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

CRR-23-2020

Date of decision: 28.10.2024

Ranjeet Kaur

....Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Sushma Suman, Advocate for
Mr. Sandeep Lather, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

HARPREET SINGH BRAR, J.

1. The present revision petition is preferred against judgment dated 26.09.2019 passed by learned Additional Sessions Judge, Kaithal whereby appeal against judgment of acquittal dated 03.06.2019 passed by learned Judicial Magistrate 1st Class, Kaithal in FIR No.14 dated 02.10.2015 registered under Sections 323, 406, 498-A, 506 of the IPC, at Police Station Women, Kaithal, was dismissed.

2. Briefly, the facts are that the petitioner-complainant moved a complaint before the police, wherein she alleged that her marriage with one Ranjeet Singh was solemnised on 26.10.2014. The respondent No.2-accused is the father-in-law of the petitioner-complainant. Ample dowry articles were given to the husband, respondent No.2-accused and their relatives. Soon after the wedding, it is alleged that the petitioner-complainant was subjected to physical and mental harassment at the hands of respondent No.2-accused for the purpose of bringing more dowry. Respondent No.2-accused along with his



family members demanded Rs. 15 lakhs to purchase a car and Rs. 10 lakhs cash from the petitioner-complainant. Since the petitioner did not fulfil the demands of her in-laws, she was beaten and turned out of the matrimonial home when she was pregnant. On the basis of the complaint, the present FIR was registered against Ranjeet Singh and respondent No.2-accused, however, the Final Report under Section 173 of Cr.P.C. was only presented against respondent No.2-accused.

3. After assessing all material on record, the learned Trial Court acquitted the respondent-accused vide judgment dated 03.06.2019. Aggrieved by the same, the petitioner preferred an appeal before the learned Lower Appellate Court which was dismissed vide judgment dated 26.09.2019.

4. Having heard the learned counsel for the parties and after perusing the record of the case with their able assistance, it appears that there is nothing in the judgements of the learned courts below to indicate perversity or misreading of evidence. With regard to the offence punishable under Section 406 of IPC, it is incumbent upon the prosecution to prove the factum of entrustment of the articles and their misappropriation with dishonest intention. In the present case, there is no mention as to which article was specifically entrusted to respondent No.2-accused. Specific entrustment and misappropriation of the property needs to be decisively proved. Further, a perusal of the trial record depicts that no date has been mentioned as to when the dowry articles were demanded back by the petitioner or when the accused refused to handover the same to her or her family members. As a result, the factum of the dowry articles being specifically entrusted to the respondent No.2-accused, who misappropriated them, cannot be conclusively established.

Specific entrustment is *sine qua non* for establishing the offence under section



406 IPC which is conspicuously missing in the present case. Moreover, nothing has been brought on record to prove the purchase of the items entrusted by way of bills or invoices.

5. Furthermore, mere vague and omnibus allegations against multiple family members of her in-law's family cannot be the sole basis for convicting respondent No.2-accused under Section 498-A of IPC. No specific date or time has been mentioned with regard to the incidents of cruelty and harassment that the petitioner was subjected to at the hands of the respondent No.2-accused. Additionally, there is no medical evidence to prove the allegations of physical assault. As such, the prosecution failed to prove its case beyond the shadow of reasonable doubt.

6. 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 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.

7. 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 the findings recorded by the learned Lower Appellate Court or the



learned Trial Court which warrants interference by this Court. As such, there is no merit in the present revision petition and the same is dismissed.

(HARPREET SINGH BRAR)
JUDGE

28.10.2024
Neha

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