9. While going through the impugned judgments passed by both the Courts below, it appears that the prosecution has failed to satisfactorily discharge its burden of proof by presenting credible and reliable evidence or witnesses. It is a well-settled principle of law that the burden rests upon the prosecution to establish the guilt of the accused through cogent and convincing evidence, and any failure to do so entitles the accused to the benefit of doubt.

10. As per the case put forth by the prosecution, it is an undisputed fact that the complainant resided in her matrimonial home for just over a month post-marriage, which fact has also been corroborated by her father. The marriage was solemnized without any demand for dowry. Given these circumstances, it is improbable that the accused, who is less qualified than the complainant, would suddenly demand dowry within such a short period, especially when no such demand was raised before or during the marriage. Furthermore, the allegations of the complainant with regard to dowry-related harassment and physical abuse, allegedly carried out with the involvement of her in-laws, have already been found baseless by the Investigating Agency. As narrated by the complainant in the FIR, as well as, in her deposition (when examined as PW-1) that she was physically abused by her in-laws but she had miserably failed to provide any medical evidence to substantiate this claim. Additionally, no independent witnesses either from her matrimonial



home or her relatives were produced to support the allegations of abuse. Even assuming arguendo that the complainant did not seek medical assistance on prior occasions, however, the incident on 24.05.2012, where she claimed to have been left at the Rewari Bus Stand after being forced to consume wrong medication causing a stomach infection, lacks corroborative evidence. The complainant did not present any medical reports or testimony from Dr. Usha, Sachdeva Hospital, where she was treated, to substantiate this claim. There is no reasonable explanation forthcoming either from the evidence produced by the prosecution or from the perusal of the records of the case or from the averments made in the present petition, on this aspect. Hence, the allegations lack credibility and do not inspire confidence.

10.1 The prosecution's narrative is further undermined by the complainant's admission that she appeared for her postgraduate examination on 29.05.2012 in Rewari, casting serious doubt on her version of events, particularly her claim of being abandoned at the bus stand. Additionally, the complainant failed to lodge any police complaint following the alleged threats made by the accused on 26.08.2012. This omission raises questions about the credibility of her allegations. Moreover, the complainant admitted that the accused made several attempts to reconcile, including visits on 20.06.2012, 20.08.2012, and 09.09.2012, none of which were reciprocated by the complainant or her family. These facts contradict her claims of ongoing threats and harassment and suggest a lack of intent on the part of the accused to cause harm. The inconsistencies in the complainant's testimony, coupled with her failure to report serious allegations, further erode the reliability of the case of the prosecution. In light of these contradictions, the



scrutiny under established legal principles, including the presumption of innocence and the requirement of proving guilt beyond reasonable doubt.

10.2. Regarding the accusation of the complainant under Section 406 of IPC for misappropriation of dowry articles, it is pertinent to note that the complainant failed to provide any evidence of entrustment of dowry articles to the accused or his family. As is apparent from the record and the testimonies of the witnesses, no demand for dowry prior to the marriage was alleged, and the list of dowry articles (Ex.PW1/C) was later identified by the complainant herself as being received. The original complaint did not mention the misappropriation of dowry articles, and this allegation was only introduced in a supplementary statement on 07.02.2013, which constitutes an improvement of her version and cannot be relied upon. Additionally, no bills or independent witnesses were presented to verify the dowry claim, and it is clear from the record of the case that the accused was not residing with his parents, further weakening the allegations of the complainant under Section 406 of IPC. A cumulative consideration of all these facts show that the testimony of the complainant lacks sufficient corroboration, both in terms of physical abuse and misappropriation of dowry articles, as also the evidence on record does not support the charges against the accused under Sections 498A and 406 of IPC.

10.3. It is a well established principle in criminal jurisprudence that the burden of proof rests squarely upon the prosecution, which must establish the guilt of the accused beyond reasonable doubt. Any failure to meet this standard, particularly when key evidence is either missing or questionable, entitled the accused to the benefit of doubt. It has been



and where there exists any reasonable doubt, the benefit of such doubt must be given to the accused person and he must be acquitted in accordance with law. In light of the above discussed discrepancies and inconsistencies, it can safely be inferred that the case put forth by the prosecution is false and there is no evidence of demand of dowry, allegations of cruelty, entrustment of dowry articles etc. as projected by the complainant. Where the prosecution itself has failed to substantiate its case beyond reasonable doubt, as has happened in the case in hand, the defence, if any, raised/pleaded by the accused recedes into the background and rather becomes immaterial. However, as has been noted by the learned Additional Sessions Judge, while passing the judgment of acquittal, in para No.21 of the judgment that the complainant and her father had attempted to implicate all the family members of the accused. It is important to note that during the investigation, parents of the accused namely Sant Ram and Kashmiri were found innocent, and even the application of the complainant under Section 319 of Cr.P.C., 1973 was dismissed by both, the trial Court and in revision. The eagerness of the complainant to involve her father-in-law and mother-in-law through vague and general accusations further suggests an attempt to implicate all of the family members, regardless of their actual involvement, in an effort to harass them.

10.4 In the facts and circumstances of the entire case coupled with the fact that the allegations of cruelty, demand of dowry are vague and general in nature as also there is no evidence of entrustment of dowry articles to accused, the learned Additional Sessions Judge, as well as, the learned trial Court, rightly arrived at the conclusion that the story put forth

by the prosecution was false and the allegations raised lack substance.



11. The facts of the case clearly narrate that the complainant has intentionally tried to conceal the real genesis of the case. However, both the Courts below i.e. trial Court and the appellate Court, have meticulously and judiciously examined the matter, appreciating the facts and evidence in their proper context. Both the Courts below have rightly discerned the attempt of the prosecution to distort the narrative and have delivered their findings based on through evaluation of the material on record.
12. Perusal of the impugned judgments of acquittal passed by both the Courts below show that ht entire evidence led by the prosecution has been gone through in detail and in a painstaking manner and has dealt with each and every aspect of the case in a pragmatic manner. The judgments of acquittal are based on sound reasoning; do not suffer from any illegality or perversity. As such, the judgment of acquittal dated 23.04.2018 passed by Additional Sessions Judge, Rewari upholding the order dated 24.07.2017 passed by Judicial Magistrate Ist Class, Rewari, is upheld. Resultantly, the present revision petition, being bereft of merits, fails and is dismissed.
13. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

September 18, 2024
Ajay

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