

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr. Revision No. 730 of 2016

Arun Kumar, Son of Late Nagendra Nath Singh, resident of Rajeev Nagar,
P.O.-Keshri Nagar, P.S. Rajeev Nagar, District-Patna (Bihar)

..... Petitioner

Versus

1. The State of Jharkhand
 2. Smt. Chanda Singh W/o-Arun Kr., D/o-Sri Ram Lagan Singh at present
R/o-Kailash Nagar colony Chas, P.S.-Chas, P.O and District-Bokaro,
Jharkhand
- Opp. Parties

For the Petitioner : Mr. Sahil, Advocate
Mr. Dhananjay Kr. Pathak, Advocate
Mr. Shashi Kant Mishra, Advocate
For the State : Mr. Praful Jojo, A.P.P.
For the O.P. No.2 : Mrs. Apporva Singh, *Amicus Curiae*

PRESENT

CORAM: HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA
ORDERS

Dated:09th June, 2026

Pronounced on 29/ 06/2026

1. Heard Mr. Shail, learned counsel for the petitioner and learned
A.P.P. None appears on behalf of the opposite party No.2, in
spite of valid service of notice to her. However, heard Mrs.
Apoorva Singh, who has been appointed as learned *Amicus*
Curiae to assist in this case on behalf of the opposite party No.2.
2. Instant criminal revision has been directed against the judgment
dated 18.05.2016 passed by learned Additional Sessions Judge-II,
Bokaro in Cr. Appeal No.68 of 2012, whereby and whereunder
the conviction of the appellant for the offence under section 498A

and section 4 of D.P. Act dated 01.03.2012 passed by learned Sub-Divisional Judicial Magistrate, Bokaro in G.R. Case No.815 of 2004 was upheld. However, the sentence has been modified for the offence under section 498A of IPC from R.I. for 3 years to S.I. for 1 year and the sentence for the offence under section 4 of D.P. Act has been maintained.

Factual Matrix:-

3. Factual matrix giving rise to this revision is that the informant, Chanda Singh was married with the petitioner, Arun Singh on 21.04.2000 in accordance with Hindu Rites and Customs. After solemnization of marriage, the informant went to her matrimonial home at Patna and started residing there along with her husband and in-laws. It is further alleged that from the very inception, her husband's elder brother, Santosh Kumar Singh, younger brother-in-law Nirmal Kumar and sister-in-law Shila Devi started abusing and assaulting her due to insufficient dowry. The informant requested her mother-in-law, Chitralkha Devi to intervene in the matter and help her against the said torture but instead of pacifying the matter, she also indulged in assisting the accused persons in assaulting her. Due to this, just after nine days stay in her matrimonial home, she returned to her

parental home with her brother and sister. In the meantime, her husband came to Bokaro and started demanding Rs.5 lakhs cash and refrigerator as additional dowry and threatened her that unless, the demand is fulfilled, she will not come back to her matrimonial home. It is further alleged that the informant gave birth to a female child at her parental home. On 21.07.2000, the petitioner sent a legal notice to the informant with allegation of theft, which was withdrawn later on. It is further alleged that in-laws were also demanding dowry through telephonic calls. It is further alleged that the husband of the informant also challenged the dismissal of the suit under section 9 of Hindu Marriage Act before the Hon'ble High Court at Patna, wherein the informant also appeared and disclosed the incident of cruelty meted to her. Then, her husband assured her to keep properly and the case was withdrawn by her husband. It is further alleged that on the direction by Hon'ble High Court, she again joined to her matrimonial home on 08.05.2002 and within 2-3 months, she was again abused, tortured and assaulted by accused persons. It is further alleged that before the marriage of the elder brother of the informant scheduled to be held on 22.06.2004, the petitioner came to parental home of the informant at Bokaro on 15.06.2004 and

again started demanding Rs.5 lakhs cash as additional dowry, thereafter, the petitioner took his wife on the same day to Patna where the informant was brutally assaulted and forcibly got her signature on a paper prepared for divorce by mutual consent. On 08.08.2004, the informant's *fufera* brother came to meet her at Patna and in presence of her brother, she was assaulted by all the accused persons. She informed this occurrence to her parents, then she was brought to her parental home on 15.08.2004.

