
(2025) 06 UK CK 0492

In the Uttarakhand High Court

Case No : Criminal Revision No. 271, 272 Of 2013

Anju Singh

APPELLANT

Vs

State Of Uttarakhand And Another

RESPONDENT

Date of Decision : 13-06-2025

Acts Referred:

Indian Penal Code, 1860 — Section 406
Code Of Criminal Procedure, 1973 — Section 313, 401(3)
Dowry Prohibition (Maintenance Of Lists Of Presents To The Bride And Bridegroom)
Rules, 1985 — Rule 2

Citation : (2025) 06 UK CK 0492

Hon'ble Judges : Pankaj Purohit, J

Bench : Single Bench

Advocate : Nagesh Agarwal, S.C. Dumka, Sweta Badola Dobhal, Navneet Kaushik, Vinod Chandra

Final Decision : Dismissed

Judgement

Pankaj Purohit, J

1. Since common question of law is involved in both the Criminal Revisions, hence, they are taken up and decided by this common judgment. For the sake of brevity, the facts of CRLR No.271 of 2013 are taken into consideration.

2. These criminal revisions are preferred by the revisionist assailing the judgment and order dated 31.10.2011 passed by learned Additional Chief Judicial Magistrate, Roorkee, District Haridwar, in Criminal Complaint No.12 of 2011 Anju Vs. Sunil Kumar and Ors., whereby, the respondent-Satish Kumar was acquitted of the charge under Section 406 IPC, as well as the judgment and order dated 23.08.2013 passed by learned Second Additional Sessions Judge, Haridwar, in Criminal Appeal No.182 of 2011 Sunil Vs. Anju Singh and Ors. Vs. Minshun Kumar and another, and Criminal Appeal No.183 of 2011 Anju Vs. State and Others, whereby, the Criminal Appeal No.182 of 2011 preferred by appellant-Sunil Kumar was allowed and the Criminal Appeal No.183 of 2011 preferred by

appellant-Anju was rejected and the judgment and order dated 31.10.2011 was set aside in respect of respondent-Sunil Kumar and he was also acquitted of the charge under Section 406 IPC

3. The facts in brief are that the revisionist/ complainant was married to one-Sunil Kumar on 17.03.1996 as per the Hindu Rites and Rituals. She lodged a complaint in the Court of learned Judicial Magistrate Roorkee stating that the accused persons were criminally misappropriating her Streedhan given to her by her relatives at the time of marriage. She alleged that different members of her matrimonial house had confiscated different items given to her as Streedhan. On the basis of above complaint, the learned Judicial Magistrate Roorkee, took cognizance and later, the case was submitted to learned Additional Chief Judicial Magistrate, Roorkee, who conducted the trial. During trial, two accused persons, namely, Bhopal Singh and Smt. Gargi Devi died and the trial was abated against them. The learned Trial Court acquitted Satish Kumar for the charge under Section 406 IPC and convicted Sunil Kumar for the charge under Section 406 IPC and sentenced him for one year's imprisonment, vide its judgment and order dated 31.10.2011. The revisionist/ complainant filed an appeal in the Court of learned Second Additional Sessions Judge, Haridwar, assailing the acquittal of Satish Kumar and inadequacy of sentence meted out to Sunil Kumar. The learned Appellate Court below upheld the acquittal of Satish Kumar and also acquitted Sunil Kumar of the charge under Section 406 IPC. Hence, the revisionist approached this Court.

4. During trial, as many as two witnesses were produced by the prosecution to prove its case. Thereafter, the statements of respondents/accused persons were recorded under Section 313 of the Cr.P.C., in which, they denied the complainant's story and stated that they were being falsely implicated. The learned Trial Court at the end of trial acquitted Satish Kumar and convicted Sunil Kumar for the offence punishable under Section 406 IPC. The learned Appellate Court below upheld the acquittal of Satish Kumar and also reversed the conviction of Sunil Kumar.

