

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Criminal Revision No. 72 of 2011

1. Bhagwat Singh, S/o Rudra Singh
2. Smt. Deepa Devi, W/o Narendra Singh
3. Smt. Panna Devi, W/o Rudra Singh
All R/o Village Tedagaon, Tehsil Chaukhtiya
District Almora

.....Revisionists

Versus

1. State of Uttarakhand through Secretary Home
Dehradun
2. Shri Trilok Singh, S/o Kheem Singh
R/o Village Tajpur Tehsil Chaukhtiya
District Almora

.....Respondents

Shri Amish Tiwari, Advocate, present for the revisionists.
Smt. Mamta Bisht, A.G.A., present for the state.
Shri J.S. Bisht, Advocate, present for the respondent no. 2.

Hon'ble Prafulla C. Pant, J.

Heard.

2. This revision is directed against order dated 03.12.2010, passed by Sessions Judge, Almora, in Sessions Trial No. 24 of 2010, whereby said court has decided to frame charge against the revisionists.

3. Learned counsel for the revisionists drew

attention of this Court to the statement made by Trilok Singh before the Sub Divisional Magistrate, Delhi, and it is submitted that when deceased was taken for her medical treatment to Delhi, the respondent no. 2 (Trilok Singh) had not stated that any demand of dowry was made or that the deceased had died of cruelty committed against her.

4. However, at the stage of framing of the charge the contradictions in the statements made by the witness need not be appreciated. Undoubtedly, deceased had died unnatural death. Respondent no. 2 has made allegations that the deceased was subjected to cruelty for non fulfillment of demand of dowry. Whether the statement of the complainant given during investigation is correct or not, is not required to be seen at the time of framing of the charge. At that stage the trial court has only to see whether the material collected by the Investigating Officer makes out a case for framing of the charge or not.

5. In the above circumstances, this Court is not inclined to interfere with the impugned order passed by the trial court. The revision is dismissed with the observation that the plea of innocence on

the basis of the statement of Trilok Singh made before the Magistrate at Delhi, can be made before the trial court by the petitioner during the trial. It is for the trial court to weigh the truthfulness of the prosecution story after recording evidence in the case.

(Prafulla C. Pant, J.)

29.07.2011

Parul