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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRR No. 1104 of 2022

State Of Chhattisgarh Through Police Station Balod, District Balod
Chhattisgarh.

... Applicant

versus

Pramod Kumar Sharma S/o Shatruhan Sharma Aged About 19 Years Resident
Of Jagannathpur Sankra, Police Station Balod, District Balod Chhattisgarh.

... Respondent

For Applicant-State : Mr. Jitendra Shrivastava, GA

For Respondent : Mr. Chandresh Shrivastava, Advocate

Hon'ble Shri Justice Arvind Kumar Verma
Order on Board

30/03/2026

1. With the consent of learned counsel for the parties, the matter is heard finally.
2. This criminal revision has been preferred by the applicant under Section 401 read with Section 397 of CrPC, 1973, being aggrieved with the judgment dated 31.05.2022 passed by the learned Sessions Judge, Balod,



District Balod (C.G.) in Criminal Appeal No.37/2021, whereby the learned Appellate Court has upheld the judgment dated 16.09.2021 passed by the Judicial Magistrate First Class, Balod, District Balod (C.G.) in Criminal Case No.577/2017 (State of Chhattisgarh Vs. Pramod Sharma) acquitting the accused of offence under Section 498-A of IPC.

3. Brief facts of this case are that the complainant Dipiko Sharma was married to the appellant on 11.05.2013 and soon after the marriage the appellant started harassing the complainant for not bringing sufficient dowry and Car in the marriage. The cruelty and harassment was meted out continuously to the complainant in mental and physical form and ultimately the appellant threw out the complainant from the house.
4. A written complaint dated 24.12.2016 was lodged by the complainant before the Station House Officer, Police Station Mahila Thana, District Raipur stating in detail about the mental harassment and physical cruelty meted out to her since her marriage by the appellant. On the said written complaint subsequently the unnumbered FIR was registered at Police Station Mahila Thana, Raipur and later on numbered FIR was registered at Police Station Balod vide Crime No. 116/2017.
5. During the course of investigation the Police recorded the case diary statement of the complainant who reiterated the allegations leveled in the FIR. The statements of various other witnesses were also recorded who



confirmed and corroborated the version of the complainant. After completing investigation the charge sheet was filed before the concerned Jurisdictional Magistrate and subsequently charge was framed against the appellant for offence under section 498A of I.P.C.

6. The prosecution examined 10 witnesses in support of its case. The prosecutrix PW-01 stated in detail about the mental and physical cruelty to which she was subjected by the respondent for not bringing sufficient dowry. All the other witnesses, including independent witnesses supported and corroborated the version of the complainant.
7. Despite the fact that prosecution proved the charge under Section 498-A of IPC beyond any reasonable doubt, the learned trial court without appreciating the evidence available on record acquitted the respondent of the charges vide its judgment dated 16.09.2021.
8. The aforesaid judgment of acquittal was challenged by the State by preferring the appeal before the learned Sessions Court. However, the learned Sessions Judge, District Balod has upheld the judgment of acquittal passed by the learned trial court without properly appreciating the evidence tendered by the prosecution and the grounds raised in the appeal.



9. The State is aggrieved by the above mentioned judgment dated 31.05.2022 Annexure A/1 passed by the learned appellate Court and therefore prefer the instant revision petition.
10. Learned counsel for the State-applicant would submit that the impugned judgment Annexure A/1 passed by the learned appellate Court is erroneous and contrary to law. The learned courts below have utterly failed to appreciate the evidence of the prosecution in its correct perspective. He would further submit that the learned courts below have committed serious error in not considering the evidence of the complainant PW-01 which in itself is sufficient for proving the guilt of the appellant. The learned courts below have failed to consider the evidence tendered by the prosecution, which categorically proves the basic ingredients for commission of the offence under Section 498-A of I.P.C.
11. He would further submit that the learned courts below to failed to realize that the complainant PW-01 has stated in detail about the manner in which she was continuously harassed by the respondent soon after the marriage. The complainant has further elaborately mentioned in detail about the physical and mental cruelty meted out to her by the respondent for not bringing sufficient dowry and Car in marriage. the learned courts below to failed to realize that the complainant PW-01 has stated in detail about the manner in which she was continuously harassed by the



respondent soon after the marriage. The complainant has further elaborately mentioned in detail about the physical and mental cruelty meted out to her by the respondent for not bringing sufficient dowry and Car in marriage. The learned courts below have failed to realize that the complainant has remained intact during the entire examination of her evidence which categorically proves the commission of the offence by the respondent. The learned courts below have failed to consider the evidence of other prosecution witnesses who have supported and corroborated the version of the complainant and have stated about the cruelty meted out by the respondent on the complainant. In view of the evidence tendered by the prosecution, the finding recorded by the learned courts below are liable to be set-aside by this court. It is, therefore, most humbly and respectfully prayed that, this Court may kindly be pleased to allow the instant Criminal Revision and to set aside the order dated 31.05.2022 passed by the learned Sessions Judge, District Balod (C.G.) in Criminal Appeal No. 37/2021.

12. Learned counsel for the Respondent would submit that the order passed by the learned trial Court is just and proper needs no interference.
13. I have heard learned counsel for the parties and perused the record with utmost circumspection.



14. Considering the facts and circumstances of the case and submission made by learned counsel for the parties.
15. The present appeal has been preferred against the judgment of acquittal passed by the learned trial Court whereby the respondent has been acquitted of the charge under Section 498-A of the Indian Penal Code. It is well settled that an appellate Court, while dealing with an appeal against acquittal, should be slow in interfering with the findings recorded by the trial Court unless the same are perverse, illegal, or based on misappreciation of evidence.
16. On careful scrutiny of the evidence available on record, this Court finds that the learned trial Court has meticulously appreciated both oral and documentary evidence adduced by the prosecution. The trial Court has assigned cogent and convincing reasons for disbelieving the prosecution case and for extending the benefit of doubt to the respondent.
17. Though the complainant (PW-01) has made allegations of cruelty and harassment on account of demand of dowry, her testimony does not inspire full confidence in absence of material particulars and independent corroboration on essential aspects. The evidence led by the prosecution suffers from material inconsistencies and exaggerations, which have been rightly taken into consideration by the learned trial Court.



18. It is further evident that the prosecution has failed to establish, beyond reasonable doubt, the essential ingredients constituting “cruelty” as defined under Section 498-A of the Indian Penal Code. Mere omnibus and general allegations without specific instances of cruelty are insufficient to bring home the charge against the respondent.
19. The respondent has placed a copy of judgment passed by the Principal Judge, Family Court, Raipur (C.G.) in Civil Suit No.1100/2022 on 23.06.2023 which shows that the parties are separated by way of dissolution of marriage with mutual consent under Section 13-B of the Hindu Marriage, Act, 1955.
20. The view taken by the trial Court and the First Appellate Court, after a proper appreciation of evidence, has arrived at a plausible and reasonable conclusion. Therefore, this Court of the considered view that in light of the settled principles governing appeals against acquittal, no ground is made out to interfere with the well-reasoned judgment passed by the learned trial Court as well as the First Appellate Court.
21. In view of the above, this Court is of the opinion that there is no illegality and infirmity in the judgment passed by the trial Court as well as First Appellate Court and there is no any ground to set aside the order passed by the Courts below.



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22. Accordingly, the present criminal revision being devoid of merit is liable to be and is hereby **dismissed**.

Sd/-

(Arvind Kumar Verma)
Judge

Vasant