





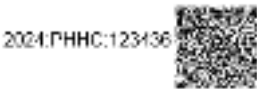
the parents of the petitioner, along with some respectable members of the society went to the house of respondent No.2 where his family admitted their mistake and apologized. The petitioner returned to her matrimonial home on 21.10.2011 however, when a daughter was born to her on 23.02.2012, respondent No.2 and his family began making dowry demands yet again. Respondent No.2 did not maintain the petitioner and their daughter and they were kept starving. On 26.05.2012, the petitioner was kicked out of her matrimonial home.

3. In view of all the material available on the record, the learned trial Court acquitted respondent No.2 vide judgment dated 05.09.2017. Aggrieved by the same, the petitioner preferred an appeal before the learned lower Appellate Court, which was dismissed vide judgment dated 12.09.2019.

4. Having heard the learned counsel for the petitioner and after perusing the record with his able assistance, it transpires that neither in the complaint nor in her deposition as PW-1 the petitioner has provided any specific date or month as to when demands of dowry were made. Moreover, the petitioner had served a legal notice (Ex. DA) on respondent No.2 wherein no mention has been made qua dowry demands. In fact, admittedly, the factum of convening a panchayat also does not find mention in the said legal notice. The petitioner had also alleged that respondent No.2 did not provide any medical care to her during her pregnancy, however, in her cross-examination, she admitted to being taken to the doctor by respondent No.2 for medical tests.

5. Further, both the sisters-in-law of the petitioner were married before her marriage was solemnized with respondent No.2. As such, their interference in the marital life of the couple and allegations of harassing the

petitioner is highly improbable. Pertinently, the petitioner and her mother,



who appeared as PW4, have admitted that they go an FIR bearing No. 365 registered under Section 457/380 IPC IPC against respondent No.2 as they wanted him to reside separately from his family.

6. Finally, 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.

7. 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 Courts below, which warrants any interference. Accordingly, the present revision petition is dismissed, being bereft of any merit.

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

(HARPREET SINGH BRAR)
JUDGE

17.09.2024
Ajay Goswami