4. On the basis of written report of the informant, Chas P.S. Case No.118 of 2004 was registered for the offence under section 498A of Indian Penal Code and Sections 3/4 of D.P. Act. The accused persons have denied the charges leveled against them and claimed to be tried.
5. In the course of trial, altogether 7 witnesses were examined by the prosecution, namely:-

P.W.1-Shankar Kumar Singh (brother of informant)

P.W.2-Indu Devi (mother of informant)

P.W.3-Ram Lagan Singh (father of informant)

P.W.4-Mani Kant Singh @ Bambam Singh

P.W.5-Chanda Singh (informant)

P.W.6-Shambhu Verma

P.W.7-Ruby Singh (independent witness)

6. Apart from oral testimony of the witnesses, following documentary evidences have been adduced by the prosecution.

Ext.1.-Statemet of Arun Kumar

Ext.2.-Written report

Ext.3- C.C. of the order dated 23.04.2002 passed in Cr. WJC No.96 of 2002 by Hon'ble High Court

Ext.4-Atttested copy of affidavit of Nirmal Singh

Ext.5-C.C. of order dated 25.08.2004 passed in Matrimonial No.171 of 2004 passed by Principal Judge, Family Court, Patna

Ext.6-C.C. of the order dated 25.08.2005 passed in Matrimonial Case No.171 of 2004 passed by Principal Judge, Family Court, Patna

Ext.7-Injury report.

7. On the other hand, no defence witness has been examined by the defence. However, following documentary evidences have been adduced by the defence, i.e:-

Ext.A-C.C of judgment and decree on Matrimonial Case No.375 of 2007 whereby decree of divorce has been passed.

Ext.B-C.C. of the order passed in Matrimonial Case No.18 of 2006 whereby petition under section 9 of Hindu Marriage Act was filed by the petitioner, Arun Singh, which was decided ex-parte and decreed against the opposite party, Chanda Singh.

Ext.C-C.C. of copy of criminal WJC No.96 of 2002 filed by petitioner, Arun Kumar in the nature of *habeas corpus* writ for unlawful detention of his wife by her parents.

8. The case of defence is denial from the occurrence and false implication. Further defence of the petitioner is that his wife does not want to live with her at her matrimonial home at Patna rather she prefers to live with her parents at Bokaro because she is running a beauty parlor shop at Bokaro.
9. Learned trial court after evaluating the evidence available on record held the appellants guilty for the offence under section 498A of I.P.C. and Section 4 of D.P. Act and sentenced him as stated above. The petitioner preferred a criminal appeal, which was dismissed with modification in sentence as stated above.

Submission on behalf of petitioner:-

10. Assailing the impugned judgment, learned counsel for the petitioner has argued that both the learned trial court as well as learned appellate court has failed to consider that no specific charge of any occurrence of physical or mental torture meted with the informant was framed. Admittedly, the informant, just after nine days of the marriage, left her matrimonial home and started residing at her parental home. It is only after filing an application under section 9 of Hindu Marriage Act by the petitioner, this case was lodged with false and fabricated story. In the FIR, there was specific allegation about the incident of 08.08.2004, when the informant was assaulted in presence of her *fufera* brother, she was taken by her father from the matrimonial home to her parental home on 15.08.2004. However, this occurrence is not mentioned in the charge framed against the petitioner. There is no iota of evidence that on which occasion, the petitioner went to Bokaro and what happened with the informant rather she has general and omnibus manner roped all the family members of the petitioner in a false case of cruelty meted to her on account of fabricated story of the demand of dowry. It is further submitted that on the basis of same set of allegation and evidence, other accused persons have been

acquitted giving benefit of doubt. Therefore, conviction of the petitioner alone is not justified under law. It is further submitted that during pendency of the instant case before learned trial court, Matrimonial Case No.375 of 2007 was instituted for granting a decree of divorce filed by the petitioner against the informant, which was decreed vide order dated 20.05.2010 after full contest between the parties. It is further submitted that petitioner himself was subjected to cruelty by his wife and she also deserted him in spite of order of the court for re-union and voluntarily started living at her parental home at Bokaro for smooth running of her business of beauty parlor discarding the matrimonial life with the petitioner. Therefore, petitioner cannot be blamed for any cruel treatment to his wife. Learned trial court has miserably failed to appreciate that there was no iota of evidence regarding demand of dowry by the petitioner from his wife nor any mental or physical torture meted with the informant at the hands of her husband. Learned trial court as well as learned appellate court has also overlooked the facts that the informant since after solemnization of marriage has resided at her matrimonial home only for one month within the span of 5 years, making the marital life of the petitioner very miserable and

uncomfortable. The ingredients of offence under section 498A of I.P.C are not attracted in this case and no specific charge was ever explained to the petitioner to be answered by him. Therefore, impugned judgment and order of conviction and sentence of the petitioner is absolutely perverse, beyond the weight of evidence and based upon sole testimony of the informant/wife, without any corroboration, which is liable to be set aside and this revision may be allowed.

