

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Criminal Revision Petition No. 683/2008

Kamlesh W/o Bhagwat Rai B/c Agarwal, R/o Ward No.13,
Raisinghnagar, District Sri Ganganagar

-----Petitioner

Versus

1. State Of Rajasthan,
2. Laxmandas S/o Shyam Lal
3. Sunita Rani W/o Vijay Kumar
4. Vijay Kumar S/o Laxmandas
respondents No.2 to 5 R/o Sameja Kothi Tehsil Raisinghnagar,
District Sri Ganganagar
5. Bhagwant Rai S/o Laxmandas B/c Agarwal Sameja Kothi at
present 77, N.P., Tehsil Raisinghnagar, District Sri Ganganagar

-----Respondent

For Petitioner(s)	:	Mr. N.L. Joshi Ms. Kirti Joshi
For Respondent(s)	:	Mr. Surendra Bishnoi, AGA Mr. Jayant Jain Ms. Urvarshi Kalla

HON'BLE MR. JUSTICE FARJAND ALI

Order

14/07/2025

1. The present Criminal Revision Petition has been preferred by the petitioner-complainant under Section 397 read with Section 401 of the Cr.P.C., assailing the judgment dated 11.04.2008 passed by the learned Additional Sessions Judge, Raisinghnagar, District Sri Ganganagar in Criminal Appeal No. 23/2006. Vide the impugned judgment, the appellate court allowed the appeal preferred by the accused-respondents and set aside the conviction and sentence recorded against them by the learned Additional

Chief Judicial Magistrate (ACJM), Raisinghnagar in Criminal Case No. 411/2002, dated 15.04.2006, whereby the accused-respondents were convicted for offences under Section 498-A of the Indian Penal Code and sentenced to undergo two years' simple imprisonment along with a fine of ₹500/-, and in default, to further undergo three months' simple imprisonment.

2. The factual matrix giving rise to the present proceedings, in brief, is that the petitioner-complainant Kamlesh lodged a report on 07.04.2002 before the Dy. Superintendent of Police, Raisinghnagar, alleging that her marriage with accused Bhagwant Rai was solemnized approximately 17 years ago. She alleged that sufficient dowry articles were given at the time of marriage by her parents. However, subsequent to the marriage, she was subjected to physical and mental cruelty, coupled with repeated unlawful demands of dowry, including a specific demand of ₹20,000. Based on the complaint, FIR No. 223/2002 was registered at Police Station Raisinghnagar for offences punishable under Sections 498-A and 406 IPC.

2.1. Upon completion of investigation, a charge sheet was submitted against the respondents under Section 498-A IPC. The accused persons denied the allegations and claimed trial. The prosecution, in support of its case, examined four witnesses. Following the closure of prosecution evidence, the statements of the accused were recorded under Section 313 Cr.P.C., wherein they denied the incriminating allegations and pleaded innocence.

2.2. Vide judgment dated 15.04.2006, the learned Trial Court held the accused guilty under Section 498-A IPC and sentenced them as aforementioned. Aggrieved thereby, the respondents preferred Criminal Appeal No. 23/2006, which came to be allowed by the learned Appellate Court vide judgment dated 11.04.2008, resulting in their acquittal. Hence, the present revision petition.

3. Learned counsel for the petitioner has strenuously argued that the impugned judgment passed by the Appellate Court suffers from manifest legal infirmity and is vitiated by misappreciation of evidence. It is contended that the learned Trial Court had rendered its findings based on cogent, consistent, and credible testimony of the complainant Kamlesh (P.W.1), her father Omprakash (P.W.2), and Pawan Kumar (P.W.3), a self-proclaimed Panchayat member. It is submitted that the prosecution had duly established the essential ingredients of cruelty as envisaged under Section 498-A IPC and the Trial Court had rightly relied upon such evidence. Counsel further argued that the Appellate Court erred in discarding the prosecution case merely on the basis of minor discrepancies, which are natural and inevitable given the lapse of time, and such inconsistencies ought not to have overshadowed the overall coherence of the testimony. It was also contended that the Appellate Court failed to appreciate the legal position that related witnesses are not per se unreliable and that no evidence of enmity or bias was brought on record to discredit their testimony. Lastly, it was urged that the judgment of acquittal passed by the Appellate Court is perverse and deserves to be quashed and set aside.

4. Per contra, learned counsel for the respondents supported the judgment of the Appellate Court and submitted that the prosecution case suffers from material deficiencies. It was submitted that the complainant's allegations were vague, lacking in specific dates, instances, or any contemporaneous documentary evidence. The prosecution failed to produce any medical records to substantiate the claim of physical cruelty. The Panchayat proceedings, allegedly convened for reconciliation, were not proved through any documentary record nor corroborated by independent witnesses. The so-called Panchayat member (P.W.3) was closely associated with the complainant's family, and no neutral witness from the community was examined to lend credibility to the version put forth. It was further argued that the delay in lodging the FIR, the absence of natural witnesses such as the complainant's children—who were of sufficient age to testify—and the complete lack of any attempt to produce them in evidence, gravely undermines the prosecution story. Counsel submitted that the Appellate Court rightly found that the prosecution had failed to establish the charge beyond reasonable doubt, and hence, the accused were rightly acquitted.

5. I have heard the learned counsels for the parties and perused the record, including the judgments passed by both the courts below, with utmost circumspection.

5.1. The Trial Court's conviction was primarily based upon the testimony of P.W.1 Kamlesh, P.W.2 Omprakash, and P.W.3 Pawan Kumar. However, as rightly appreciated by the learned Appellate

Court, their evidence was general, lacking in material particulars, and failed to inspire judicial confidence. Allegations of dowry demand to the tune of ₹20,000 and physical assault remained unsubstantiated due to the absence of any medical certificate, injury report, or independent corroboration. There was no contemporaneous complaint lodged with any authority or social forum regarding harassment or cruelty during the relevant period.

5.2. Moreover, the Panchayat proceedings, which the complainant sought to rely upon as evidence of conciliation efforts, were not supported by written documentation or the testimony of any other independent members of the Panchayat. The evidence remained confined to the family and associates of the complainant, with no credible justification for non-examination of neutral witnesses despite alleging that the facts were within the public domain.

5.3. The Appellate Court also noted, and this Court concurs, that the failure to examine the complainant's children, who were natural and material witnesses to the events within the matrimonial household, remains unexplained. The assumption that such witnesses would favour the accused is speculative and cannot excuse the omission. In a prosecution under Section 498-A IPC, such lapses significantly weaken the evidentiary foundation of the case.

5.4. Additionally, the sociological improbability of the prosecution's narrative, especially the claim that the complainant was abandoned solely on account of dowry after over 17 years of marriage and three children, was rightly considered by the

Appellate Court. The absence of medical evidence regarding the alleged illness and failure to prove attempts of reconciliation further cast serious doubt on the prosecution's version.

5.5. It is a trite proposition of criminal law that an order of acquittal should not be interfered with lightly unless the findings are perverse, manifestly erroneous, or contrary to the evidence on record. In the present case, the findings of the learned Appellate Court are based on sound appreciation of evidence and applicable legal principles. No perversity or illegality is discernible so as to warrant interference in revisional jurisdiction.

6. In view of the foregoing analysis, this Court finds no error, infirmity, or perversity in the judgment dated 11.04.2008 passed by the learned Additional Sessions Judge, Raisinghnagar, whereby the accused-respondents were acquitted of the charge under Section 498-A IPC. The revision petition, being devoid of merit, is accordingly dismissed. The stay petition and all pending applications stand disposed of.

7. Let record of the trial Court be sent back forthwith.

(FARJAND ALI),J