

Criminal Revision No.1311 / 2006.

01/08/2014.

Shri Prashant Shrivastava, Learned counsel for the petitioner.

Shri Rohani Prasad Tiwari, PP for the respondent no. 5 / State.

This criminal revision under section 397 read with 401 of Cr.P.C. has been filed by the applicant / complainant against the judgment of acquittal dated 19-7-2006 passed in Criminal Case No. 454/2002 by learned Chief Judicial Magistrate, Panna (MP).

Learned counsel for the petitioner has submitted that the learned trial court is not justified in acquitting the respondents / accused from the charges of offence punishable under Section 498-A of IPC in spite of ample evidence regarding demand of dowry and harassment for fulfillment of demand of dowry.

Learned counsel for the petitioner has drawn attention towards the statement of Complainant Smt. Satyabhama Chourasiya (PW-3) and her father Ramkishore (PW-1) and her brother Manoj (PW-2). But, on perusal of the impugned judgment it is found that the evidence regarding beating complainant is contradictory and it is an admitted fact that the husband of the complainant is less educated than the complainant and also unemployed while the complainant is employed under the Education Guarantee Scheme and the complaint has been lodged after the husband filed a suit for divorce. It is alleged in the report that the complainant was beaten on 13.6.2002 and the report was lodged on 14.6.2002 but there is no evidence of any injury over the body of the complainant. The allegation of demand of Rs.50,000/- as dowry has also not been proved. On the other hand, it has been admitted that at the time of marriage, no dowry was demanded and marriage was performed twice, firstly under the scheme of the Chief Minister for marriage and thereafter, according to custom prevailing in their caste and both the times, there is no evidence that the dowry was demanded by any of the

accused. Learned trial court has further held that complainant Satyabhama has tried to suppress the fact. Therefore, on the basis of unreliable evidence, the learned trial court is justified in passing the impugned judgment of acquittal which needs no interference under the revisional jurisdiction. Therefore, the revision is dismissed.

(Anil Sharma)
Judge

Parouha/-