Submission on behalf of State and Amicus Curiae:-

11. On the other hand, learned A.P.P. assisted by learned Amicus Curiae for opposite party No.2 have opposed the aforesaid contentions raised on behalf of the petitioner and submitted that learned trial court has very wisely and aptly apprised and appreciated oral as well as documentary evidence available on record constituting the offence under section 498A of I.P.C. and section 4 of D.P. Act against the petitioner and held him guilty for the aforesaid offences, which has also been affirmed by learned appellate court. There is no reason to interfere with concurrent findings of learned trial court and learned appellant court. This revision has no merits and fit to be dismissed.

12.The most important witness in this case is the **informant-cum-victim, who has been examined as P.W.5**, she has consistently proved the contents of the written report and deposed that she was married on 21.04.2000 and went to her *sasural* at Rajeev Nagar, Patna, where she was taunted and tormented for insufficient dowry by her husband, *devar*, *bhaisur* and mother-in-law, who raised an additional demand of dowry of Rs.5 lakhs and refrigerator, which were agreed to be given at the time of marriage. She was frequently scolded and assaulted by *lappar-thappar* by the accused persons. Therefore, within 9 days, she returned to her parental home on 15.05.2000 along with brother, Shankar Kumar Singh and sister, Guriya Singh. She has further stated that her husband came to Bokaro and again repeated demand of Rs.5 lakhs, otherwise, she will not be allowed to live at matrimonial home. Her husband also sent a legal notice in the month of August, 2000 leveling the allegation of theft of jewelry. In spite of her request, she was not brought to matrimonial home. She has further deposed that on 30.01.2001, she gave birth to a female child at BGH, Hospital, Bokaro and on occasion of *chhathi*, her husband and *gotni*, Shila Devi came to Bokaro where they again raised demand of Rs.5 lakhs. Again on the occasion of Holi

in 2001, her husband came to Bokaro and assaulted her. She further states that in the month of November, 2001, on occasion of marriage of cousin sister of this witness, her husband came to Bokaro but stayed in hotel instead of her parental home. Her husband also filed a writ petition before Hon'ble Patna High court with allegation that his wife has been detained by his father-in-law and mother-in-law illegally and notice was also served to her, then she disclosed to police that she herself was being physically and mentally tortured by her husband and in-laws. She went to her *sasural* on written undertaking furnished by her husband before the High Court, Patna but just after 2-3 months, she was again assaulted and tortured by her husband and in-laws on account of non-fulfillment of dowry. She returned back to her parental home on 08.08.2004, when she was assaulted by the accused in presence of her *fufera* brother.

13. In her cross-examination, she has stated in clear terms that even if her husband undertakes to keep her with due dignity and honour, she will not go to her matrimonial home. She also admits that she has not got a husband and in-laws as she hoped and aspired before the marriage. She has also failed to state any date and day of demand of dowry by her husband. She is literate lady

and done B.A. honors in Sanskrit and she also admits that her husband has disclosed that he had got divorced with her. The divorce case was also filed by her husband. Her *bhaisure* and *gotni* resides in Delhi. She has further deposed that she is not running any beauty parlor rather she has joined Alka beauty parlor where she works. She has denied the suggestion of defence that she doesn't want to live with her husband at her matrimonial home and she doesn't like her husband. Therefore, she has lodged this false case against her husband and other family members.

P.W.1, Shankar Kumar Singh, brother of the informant, **P.W.2, Indu Devi**, mother of the informant, **P.W.3-Ram Lagan Singh**, father of the informant and **P.W.4-Mani Kant Singh @ Bambam Singh** have corroborated the prosecution story as deposed by the informant (P.W.5)

P.W.6-Shambhu Verma is a local person of Rajivnagar at Patna. According to his evidence, Arun Kumar Singh solemnized marriage with Chanda Devi in the year 2000 and just after a month, scuffle took place between the husband and his wife due to that reason, this case was lodged. The informant started residing at Bokaro and she was desiring the transfer of her husband at Bokaro, who has got service at compensate

ground after the death of his father. He has flatly denied any kind of torture due to demand of dowry.

P.W.7-Ruby Singh is also a local person of Rajiv Nagar, Patna. According to her evidence, just after marriage in the year, 2000, the wife of the Arun Singh started residing at her parental home where she gave birth to a female child and she has lodged this case against her husband to put pressure upon him to get transfer at Bokaro.

In cross-examination, she also states that the informant, Chanda Devi was putting pressure upon her husband to live at Bokaro by getting the transfer and she does not want to live at Patna. Hence, she lodged this case to put pressure upon her husband. The allegation of demand of dowry and torture meted with the informant is absolutely false.

