

**HIGH COURT OF MADHYA PRADESH : JABALPUR**

**Cr.R. No. 1150/2008**

Smt. Shanti @ Shakuntala

**Versus**

Kanhaiya Lal Patel and others

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For the applicant: Shri S.M. Shukla, Advocate

For the respondents: None  
No.1 to 3

For respondent No.4/: Shri Sameer Chilly, Govt. Advocate  
State

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**Present:** **Hon'ble Mr. Justice S.C. Sinho**

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**ORDER**  
**(24.03.2011)**

1. The applicant has filed this criminal revision under section 397/401 of the Cr.P.C. being aggrieved by the judgment dated 14.02.2008 passed by Special Judge, Atrocities, Rewa in Criminal Appeal No.218/2007, whereby the judgment dated 26.05.2007 passed by J.M.F.C. Rewa in Criminal Case No.836/2004 has been set aside and respondents No.1 to 3 have been acquitted from the charge under Sections 498-A of I.P.C. and section 4 of Dowry Prohibition Act.

2. Smt. Shanti Bai @ Shakuntala Devi had filed a written complaint Ex.P-1 at Mahila Police Station, Rewa alleging that she was married with respondent No.1

Kanhaiyalal and after some years of the marriage her husband Kanhaiyalal respondent No.1, father-in-law respondent No.2 Ramgopal, respondent No.3 mother-in-law started harassing her and they used to demand dowry and she was ousted from the house.

3. Learned J.M.F.C., Rewa vide judgment dated 26.05.2007 in Criminal Case No.836/2004 convicted the respondents No.1 to 3, however, in Criminal Appeal No.218/2007 the learned Sessions Judge has acquitted them.

4. Learned Sessions Judge has appreciated the evidence of the prosecution witnesses elaborately and held in para 8 to 16 that as per the statement of Shanti Bai, respondents have kept her properly for five years after the marriage but they started harassing her when she got pregnant alleging that she was having an illicit pregnancy. However, a child was born at the house of the respondents. During investigation various letters written by Shanti Bai were also seized by the prosecution as per Ex.P-3 but Shanti Bai has not alleged in any of the letters that respondents No.1 to 3 used to harass her or demand dowry. Shanti Bai has neither stated that any of the respondents No.1 to 3 used to beat her nor any other document regarding her ill-treatment by these

respondents was filed by the complainant/prosecution in the charge sheet.

5. The Hon'ble Apex Court in **Tota Singh and another vs. State of Punjab, AIR 1987 SC 1083** has held thus:

“The mere fact that the Appellate Court is inclined on a reappraisal of the evidence to reach a conclusion which is at variance with the one recorded in the order of acquittal passed by the Court below will not constitute a valid and sufficient ground for setting aside the acquittal. The jurisdiction of the Appellate Court in dealing with an appeal against an order of acquittal is circumscribed by the limitation that no interference is to be made with the order of acquittal unless the approach made by the lower Court to the consideration of the evidence in the case is vitiated by some manifest illegality or the conclusion recorded by the Court below is such which could not have been possibly arrived at by any Court acting reasonably and judiciously and is, therefore, liable to be characterized as perverse. Where two views are possible on an appraisal of the evidence adduced in the case and the Court below has taken a view which is a plausible one, the Appellate Court cannot legally interfere with an order

of acquittal even it is of the opinion that the view taken by the Court below on its consideration of the evidence is erroneous.”

6. On facts and in the circumstances of the case, the impugned judgment relating to acquittal of respondents No.1 to 3 under Section 498-A of I.P.C. and section 4 of Dowry Prohibition Act cannot be said to be perverse and illegal. No interference with the acquittal of respondents No.1 to 3 is required.

7. Consequently, this criminal revision is hereby dismissed.

(S.C. Sinho)  
Judge

psm