



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

216

CRR-1468-2012 (O&M)

Date of Decision: 02.07.2025

Soma

...Petitioner(s)

Versus

State of Punjab and another

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present:- Mr. Rajiv Joshi, Advocate for the petitioner.

Ms. Aakanksha Gupta, AAG, Punjab.

None for respondent No.2.

KIRTI SINGH, J. (Oral)

The instant revision petition has been filed for challenging the impugned judgment dated 29.03.2012, passed by the learned Sessions Judge, Jalandhar, whereby the accused persons have been acquitted in a complaint case under Sections 406 and 498-A, of Indian Penal Code, 1860.

2. Shorn of details, the facts of the case are that the marriage of complainant was solemnised with accused-respondent No.1 on 17.04.1998. A huge amount was spent on the same by her family and many valuables, including gold jewellery and household articles, were given to the accused. However, after some time of marriage, the respondents, i.e., the husband and in-laws of the complainant, started harassing her to bring less dowry and started pressuring her to bring Rs.50,000/- to expand their business of karyana and when she expressed her helplessness, all the accused, merely within 15/16 days of her marriage, tried to strangle her and even threw an iron chair on her. She was turned out of the house of her in-laws in the month of July, 1998 at night hours. She filed a complaint about the same



before the Raj Mahila Commission, and was rehabilitated in the matrimonial home after a compromise was effected between her and the accused. In the same way, when the complainant was turned out of the matrimonial home in April 1999, she moved an application before the Raj Mahila Mandal, Chandigarh, which even summoned her husband and two other accused, but they did not appear there. Subsequently on 12.12.1999 the petitioner along with her brother and one other person went to her matrimonial home and asked her husband and in-laws to either rehabilitate her or to return her dowry articles lying in their possession, however, her pleas were not listened to. A complaint was moved by the petitioner against her husband, parents-in-law and siblings of her husband, however, only her husband was convicted under Section 498-A IPC to undergo rigorous imprisonment for a period of 3 years along with payment of fine of Rs.10,000/- while all the others were acquitted. In the appeals filed challenging the order of conviction dated 12.08.2010, acquittal of the in-law family of the complainant was upheld and the conviction of her husband was also set aside, thereby acquitting him of the charge under Section 498-A IPC. Aggrieved by the acquittal of the respondent-husband, the petitioner has filed the present revision petition.

3. Learned counsel for the petitioner submits that the learned appellate court had erred in setting aside the conviction and acquitting the respondent/husband from the charge under Section 498-A IPC. It is submitted that the petitioner had given the detailed account of the cruelty suffered by her at the hands of respondent, and also of the numerous instances where she had been ousted from her matrimonial home by her husband. The ordeals stated by her in the complaint were also reiterated by her on oath, and the same were also corroborated by the testimonies of PW-2



and PW-3. Yet the learned Trial Court overlooked the same and acquitted the respondent resulting in travesty of justice.

4. *Per contra*, learned State counsel has submitted that respondent was convicted under section 498-A IPC to undergo three years of rigorous imprisonment along with a fine of ₹10,000/-, based on the testimonies of the prosecution witnesses. However, the learned Appellate Court, while upholding the acquittal of the family members of the respondent, over turned his conviction and acquitted him of the charge under Section 498-A IPC citing lack of evidence.

5. After having heard the case and perused the record, it comes out that during the trial, besides the complainant two other witnesses namely CW-2-Sikander Lal and CW-3- Ram Lubhaya were examined. Upon finding lack of specific allegations against the parents and siblings of the respondent and in absence of any corroborative evidence, they were acquitted by the trial Court vide judgment dated 12.08.2010. The conviction of the respondent under Section 498-A IPC was set aside in appeal, on the ground that the complainant had failed to establish her case against the petitioner beyond reasonable doubt. It was the contention of the petitioner that she had been ousted from her matrimonial home on numerous occasions, because of which she even approached the Raj Mahila Commission twice. However, no evidence to corroborate this submission was advanced by the petitioner. Moreover, it was alleged that the petitioner was subjected to physical cruelty, but no medical evidence, though not *sine qua non*, was put forth. Further, no evidence in support of the contention regarding the dowry articles purportedly given in the marriage, including bills of purchase, were not presented by the complainant/petitioner. In the deposition made by the petitioner as a complainant witness, there was material improvement with