14.From the aforesaid discussion, oral as well as documentary evidence adduced by the parties, it is crystal clear that from the very inception of the marriage, there was marital dispute and discard between the husband and the wife. The wife left her matrimonial home only after 9 days on her joining the matrimonial home. Thereafter, she very occasionally visited to her matrimonial home on intervention of the court. It also

appears that she lodged this case only after pursuance of her husband to live together with him after 4 years of alleged occurrence. It further transpires that in the charge framed by learned trial court, the date of occurrence is disclosed as 21.07.2000 to 08.08.2004 i.e. the place of occurrence is shown at Patna and Kashish Nagar, P.S. Chas, District-Bokaro for subjecting her to cruelty by doing physical and mental torture and also voluntarily causing hurt to the informant, Chanda Singh in furtherance of common intention of the accused persons and on the same period and place, demand of dowry of Rs.5 lakhs. It further appears that in the statement under section 313 of Cr.P.C., a compound question has been asked with all the accused persons including the present petitioner as under:-

प्रश्न संख्या - 01 साक्षियों का साक्ष्य सुना है ?

उत्तर - जी हाँ।

प्रश्न संख्या -02 आपके विरुद्ध साक्ष्य है कि आप अपने सहयोगियों के साथ मिलकर सुचिका एवं उसके पिता से 5,00,000/- रुपये दहेज़ के रूप में मांग किये एवं भुगतान नहीं करने पर सुचिका के साथ मारपिट एवं प्रताड़ित किये। क्या कहना है ?

उत्तर- जी नहीं।

प्रश्न संख्या-03 सफाई में क्या कहना है?

उत्तर- निर्दोष हूँ।

15. Not a single incriminating circumstance or any specific chain of events has been got explained as incriminating circumstance appearing against the petitioner. Even in the charge framed under section 498A of I.P.C., no specific event of demand of dowry and consequent torture physical and mental extended to the informant has been mentioned. Therefore, the impugned judgment passed by learned trial court explicitly shows that no incriminating circumstance was proved by the prosecution and never got explained by the accused. Therefore, on what basis, the conviction was maintained by the learned trial court and affirmed by the learned appellate court appears to be absolutely baseless and without consideration of the evidence available on record. As per evidence of the informant herself, who was examined in the year 2009, the marriage bond between the husband and the wife has become dead and ineffective because she herself admits that even if her husband undertakes to keep her with due dignity and honour, she did not go with her husband to live at her matrimonial home, her all hopes and aspirations were vanished just after marriage, which clearly indicates that she dragged the accused persons in this case only with intention to satisfy her vengeance. In the meantime, it is also

brought on record that the husband (petitioner) filed a suit under section 9 of Hindu Marriage Act for restitution of conjugal life with the informant, which was also decreed *ex-parte*. Thereafter, he filed a suit for decree of divorce, which was also allowed during pendency of this case before learned trial court and even before pronouncement of judgment by learned trial court. Learned trial court as well as appellate court has failed to consider the Exts. A, B and C relied upon by the petitioner. It further appears that learned trial court as well as the learned appellate court has proceeded on the assumption that it is the husband who has to maintain good behaviour with his wife in spite of disaffection and ill-treatment shown by wife to him without any cogent reason. The very structure of conjugal relationship is based upon mutual trust and confidence, tolerance and regards of each other rather than to make allegation and counter allegation. It was the extreme conduct of the informant herself that she was residing at her parental home just after 9 days of the marriage. No specific instance of cruelty or torture either mental or physical on account of any illegal demand of money has been proved. Therefore, I find that whole approach of the learned trial court as well as learned appellate court suffers

from perversity, illegality and improper consideration of evidence available on record leading to failure of justice in this case.

16. In view of the above discussion and reasons, the impugned judgment of conviction and sentence passed by learned trial court as well appellate court in G.R. No.815 of 2004 is hereby set aside and this revision is **allowed**.

17. Pending I.A(s), if any, is also disposed of accordingly.

18. Let a copy of this order be communicated to the court concerned for information and needful.

19. I take this opportunity to appreciate the assistance rendered by Mrs. Apporva Singh, learned Amicus Curiae and direct the Member Secretary, High Court Legal Services Committee to extend the stipulated fee as per notification of High Court Legal Services Committee to Mrs. Apporva Singh, within a period of four weeks from the date of receipt/production of a copy of this order.

20. Office is directed to ensure that a copy of this order is served upon Member Secretary, High Court Legal Services Committee.

(Pradeep Kumar Srivastava, J.)

High Court of Jharkhand, Ranchi
Date: 29/06/2026
Pappu/-N.A.F.R.
Uploaded on 01/07/2026