

(2024) 12 J&K CK 0006

High Court Of Jammu And Kashmir And Ladakh At Jammu

Case No: CRA No. 10 of 2005

Joginder Singh

APPELLANT

Vs

State of Jammu and Kashmir

RESPONDENT

Date of Decision: Dec. 6, 2024

Acts Referred:

- Ranbir Penal Code - Sections 109, 307, 498A
- Prohibition of Dowry Act 1961 - Section 3/5
- Jammu and Kashmir Code of Criminal Procedure - 342

Hon'ble Judges: Sanjay Dhar, J

Bench: Single Bench

Advocate: Sunil Sethi, Ankesh Chandel, P. D. Singh

Final Decision: Disposed off

Judgement

,"PW Beena Devi, so as to coerce her to bring more dowry and when she failed to meet the demands of dowry, the appellant, with a view to finish her off, poured kerosene over her and set her on fire, but due to timely intervention", of the villagers, she was brought to the Hospital, and her life was saved. The prosecution, in order to prove these allegations against the appellant, has", relied upon the eye witness account given by PW Beena Devi, the injured. In order to prove the charge of harassment of PW Beena Devi i", connection with demands of dowry, besides examining PW Beena Devi, the prosecution also examined her brother, PW Nepal Singh, a close relative", PW Tarsem Singh and her parents, PWs Gyan Singh and Taro Devi.",

10. The crucial piece of evidence in this case is the testimony of PW Beena Devi. It would be apt to refer to the relevant extracts of her testimony,

She has stated that she entered into wedlock with appellant on 08.10.1992. She stated that the appellant is serving in the Military and would come to, his home on leave on some occasions and he would make, ,presence. She

further stated that she was not beaten up by the appellant or her mother-in-law at any time. She stated that her mother-in-law did not make any, demand of dowry or did not make any comment on her beauty in presence of any third person. She further stated that about two months prior to the, occurrence, the appellant had come to his home after taking leave and at that time she was in her parental home. She stated that the appellant came", over there and abused her and threatened to divorce her. He also told that if she intends to come to his home at Palanwala, she should bring a scooter", with her, whereafter her mother told him that at this time, they do not have enough money and after some time, they will meet his demand relating to", Scooter, whereafter, the appellant left. She stated that, at the relevant time, her father was not at home and that whatever she has stated above had", happened in her presence and nobody else was present over there, whereafter, she narrated this to her mother, who requested the appellant to grant", some time to meet the demand of a Scooter. She stated that on 03.03.1993, the appellant had again come to home on leave and, at that time, she was", in,

,"piece of evidence, the prosecution has been able to establish the charges against the appellant

beyond any reasonable doubt. The case of the prosecution is based upon a direct testimony of the injured PW Beena Devi. Her testimony has no, been shaken during her cross-examination and as already discussed hereinbefore, her testimony is corroborated by the medical report, the conduct of", the appellant after the occurrence and the statements of other witnesses. Therefore, merely because the seizure of her burnt clothes and its sealing is", doubtful, does not make the case of prosecution unworthy of credit.",

22. It has been argued that the evidence regarding harassment of PW Beena Devi by the appellant in connection with demands of dowry is scant,

and, therefore, it was not open to the trial Court to record conviction of the appellant for the charge under Section 498-A RPC. In this regard, if w",

have a look at the statement of PW Beena Devi, she has categorically stated that the appellant was making demand of a Scooter from her. She ha",
given details of the instances when such a demand was,
30. Trial Court record along with a copy of this judgment, be sent back.",