
(2010) 10 SHI CK 0122
In the High Court Of Himachal Pradesh
Case No : Criminal Appeal No. 397 of 2004

State of Himachal Pradesh	Vs	APPELLANT
Charan Dass and Others		RESPONDENT

Date of Decision : 29-10-2010

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 313
Penal Code, 1860 (IPC) — Section 498A, 506

Citation : (2010) 10 SHI CK 0122

Hon'ble Judges : V.K. Sharma, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

V.K. Sharma, J.—The State is in appeal against the judgment dated 15.7.2000, of the learned Chief Judicial Magistrate L&S at Kullu, whereby the Respondents herein who shall hereinafter be referred to as "the accused" were tried for the offences under Sections 498A and 506 IPC and were ultimately acquitted.

2. In brief the case of the prosecution was that whereas accused No. 3 Rajinder Singh alias Raju is the husband of Smt. Aila Wanti (complainant), accused No. 1 Charan Dass and accused No. 2 Chandru Devi are her parents in law. As per the allegations contained in the complaint Ex.PA, dated 23.8.1997, lodged by the complainant with the police, she was married to A-3 Rajinder Singh alias Raju about 6-7 years back. Out of this wedlock one son was born who was aged about 4 1/2 years at that time. According to the complainant, when she was in family way for the second time, she was told by her in-laws that in case a female child was born to her she should stay with her parents . Thereafter she was sent to her brother's village at Chong, where a daughter was born to her. It was at this juncture that her in-laws including her husband started torturing her and they even did not provide sufficient milk and food to her and to the newly born baby. She was also given beatings due to which she went to the house of her sister, Kamla Devi, who was residing near Bhutti Weavers Colony. It was with her help

that the child was medically treated. However, her child again fell ill after about four months and she took her to the hospital, where her husband accused No. 3 Rajinder Singh alias Raju met her and asked her to return to the matrimonial home and on the assurance of one Shri Roop Singh, she joined the company of her husband and started living at the matrimonial home. However, her in-laws again started threatening her and as a result her husband hired residential accommodation in Kullu at Loran, where they started living. However, on 15.8.1997, her mother-in-law came there and asked her to return to the matrimonial home, but when she told her that her son was ill and he could not be treated well at home, both her husband and mother-in-law started beating her. However, she was saved by Smt. Kamla and Geru. It was further alleged that on 17.8.1997 her husband came back to the residential quarter in a drunken state and gave beatings to her. She was saved by one Munshi Ram. It was on these allegations that the accused were arraigned as such for the offences under Sections 498A and 506 IPC.

3. On completion of investigation the accused were sent up to face trial. On being charged, they pleaded not guilty and claimed to be tried. The prosecution evidence followed. It examined as many as 8 witnesses. On close of the prosecution evidence the accused were examined u/s 313 Code of Criminal Procedure, wherein, their defence was that of total denial. However, they did not lead any evidence in defence.

4. On conclusion of the trial the accused were acquitted. It is how the State is in appeal before this Court.

5. I have heard the learned Dy. Advocate General appearing on behalf of the State and the learned Counsel for the Respondents and perused the record.

6. The accused have been acquitted by the learned trial Court mainly on the ground that the allegations levelled by the complainant against the accused in complaint Ex.PA were though reiterated by her in her statement in chief examination, yet the same could not stand the test of cross examination for the reasons that she has admitted that her brother Jagdish was working as Assistant Sub Inspector of police; complaint Ex.PA was written at his instance, but the same was not read over and explained to her, nor she was able to state as to what were its contents; she also could not give any specific instance or date with regard to demand of dowry by the accused. Other material witnesses examined by the prosecution have also not supported the prosecution case.

7. In view of the above I do not see any lawful cause or basis for any interference with the impugned judgment of acquittal dated 15.7.2000. As such the appeal is dismissed.