
(2001) 10 MP CK 0024
In the Madhya Pradesh High Court
Case No : Criminal Revision No. 862 of 2001

Smt. Pratibha Das

APPELLANT

Vs

Dr. V.G. Narsinghani

RESPONDENT

Date of Decision : 30-10-2001

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 397
Penal Code, 1860 (IPC) — Section 354

Citation : (2002) 2 MPHT 138 : (2002) 1 MPJR 429

Hon'ble Judges : Chandresh Bhushan, J

Bench : Single Bench

Advocate : Arvind Shrivastava, for the Appellant; None, for the Respondent

Final Decision : Dismissed

Judgement

Chandresh Bhushan, J.

Heard learned counsel for the petitioner on the question of admission.

Aggrieved by the judgment dated 30-7-2001 of Shri Atul Khandelwal, Judicial Magistrate First Class, Jabalpur, in Criminal Case No. 487 of 1996 holding the non-applicant No. 1 not guilty for the offence punishable u/s 354 of the IPC, and for which the non-applicant No. 1 was tried by him.

The petitioner, who is a junior scientist working under the non-applicant No. 1, lodged a complaint in Police Station Adhartal, Jabalpur against the non-applicant No. 1 of assault on her with intent to outrage her modesty. The police, after due investigation, filed the challan against the non-applicant No. 1, who was thereafter, tried by the Court of Judicial Magistrate First Class, Jabalpur.

The learned Trial Magistrate, after completing the trial of the case, pronounced the impugned judgment dated 30-7-2001 acquitting the non-applicant No. 1. Feeling aggrieved by that judgment, the petitioner has preferred this revision petition.

The Trial Magistrate has given reasonable grounds for his conclusion that the prosecution has failed to prove its case beyond reasonable doubt. Perusal of the record shows that the complainant, ie., the petitioner has supported the case of the prosecution but there was no independent corroboration. In her examination-in-chief, the petitioner herself stated that just after the incident she tried to meet Vice-Chancellor but failed, since he was out of head quarters; and could meet the Vice-Chancellor only on 14th of December, and orally complained to him. But the said Vice-Chancellor, Dr. K.S. Johar (P.W. 3) does not support her and only says that she had reported that the behaviour of her Head of the Department was not good with her and she was apprehending that he might spoil her annual confidential report and, therefore, she must be transferred. This statement of Dr. Johar supported the defence version that the complaint was false and was motivated only by the fear of bad confidential report. This is also supported by her statement in the cross-examination (Paragraph 9) that it was correct that a bad confidential report was sent and, thereafter, she received a letter from Vice-Chancellor which was also replied by her. Then there were other contradictions in her statement as mentioned by the Trial Magistrate.

There was a delay in lodging the First Information Report also and there was no sufficient explanation for it. Considering all this, the finding of the learned Trial Magistrate not only appears to be a probable one but also the most reasonable one. It is a settled principle of law that the Revisional Court should not interfere with the findings of the Trial Court in revision if the conclusion reached was a possible one. Thus, there are no grounds for interference with the impugned finding. The revision has no force and it is, accordingly, dismissed in limine. No order as to costs.