5. In this matter, the learned Courts below disbelieved the story of prosecution on the grounds that the alleged gifts gifted to revisionist at the time of marriage were only supported by bare statements of the complainant and her father and no list of gifts as mandated by Rule 2 of the Dowry Prohibition (Maintenance of Lists of Presents to the Bride and Bridegroom) Rules 1985 was produced. As the prosecution failed to prove the lists of giving of gifts, therefore, the learned Trial Court opined that no question of misappropriation could arise. The learned Appellate Court below disbelieved the story of prosecution on the same grounds and went on to reverse the conviction of Sunil Kumar thereby acquitting him.

6. Heard and perused the Trial Court Record very carefully with the help of learned counsel for the parties. The finding recoded by the learned Trial Court is quite convincing and needs no interference.

7. There is yet another aspect of the matter. The respondents have been acquitted. In revision against acquittal, it is held by Hon'ble Apex Court in catena of judgments that the Courts should be slow in interfering with the judgments of acquittal, as the innocence of the accused is further re-enforced by his acquittal. As the scope of revision is very limited, unless and until there is perversity in the judgment of acquittal, the same should not be interfered with.

8. It is trite law that that while hearing the revision against acquittal, the power of reviewing evidence must be exercised with great care and caution, particularly so when under Section 401(3) Cr.P.C, expressly prohibits learned High Court to convert a finding of acquittal into that of conviction. I am fortified in my view by the judgment of Hon'ble Apex Court in the case of Bindeshwari Prasad @ B.P. Singh Vs. State of Bihar (Now Jharkhand) reported in 2002 (6) SCC 650. For the sake of convenience, paragraph no.12 of the said judgment is quoted below:-

"12. We have carefully considered the material on record and we are satisfied that the High Court was not justified in re-appreciating the evidence on record and coming to a different conclusion in a revision preferred by the informant under Section 401 of the Code of Criminal Procedure. Sub-section (3) of Section 401 in terms provides that nothing in Section 401 shall be deemed to authorize a High Court to convert a finding of acquittal into one of conviction. The aforesaid sub-section, which places a limitation on the powers of the revisional court, prohibiting it from converting a finding of acquittal into one of conviction, is itself indicative of the nature and extent of the revisional power conferred by Section 401 of the Code of Criminal Procedure. If the High Court could not convert a finding of acquittal into one of conviction directly, it could not do so indirectly by the method of ordering a re-trial. It is well settled by a catena of decisions of this Court that the High Court will ordinarily not interfere in revision with an order of acquittal except in exceptional cases where the interest of public justice requires interference for the correction of a manifest illegality or the prevention of gross miscarriage of justice. The High Court will not be justified in interfering with an order of acquittal merely because the trial court has taken a wrong view of the law or has erred in appreciation of evidence. It is neither possible nor advisable to make an exhaustive list of circumstances in which exercise of revisional jurisdiction may be justified, but decisions of this Court have laid down the parameters of exercise of revisional jurisdiction by the High Court under Section 401 of the Code of Criminal Procedure in an appeal against acquittal by a private party."

9. The learned Trial Court and learned Appellate Court below had passed an elaborate judgment for recording the finding of acquittal and this Court does not want to reiterate the same for the sake of repetition. The instant case is not one where any such illegality was committed by the trial court. In the absence of any legal infirmity either in the procedure or in the conduct of the trial, there is no justification for the High Court to interfere in exercise of its revisional jurisdiction. Learned counsel for the revisionist could not point out any ground so

as to interfere with the well reasoned judgment passed by the learned Trial Court.

10. For the aforesaid reasons and following the dictum of the Hon'ble Apex Court, I am also of the considered view that no ground for interference, at all, is made out in this matter, as there is no illegality and perversity in the impugned judgment and order.

11. Both the revisions are bereft of merit and are accordingly dismissed.

12. Let the T.C.R. be immediately sent back to the learned Trial Court for consignment.