



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

CRR-3598-2018(O&M)
Date of decision: 06.08.2024

Ritu Vohra

...Petitioner

versus

Sanjeev Vohra and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. B.D. Sharma, Advocate
for the petitioner.

Mr. Krishan Singh Dadwal, Advocate
and Mr. Naresh Kumar, Advocate
for respondents No.1 to 3.

Mr. Rishabh Singla, AAG, Punjab.

HARPREET SINGH BRAR, J.(ORAL)

CRM-38411-2018

The present application is preferred under Section 5 of the Limitation Act, 1963 seeking condonation of delay of 227 days in filing the instant revision petition.

For the reasons mentioned in the present application, the delay of 227 days in filing the instant revision petition is condoned.

CRR-3598-2018

1. The present revision petition is preferred against judgment dated 12.10.2017 passed by the learned Additional Sessions Judge, Jalandhar whereby judgment of acquittal dated 15.10.2014 passed by the learned Judicial Magistrate, Ist Class, Jalandhar in the case stemming from FIR No. 18 dated 01.03.2008 registered under Sections 406, 498-A IPC at Police Station Division No.3, Jalandhar, was upheld.



2. Briefly, the facts are that the marriage between the petitioner and respondent No.1 was solemnized on 02.12.2005, in accordance with Hindu rites and rituals. After the wedding, the petitioner was maltreated and harassed by the respondents-accused on account of insufficient dowry. The gold ornaments brought by the petitioner were entrusted to respondents No.2 and 3 while the furniture and a motorcycle was entrusted to respondent No.1. The respondents-accused compelled the petitioner to ask her father to give Rs. 10,00,000/- to respondent No.1. A demand qua an Esteem car was also made, failing which the maltreatment continued. A *panchayat* was convened to resolve the matter, however, the same demands were reiterated by the respondents-accused there as well. Subsequently, the petitioner was diagnosed with breast cancer and the cost of the entire treatment was borne by her father. Neither did the respondents-accused meet the petitioner nor did they let her meet her child, rather, she was informed that she is not welcome at her matrimonial home due to her medical condition.

3. Having heard the learned counsel for the petitioner and perused the record of the case with his able assistance, it transpires that when the petitioner gave birth to her son in Hoshiarpur, all the expenses were incurred by respondent No.1 and his family. Moreover, the petitioner appeared as PW2 and admitted in her cross-examination that on the day of her discharge from the hospital in Ludhiana, it was respondent No.3- her father-in-law who incurred the expenditure. She also stated that the expense of her cancer treatment was jointly borne by her family and her in laws family. Admittedly, the bill of discharge is in the custody of respondent No.3 and not the father of the petitioner and that she did not go to her matrimonial home after being discharged from the hospital.



4. Further, PW5-Anoop Kumar, father of the petitioner, has testified that marital discord ensued between the couple soon after their marriage after which they started residing separately. As such, there is no force in the argument that the petitioner was shunned out of the matrimonial home on account of her medical condition. In fact, PW5-Anoop Kumar also stated that no demands of dowry or instances of harassment have taken place in his presence. Furthermore, neither original bills qua the articles given in dowry have been brought on the record nor the persons who have issued the same have been examined by the prosecution. Therefore, the offence under Section 405 IPC cannot be attracted against them. It appears that FIR(supra) has been registered as a counterblast to the complaint dated 02.10.2007 moved by respondent No.1 against the father and other relatives of the petitioner, for causing hurt to Shiwani Vohra, sister of respondent No.1, and respondent No.2. A holistic perusal of the record would indicate that the prosecution case is laden with lacunae, which does not inspire any confidence in this Court.

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 Courts below, which warrants any interference. Accordingly, present revision petition is hereby dismissed.

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

(HARPREET SINGH BRAR)
JUDGE

06.08.2024
manisha

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