



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

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CRM-A-2376-MA-2016(O&M)**Date of decision: 06.03.2025****AMRITPAL KAUR****...APPLICANT****V/S****LAKHVIR SINGH AND ORS****...RESPONDENTS****CORAM: HON'BLE MR. JUSTICE KIRTI SINGH**

Present: Mr. Jagmohan S Ghumman, *Advocate*
for the applicant.

KIRTI SINGH, J. (ORAL)

The present application for leave to appeal has been preferred against judgment dated 03.11.2016 passed by the learned Sub Divisional Judicial Magistrate, Malout, whereby respondent No.1 was acquitted in a complaint case under section 406 and 498A of IPC.

2. Brief factual matrix is that the marriage of the applicant was solemnized with respondent No.1 on 22.09.2007 and many valuables, including gold ornaments and other household and electronic items were purportedly given to the respondents in marriage. However, soon after, they started taunting and harassing the complainant on account of dowry and allegedly demanded Rs. 50,000 in cash. On non-fulfillment of the dowry demand, the applicant was allegedly beaten and ousted from the matrimonial home along with her minor son, whereafter, a complaint under sections 406, 498A, 323, 506 read with section 34 IPC was moved.

3. Learned counsel for the applicant submits that the learned trial Court has erred in not appreciating the testimony of the applicant and her brother, as also the bills of articles given in dowry, which were duly placed on record, and has



wrongly and erroneously acquitted the accused-respondent No.1 by giving undue weightage to the compromise deed executed earlier between the parties.

4. Heard.

5. Pertinently, complaint in the present case was dismissed against respondents No.2 to 4 vide order of learned Sub Divisional Judicial Magistrate dated 21.03.2013 and only respondent No.1 was summoned to face trial and thereafter, charges under section 406 and 498A were framed against him on 17.11.2015. The allegations against respondent No.1 were of harassment for dowry and beating the applicant. However, neither any specific injury was attributed as having being inflicted by him, nor any medical record, though not sine *qua non*, to corroborate the veracity of the allegations, has been provided. Further, there is nothing on record to substantiate the claims of dowry demands and manhandling of the applicant. Infact, as per the panchayati compromise executed between the parties on an earlier occasion, it was admitted that no demand for dowry was raised by respondent no.1 Furthermore, it was recorded by the learned trial Court that the bill placed on record qua the gold ornaments was a rough one and did not contain and separate price of the items; and that office copies of the bills of electronic items were also not brought forward by CW 4, who otherwise gave a testimony to prove them. Though, undisputedly, the applicant is the best witness of her case, but absence of any substantive corroboration to her testimony, is a relevant fact required to be taken into consideration.

6. Following the observations made by its Constitution Bench in ***M.G. Agarwal v. State of Maharashtra (1963) 2 SCR 405***, the Supreme Court in ***Ghurey Lal v. State of UP (2008) 10 SCC 450*** laid down the aforesaid principles :

"69. The following principles emerge from cases



1. *The Appellate Court may review the evidence in appeals against acquittal under sections 378 and 386 of the Criminal Procedure Code, 1973. Its power of reviewing evidence is wide and the appellate court can re-appreciate the entire evidence on record. It can review the trial court's conclusion with respect to both facts and law.*

2. *The accused is presumed innocent until proven guilty. The accused possessed this presumption when he was before the trial court. The trial court's acquittal bolsters the presumption that he is innocent.*

3. *Due or proper weight and consideration must be given to the trial court's decision. This is especially true when a witness' credibility is at issue. It is not enough for the High Court to take a different view of the evidence. There must also be substantial and compelling reasons for holding that the trial court was wrong.*

70. *In light of the above, the High Court and other appellate courts should follow the well-settled principles crystallized by number of judgments if it is going to overrule or otherwise disturb the trial court's acquittal:*

1. *The appellate court may only overrule or otherwise disturb the trial court's acquittal if it has "very substantial and compelling reasons" for doing so.*

A number of instances arise in which the appellate court would have "very substantial and compelling reasons" to discard the trial court's decision. "Very substantial and compelling reasons" exist when:

i. *The trial court's conclusion with regard to the facts is palpably wrong;*

ii. *The trial court's decision was based on an erroneous view of law;*

iii. *The trial court's judgment is likely to result in "grave miscarriage of justice";*

iv. *The entire approach of the trial court in dealing with the evidence was patently illegal;*

v. *The trial court's judgment was manifestly unjust and unreasonable;*

vi. *The trial court has ignored the evidence or misread the material evidence or has ignored material documents like dying declarations/report of the ballistic expert, etc.*

vii. *This list is intended to be illustrative, not exhaustive.*

2. *The Appellate Court must always give proper weight and consideration to the findings of the trial court.*



3. *If two reasonable views can be reached - one that leads to acquittal, the other to conviction-the High Courts/ Appellate Courts must rule in favour of the accused.”*

7. Having perused the facts of the case as also the findings recorded by trial Court, this Court is of the considered opinion that in the case in hand, there is no infirmity or irregularity in the impugned order whereby trial Court has acquitted the respondent No.1. The same being speaking, well reasoned and based upon correct appreciation of facts, applicable law & judicial precedents, needs no interference. As a corollary, leave to appeal is declined.

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

06.03.2025
Kavita

(KIRTI SINGH)
JUDGE

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No