
(2014) 07 MP CK 0261
In the Madhya Pradesh High Court
Case No : Cr. R. No. 511/10

Balmukund Mishra

APPELLANT

Vs

Laxmi Prasad

RESPONDENT

Date of Decision : 31-07-2014

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 397, 401
Penal Code, 1860 (IPC) — Section 304B, 34, 498A

Citation : (2014) 07 MP CK 0261

Hon'ble Judges : Rajendra Menon, J;Alok Verma, J

Bench : Division Bench

Advocate : Deependra Mishra, learned counsel, Advocate for the Appellant;
Sameer Chile, learned Govt, Advocate for the Respondent

Judgement

1. This is complainant's revision petition under Section 397/ 401 Cr. P. C. calling in question the acquittal of the respondents by the Sessions Judge, Satna in Session Trial No. 8/07 vide judgment dated 21.12.09.
2. Complainant is the brother of the deceased Brijlata who is said to be married to respondent no. 3 Bal Govind on 2.06.05. It is said that respondent no. 1 is father of Bal Govind and respondent no. 2 is mother of Bal Govind and after marriage of Brijlata on 2.06.05, they were harassing Brijlata, they were demanding dowry in the form of Refrigerator, Gold and 50,000/- as cash and when they were pressurizing her like this, she committed suicide on 15.07.06.
3. On the complaint made, respondents were prosecuted for offences under Section 304-B, 498-A r/w Section 34 of I. P. C. and on finding that the prosecution has failed to prove the allegations, they have been acquitted and calling in question the acquittal, this revision petition has been filed.
4. We have heard learned counsel for the parties and perused the record. From the records, it is seen that PW-5 Bhagwati Bai is the mother of the deceased Brijlata and PW-9 Govind Prasad is the father of the deceased, merg D-7 was

recorded at the instance of PW-9 Govind Prasad father of the deceased. However, in his statement recorded vide D-7, no allegations of demand of dowry or harassment was made but it was for the first time in the Court that a statement with regard to demand of Rs. 50,000/- as cash, Gold, Refrigerator and T. V. was made when the statement of Govind Prasad was recorded in the Court vide PW-9.

5. Similarly, PW-2 Smt. Shakuntala is the sister-in-law of the deceased and she also speaks about demand of dowry for the first time when she enters the witness box in the Court. Her statement was recorded by the Tahsildar vide Ex. D-2 and in this statement vide Ex. D-1, she did not make any complaint with regard to demand of dowry and harassment. Similar is the position of other witnesses and it is seen that the story about demand of dowry is developed for the first time in the Court and not at the initial stage, under these circumstances the learned Court has disbelieved the case of the prosecution and acquitted the respondents of the offence.

6. In doing so, no error has been committed by the Court below. This is the case where after due analysis of the evidence that came on record, the learned Court has found that allegations with regard to demand of Rs. 50,000/- as cash, Refrigerator, Gold and T. V. is not made out. In the statement recorded in the Court also and the investigation done by the police authorities or before the Tehsildar, no such statement is made.

7. Keeping in view the totality of the facts and circumstances of the case, we see no error in the order passed by the learned trial Court warranting interference.

8. Accordingly, the revision petition is dismissed.