

**CRR-1660-2024 (O&M)****-1-****232 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRR-1660-2024 (O&M)****Date of decision: 15.10.2024****PREETI****...PETITIONER****V/S****STATE OF HARYANA AND ANOTHER****...RESPONDENTS****CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present: Mr. Vikram Singh, Advocate and
Mr. Divyam Singh, Advocate for the petitioner.

Mr. Vikas Bhardwaj, AAG Haryana.

**********HARPREET SINGH BRAR J. (ORAL)**

1. The present revision petition has been filed against the judgment dated 08.07.2024 passed by learned Additional Sessions Judge, Jhajjar, whereby the appeal of the appellant/petitioner has been dismissed against the judgment dated 08.11.2021 passed by learned Additional Chief Judicial Magistrate, Jhajjar, whereby accused/respondent No. 2 has been acquitted in FIR No. 50 dated 01.06.2016 registered under Sections 498-A and 506 of Indian Penal Code at Police Station Jhajjar.

2. The FIR(supra) was registered on the basis of complaint of Preeti-petitioner, wherein she pleaded that on 04.12.2014, she got married to accused-Sandeep as per Hindu rites and ceremonies. Her father gave huge dowry in her marriage beyond his capacity. After eight months of the marriage, she came to know that her husband was having affair with some other girl. Her mother-in-law and father-in-law used to taunt her for bringing less dowry but she tolerated all these things with a hope of for settling down of the matter. When she got pregnant, no medical assistance was provided to her by her in-laws.

She was given some poisonous substance as well to abort her pregnancy. On

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12.11.2015, accused and his mother gave beatings to her and left her at her paternal home. Her father had convened Panchayats on three occasions. After many attempts, her in-laws got ready to take her back to the matrimonial home, but this time also they taunted and beat her for bringing less dowry in the marriage. On 16.12.2016, accused and his mother gave beatings to her and left her at her paternal home. Since then she had been residing with her parents at Dadri Toe. On the basis of aforesaid allegations FIR(supra) was registered.

3. Having heard the learned counsel for the petitioner and after perusing the record of the case with his able assistance, it transpires that learned Court below has opined that list of dowry articles has not been signed by the accused or by any of his family members. No bill of any of the articles mentioned in the said list has been adduced in its evidence by the prosecution and the prosecution has also not placed on record any documentary or any other cogent evidence to show that the parents of the complainant were having sufficient means to purchase the articles as mentioned in the list of dowry articles and the dates of demand of dowry by the accused persons from the complainant have also not been disclosed in the said complaint. The prosecution had also not led any medical evidence to prove that the accused or his family members caused hurt to the complainant for demand of dowry as alleged in the complaint or in their statements. Secondly learned Court below has come to the conclusion that in the complaint, complainant has pleaded that on 16.12.2015, her husband (accused) left her at her parents house situated at village Dadri Toe and threatened to kill her if she returned back. But the complainant while appearing as PW-1 has nowhere stated so and PW-2 and PW-3 have also not stated so.

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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. Furthermore, the trial Court has the additional advantage of closely observing the prosecution witnesses and their demeanour, while deciding about the 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 v. State of H.P., 1973 (2) SCC 808 and Chandrappa and others v. 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 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 trial Court or the lower Appellate Court which warrants interference by this Court. As such, there is no merit in the present revision petition and hence, the same is hereby dismissed.

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

October 15, 2024*Ajay Goswami***(HARPREET SINGH BRAR)
JUDGE**

- (i) Whether speaking/reasoned
(ii) Whether reportable

Yes/No
Yes/No