respect to mention of specific instances and dates, none of which found mentioned in the complaint. Further, the complainant had also admitted in her cross examination that her marriage was performed in the house itself, and also admitted that the respondent had filed a petition under Section 9 of the Hindu Marriage Act. Moreso, it was stated by CW-2 during his cross examination that the petitioner and respondent had never stayed together after January 1999, essentially contradicting the version of the complainant. There were also contradictions between the testimonies of the petitioner/complainant and CW-3 with respect to the list of dowry articles. All these facts when seen in circumspection rendered the testimonies of the complainant witnesses as non reliable so as to be made the sole basis for conviction of the respondent in the absence of any corroborative evidence whatsoever.

6. Following the observations made in ***Akalu Ahir v. Ramdeo Ram, (1973) 2 SCC 583***, the Hon'ble Supreme Court in ***Thankappan Nadar & Ors. v. Gopala Krishnan & Anr. 2002(9) SCC 393***, laid down the aforesaid principles :

"6. In a revision application filed by the de facto complainant against the acquittal order, the Court's jurisdiction under Section 397 read with Section 401 Cr. P.C., 1973 is limited. The law on the subject is well settled. Instead of referring to various judgments, we would only refer to a few decisions rendered by this Court. In ***Akalu Ahir v. Ramdeo Ram, (1973) 2 SCC 583***, this Court has (in SCC pp. 587-88, para 8) observed thus:

"This Court, however, by way of illustration, indicating the following categories of cases which would justify the High Court in interfering with a finding of acquittal in revision :

- (i) Where the trial court has no jurisdiction to try the case, but has still acquitted the accused;
- (ii) Where the trial court has wrongly shut out evidence which the prosecution wished to produce;
- (iii) Where the appellate court has wrongly held the evidence which was admitted by the trial court to be inadmissible;
- (iv) Where the material evidence has been overlooked only (either) by the trial court or by the appellate court ; and
- (v) Where the acquittal is based on the compounding of the offence which is invalid under the law.

These categories were, however, merely illustrative and it was clarified that other cases of similar nature can also be properly held to be of exceptional nature where the High Court can justifiably interfere with the order of acquittal ."



The Court further observed: (SCC p. 588, para 10)
"10. No doubt, the appraisal of evidence by the trial Judge in the case in hand is not perfect or free from flaw and a court of appeal may well have felt justified in disagreeing with its conclusion, but from this it does not follow that on revision by a private complainant, the High Court is entitled to reappraise the evidence for itself as if it is acting as a court of appeal and then order a retrial. It is unfortunate that a serious offence inspired by rivalry and jealousy in the matter of election to the office of village mukhia, should go unpunished. But that can scarcely be a valid ground for ignoring or for not strictly following the law as enunciated by this Court ."
(emphasis added)"

7. Further the Hon’ble Apex Court in **“Johar Vs. Mangal Prasad”** held that the revisional jurisdiction of the High Court in terms of Section 397 read with Section 401 of the Code of Criminal Procedure is severally restricted, particularly when it arises from a judgment of *acquittal* .
8. Having perused the facts of the case as also the findings recorded by appellate Court, this Court is of the considered opinion that in the case in hand, there is no infirmity or irregularity in the impugned judgment whereby the appellate Court set aside the conviction and acquitted the respondent of the charge under Section 498-A IPC, while also upholding the acquittal order of the other accused. The same being speaking, well reasoned and based upon correct appreciation of facts, applicable law & judicial precedents, needs no interference. As a corollary, the present revision petition stands dismissed.
9. Pending miscellaneous application(s), if any, also stands disposed of.

02.07.2025
Kapil

(KIRTI SINGH)
JUDGE

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