

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

**CRIMINAL REVISION No. 1/2004**

Smt. Dila Devi

.....Revisionist

*Versus*

Smt. Vindra Devi & Others

.....Respondents

Mr. Sudhir Singh, Advocate, for the revisionist.

Mr. Vinod Sharma, Advocate, for the respondents no. 1 to 14.

Mr. Hari Om Bhakuni, Brief Holder, for the State.

29<sup>th</sup> July, 2011

**Hon'ble Servesh Kumar Gupta, J.**

This revision has been preferred by the complainant Smt. Dila Devi against 14 respondents. All are females hailing from the remotest place of district Uttarkashi of this province. The incident between the complainant and the respondents took place 13 years ago, way back on 7.10.1998 at about 8-9 am, when the complainant revisionist went in the nearby jungle to collect fodder for the animals. All the 14 respondents ladies were also doing the same job in the vicinity. An altercation started between them, which turned into scuffle. One of the respondents allegedly inflicted a blow by her *Chappal* on the back of the complainant revisionist. It is alleged that in the said scuffle, one finger of the revisionist was injured by a grass-cutting weapon, which was in the hand of one of the accused respondents.

2. Revisionist strived to lodge the FIR with the police station Purola, but the same was not lodged. So, she filed a complaint before the Judicial Magistrate, Purola, wherein she got herself examined as PW1 and her daughter Km. Sanju was examined as PW2. Besides, one doctor was also examined. The learned Magistrate, Purola vide his judgment and order dated 22.10.2001, convicted all the respondents for the offence of

Section 147, 323 & 427 IPC and sentenced each one of them to undergo simple imprisonment for one month along with fine of Rs. 250/- for each of the offences. All the sentences were directed to run concurrently. However, accused respondents were acquitted of the charge of offence punishable under Section 504 & 506 IPC.

3. Aggrieved by the aforesaid order of the Magistrate, the accused revisionist preferred an appeal no. 7/2001, which was allowed by the learned Sessions Judge, Uttarkashi vide his judgment and order dated 13.10.2003 and all the accused respondents were acquitted. Hence, the complainant has preferred this revision before this Court.

4. Heard learned Counsel for the parties and perused the lower court record.

5. Grounds stated in revision are general in nature. No specific irregularity, illegality or misinterpretation of any law in the impugned judgment and order of the learned Sessions Judge has been pointed out. Further, it transpires from the record that the complainant revisionist tried to lodge the FIR after the lapse of two days of the alleged incident. However, it was not lodged. The injury, said to be inflicted on the finger of the complainant, has been analyzed by the medical officer, who has opined that the same might have been suffered during the course of cutting the grass in the jungle. Moreover, the independent witness Brahm Das (PW4) has not supported the incident. Besides, there are several other material contradictions in the entire evidence, which remain unexplained and go to the root of the veracity of the complaint. Therefore, this Court is in total agreement with the view taken by the learned Sessions Judge, who has rightly passed the

impugned judgment and order of acquittal of the accused respondents and it warrants no interference by this Court.

6. For the reasons recorded above, the revision is bereft of merit and the same is hereby dismissed.

7. Let a copy of this judgment and order be sent to the court below. Lower court record be sent back.

**(Servesb Kumar Gupta, J.)**

**29.7.2011**  
Prabodh