

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Criminal Appeal No. 573 of 2000.

Date of decision:28.9.2007.

State of H.P.Appellant
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Versus

Babu RamRespondent
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Coram:

The Hon'ble Mr. Justice Deepak Gupta, J.

Whether approved for reporting ? No

For the Appellant: Mr.J.S.Guleria, Law Officer.

For the respondent: Mr.Anup Chitkara, Advocate.

Deepak Gupta, J. (oral)

 This Appeal is directed against the judgment of the Sub Divisional Judicial Magistrate, Rajgarh camp at Sarahan in Criminal Case No.54/2 of 99 whereby he has acquitted the accused of having committed the offences punishable under Sections 498/506 IPC.

 The admitted facts are that the complainant Rita Devi was married to the accused in March, 1995. According to the complainant for about one and a half years the relationship between her and her husband remained cordial but thereafter her husband started maltreating and beating her. She left her matrimonial home and took shelter in her father's house. At the intervention of the Pradhan of the Gram Panchayat and on the assurance of the accused that he would not ill-treat her she went back to her matrimonial house. The accused behaved properly for about 4 months but thereafter again started maltreating and beating her. She again left her

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matrimonial home and did not go back for about one year. According to her this time the accused also demanded some dowry. She had filed some proceedings for grant of maintenance and during those proceedings the accused again took her back and she remained with the accused but still the behaviour of the accused did not change and she left her matrimonial home once more. Thereafter, the complaint was filed.

The complainant has obviously supported her own version while appearing in the witness box. She however admits that even her father used to beat her up because she used to wander around aimlessly. She also states that she is living with some person at Jhakri but could not name the person with whom she is purportedly employed at Jhakri. It has come on record that despite being married to the accused who resides at Nahan she on various occasions worked at Jhakri, Garkhal, Misarwala etc.

As far as the demand of dowry is concerned there was no mention of it when the complaint was filed and for the first time the complainant stated that any such demand has been made while deposing in Court. From 1995 till 1999 the complainant did not lodge any complaint either with the police or with the Panchayat or with any other person or authority that her husband was maltreating or beating her.

The father of the complainant Hira Singh has also been examined. He says that his daughter was beaten

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up by the accused and she left her matrimonial home and came to his house. In cross examination he admitted that she came to his house 3-4 months after she had left her husband's house. He is not aware where she was during this period.

The statements of the complainant and her father do not inspire any confidence. None of the other witnesses have supported the prosecution version. No neighbour or close relative has been examined in this regard. PW-4 and PW-7 the two independent witnesses have turned hostile. They have both denied that the complainant was treated with cruelty by the accused.

The entire prosecution version is full of contradictions, omissions and exaggerations. It is quite apparent that the matrimonial dispute between the husband and wife has been blown out of proportion and the criminal complaint has only been filed to satisfy personal scores.

In view of the above discussion there is no merit in the appeal which is accordingly dismissed. Bail bonds furnished by the accused are discharged.

September 28, 2007.
PV

(Deepak Gupta),
Judge