

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Revision No. 191 of 2011

Ram Kripal Singh	.....	....	Petitioner
	Versus		
1. The State of Jharkhand			
2. Sulochana Devi			
3. Manju Devi			
4. Anju Devi	.....	....	Opp. Parties

With
Cr. Revision No. 557 of 2012

Sanjay Kumar Rai @ Sanjay Kumar Roy	.....	....	Petitioner
	Versus		
1. The State of Jharkhand			
2. Neelam Devi	.....	.....	Opp. Parties

With
Cr. Revision No. 780 of 2012

Ram Kripal Singh	....	....	Petitioner
	Versus		
1. The State of Jharkhand			
2. Bhageshwar Roy	...	....	Opp. Parties

CORAM: HON'BLE MR. JUSTICE AMBUJ NATH

For the Petitioner(s)	: Mr. Sanjay Kumar, Advocate [Cr.Rev. Nos.191/11 & 780/12] Mr. Atanu Banerjee, Advocate [Cr. Rev. No.557/12]
For the O.P.-State	: Mr. Arup Kr. Dey, A.P.P [Cr. Rev. No.191/11] Mr. Fahad Allam, A.P.P [Cr. Rev. No.557/12] Mr. Ravi Prakash, Spl.P.P [Cr. Rev. No.780/12]
For the O.P. No.2	: Mr. Atanu Banerjee, Advocate [Cr. Rev. No.191/11 & Cr. Rev. No.780/12]

C.A.V. On 12.06.2023

Pronounced On : 13.09.2023

Heard the parties.

All these revision applications arise out of the same prosecution case and as such, they are being disposed of by this common order.

Cr. Revision No.191/2011 has been filed by the original petitioner Neelam Devi, who died during the pendency of this application. Accordingly, she was substituted by her father Ram Kripal Singh. This criminal revision has been filed against the judgment of acquittal dated 04.12.2010 of opposite party No.2 Sulochana Devi, opposite party No.3 Manju Devi and opposite party No.4 Anju Devi passed by Sri Asif Eqbal, learned Judicial Magistrate, 1st class, Bokaro, in

connection with G.R. Case No.1189/2008, arising out of Chas (Mahila) P.S Case No.08/2008, whereby and wherein, learned Judicial Magistrate, 1st class, Bokaro acquitted the opposite parties from the charge under Sections 498A/34 of the Indian Penal Code and 3 / 4 of the Dowry Prohibition Act.

Sri Asif Eqbal, learned Judicial Magistrate, 1st class, Bokaro by the aforesaid judgment held the husband of the informant Neelam Devi namely Sanjay Kumar Rai @ Sanjay Kumar Roy and her brother-in-law namely Bhageshwar Roy guilty for the offence under Section 498A of the Indian Penal Code and sentenced Sanjay Kumar Rai @ Sanjay Kumar Roy to undergo S.I for three years along-with a fine of Rs. 500/- and Bhageshwar Roy to undergo S.I for one year along-with a fine of Rs.500/- for the aforesaid offences. In default of payment of fine, they were further directed to undergo S.I for one month each.

Both Sanjay Kumar Rai @ Sanjay Kumar Roy and Bhageshwar Roy had preferred an appeal before the learned Sessions Judge, Bokaro vide Criminal Appeal No.91/2010. Sri Gautam Kumar Choudhary, learned Sessions Judge, Bokaro (as His Lordship was the then) partly allowed the appeal by judgment dated 13.06.2012, acquitting the accused Bhageshwar Roy from the charge under Section 498A of the Indian Penal Code, but dismissed the appeal of Sanjay Kumar Rai @ Sanjay Kumar Roy.

Cr. Revision No.557/2012 has been filed by Sanjay Kumar Rai @ Sanjay Kumar Roy against the dismissal of his aforesaid appeal.

Cr. Revision No.780/2012 has been filed by Ram Kripal Singh, the father of the informant Neelam Devi against the acquittal of Bhageshwar Roy in Cr. Appeal No.91/2010 dated 13.06.2012 passed by the learned Sessions Judge, Bokaro.

All these three criminal revision applications arise out of the same prosecution case and as such, they are being disposed of by this common order.

The prosecution case was instituted on the basis of written report of the informant Neelam Devi, alleging therein that she was married to the petitioner Sanjay Kumar Rai @ Sanjay Kumar Roy on 22.06.2004. At the time of marriage, her husband was working in ICICI Bank and after few days of marriage, her husband joined his duty and thereafter, she resided with her in-laws. Thereafter, she went to her father's house, leaving her *Stridhan*. After one year, her brother-in-law came and took her back to her matrimonial home. It is alleged that her in-laws in absence of her husband tortured her. When she reported the matter to her husband, he demanded a car. Subsequently, she was driven away from her matrimonial home. It is also alleged that on 07.09.2008, her husband along-with other accused persons came to her father's house and forced her to sign on few blank papers. Thereafter, this case was instituted.

In order to prove its case, the prosecution has adduced both oral and documentary evidence.

