



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

CRR-7-2020 (O&M)
Date of decision: 01.10.2024

Kashmiri Lal

....Petitioner

Versus

Rajiv Kumar and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Lupil Gupta, Advocate
for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

1. The present revision petition has been preferred against judgment dated 16.10.2019 passed by the learned Additional Sessions Judge, Mansa whereby the judgment of acquittal dated 11.08.2015 passed by the learned Sub Divisional Judicial Magistrate, Budhlada in the case stemming from FIR No. 49 dated 17.08.2009 registered under Sections 498-A and 406 IPC at Police Station Budhlada, was upheld.

2. Briefly, the facts, as alleged by the prosecution, are that the marriage between Poonam, daughter of the petitioner and respondent No.1 was solemnised on 11.03.2001. The respondents-accused used to taunt Poonam, who was a school teacher, for bringing less dowry and took her entire salary from her. She was also turned out of her matrimonial home along with her minor son, however a Panchayat was convened and she was rehabilitated. However, in April 2008, the respondents-accused demanded Rs.1,00,000/- from her in order to buy a plot. On her inability to provide the same, she was beaten



and locked in a room. Subsequently, she was turned out of her matrimonial home yet again.

3. Having heard the learned counsel for the petitioner and after perusing the record with his able assistance, it transpires that an enquiry was conducted by DSP, Mansa who did not find any merit in the allegations levelled by the complainant. Thereafter, DSP, Budhlada conducted another enquiry and recommended registration of FIR. Due to contradictory reports, SP(H), Mansa conducted yet another enquiry and recommended registration of FIR(supra). The final enquiry was conducted by PW1- Baljit Singh Buttar, who admitted that he had not joined the complainant or the accused in the enquiry but only went through the previous enquiry reports. He admitted to having recorded statements of two independent persons namely Sanjay Kumar and Daljit Singh, who do not find mention in the complainant version and were unaware of the matter. Further, PW4-Ram Prakash deposed that the petitioner held demonstrations before the police station for 2/3 days pressurising the authorities to register an FIR against the respondents-accused.

4. Moreover, in her cross examination, PW2-Poonam failed to state any acts or conduct of the respondents-accused which would indicate cruelty. She could not mention any date, month or year of any incidents of harassment either. The allegation qua locking PW2-Poonam in a room also stands unproved as no witness was able to corroborate the said fact or even the year in which it took place. The allegations qua giving of Rs. 30,000/- to the respondents in January 2008 and Rs. 1,00,000/- in April 2008 are also unsubstantiated as respondent No.1 and Poonam operated a joint account and had every opportunity to withdraw the amount himself. However, the account statement demonstrates that the sum of Rs. 1,00,000/- was very much in their



account i.e. not withdrawn. Furthermore, Poonam categorically deposed in her cross-examination that no one except respondent No.1 demanded Rs. 1,00,000/- from her. Even the salary was withdrawn from the bank account by Poonam herself. As far as the sum of Rs. 30,000/- is concerned, in another litigation, the petitioner has admitted that no such amount was demanded. Further, he previously claimed that the payment was made in January 2008 while in his cross-examination he stated that the same was made in August 2011-12. Finally, no specific entrustment of *stridhan* or dowry articles have been demonstrated to attract the offence punishable under Section 406 IPC.

5. 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.

6. 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, criminal revision is dismissed.

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

(HARPREET SINGH BRAR)
JUDGE

01.10.2024
Neha

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