Learned Trial Court on the basis of evidence available on record held the petitioner Sanjay Kumar Rai @ Sanjay Kumar Roy along-with his brother Bhageshwar Roy guilty for the offence under Section 498-A of the Indian Penal Code and acquitted other in-laws. Both Sanjay Kumar Rai @ Sanjay Kumar Roy and Bhageshwar Roy had preferred an appeal before the learned Sessions Judge, Bokaro and the learned Sessions Judge, Bokaro partly allowed their appeal by acquitting Bhageshwar Roy, but dismissed the appeal of the petitioner Sanjay Kumar Rai @ Sanjay Kumar Roy.

All the prosecution witnesses have corroborated each other on the point that the marriage of the informant Neelam Devi was performed with Sanjay Kumar Rai @ Sanjay Kumar Roy. They also corroborated the fact that few days after marriage, she returned to her father's house and she went to her matrimonial home

once again where she was tortured and ultimately, she had to leave her matrimonial home.

Neelam Devi P.W.5 has stated that her husband used to demand a vehicle. There is general allegation against other accused persons that they used to taunt and torture her. She was consistent in her testimony regarding the demand of a vehicle by the petitioner Sanjay Kumar Rai @ Sanjay Kumar Roy. She has stated that when she went to her matrimonial home at Gomia, she resided there for about eight months where she was tortured. After she returned to her father's house, the accused persons did not enquire about her whereabouts. Subsequently, she was diagnosed with cancer. She asked her husband to get her treated but he refused, telling her that her father had not given sufficient dowry for her treatment. She has stated that on 07.09.2008, her husband along-with his brother and others had come to her father's house and she was asked to sign on some blank papers. She has been cross-examined at length. She has made consistent statement against her husband for demand of dowry and to subject her to torture to enforce the demand. She has also stated that her husband did not provide her medical treatment, while she was suffering from cancer, stating that her father had not given sufficient dowry.

Ram Kripal Singh P.W.4 is the father of the informant. He has corroborated the statement of the informant Neelam Devi regarding the demand of dowry made by the petitioner Sanjay Kumar Rai @ Sanjay Kumar Roy and torture meted on her by her husband.

Gopichand Singh P.W.1, Prince Kumar Pathak P.W.2 and Vinay Kumar Mishra P.W.3 are the neighbors of Ram Kripal Singh, the father of the informant. They have merely stated that on 07.09.2008, the petitioner Sanjay Kumar Rai @ Sanjay Kumar Roy along-with his brother had come to the house of the informant and forced her to sign on blank papers. They have also stated that the informant

Neelam Devi was tortured by the accused persons to enforce the demand of dowry.

From the aforesaid oral testimony of the prosecution witnesses, it appears that there is general and omnibus statements against the opposite party No.2 Sulochana Devi, opposite party No.3 Manju Devi and opposite party No.4 Anju Devi (in Cr. Revision No.191/2011) who are the in-laws of the informant Neelam Devi that they had tortured her when she stayed in her matrimonial home in absence of her husband. The statement regarding torture against them is general and vague. The informant Neelam Devi has not sustained any injury at the hands of these opposite parties. The prosecution has not been able to show by means of any cogent evidence as to when and how the informant Neelam Devi was tortured.

As far as the judgment of acquittal of Bhageshwar Roy passed by the learned Appellate Court is concerned, there is also general and vague allegation against him regarding the torture meted out to the informant Neelam Devi. There is specific allegation against him that on 07.09.2008, he along-with Sanjay Kumar Rai @ Sanjay Kumar Roy had gone to the house of the informant and forced her to sign on blank papers. There is nothing on record to show that these blank papers were used by the accused persons for their benefits at any place. The entire tenor of the prosecution witnesses is mainly against Sanjay Kumar Rai @ Sanjay Kumar Roy, the husband of Neelam Devi. They have been consistent in their statements that Sanjay Kumar Rai @ Sanjay Kumar Roy husband of Neelam Devi was demanding a vehicle. When the informant Neelam Devi was diagnosed with cancer, he refused to take care of her for providing her medical treatment, stating that her father had not given sufficient dowry.

Non-providing of proper medical aid to ones wife to enforce the demand of dowry will come within the definition of cruelty as enunciated under Section 498A of the Indian Penal Code. Both the learned Trial Court as well as the learned

Appellate Court have rightly come to the finding regarding the guilt of the petitioner Sanjay Kumar Rai @ Sanjay Kumar Roy under Section 498A of the Indian Penal Code for subjecting his wife Neelam Devi to cruelty to enforce the demand of dowry.

As far as opposite party No.2 Sulochana Devi, opposite party No.3 Manju Devi and opposite party No.4 Anju Devi in Cr. Revision No.191/2011 and opposite party No.2 Bhageshwar Roy in Cr. Revision No.780/2012 are concerned, I am of the opinion that the prosecution has not been able to prove its case against these opposite parties beyond all reasonable doubt. Both the learned Trial Court and the learned Appellate Court have rightly acquitted them from the charge.

Accordingly, both these Criminal Revisions are dismissed.

I have already come to the finding that the prosecution has been able to prove to its case against the petitioner Sanjay Kumar Rai @ Sanjay Kumar Roy for the offence under Section 498A of the Indian Penal Code and both the learned Trial Court and the learned Appellate Court have rightly held him guilty. Accordingly, Cr. Revision No.557/2012 is dismissed.

Pending I.As, if any, also stand disposed of.

(Ambuj Nath, J.)