

The State of Madhya Pradesh Vs. Mukesh

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Court : Madhya Pradesh

Decided On : Sep-04-2013

Appellant : The State of Madhya Pradesh

Respondent : Mukesh

Judgement :

M.Cr.C.No.11329/2012 04.09.13 Per B.D.Rathi,J Shri S.K.Kashyap, Government Advocate for the applicant- State.

Heard on admission.

This application for grant of leave to appeal has been preferred under Section 378(3) of the Code of Criminal Procedure (hereinafter referred to as the Code.) being aggrieved with the judgment dated 7/08/2012 passed by IV Additional Sessions Judge, Sagar in Sessions Trial No.474/2011, whereby respondents Mukesh, Smt.

Awadhrani and Kumari Preeti Kushwaha, have been acquitted of the offences punishable under Sections 304B, 498A in alternative 302 of the Indian Penal Code (IPC.

for short) and Section 3/4 of the Dowry Prohibition Act.

Marriage of Prembai (since deceased) was solemnized with respondent no.1 Mukesh three years prior to the date of incident.

Prosecution case, in brief, is that respondents were involved in subjecting Prembai to cruelty and harassment due to not satisfaction of demand for dowry and, ultimately, on 18/3/11 Prembai breathed her last at Rahatgarh Hospital, where she was admitted by her father-in-law Sitaram Patel, and cause of death was ascertained as consumption of pesticide.

Morgue intimation (Ex.P/12) was registered and after investigation, charge-sheet was filed.

Learned Government Advocate submitted that the impugned judgment was passed without proper appreciation of evidence on record and the same deserved to be interfered with.

Having regard to the arguments advanced by learned Government Advocate, impugned judgment was perused.

We have gone through the evidence of parents of the deceased viz.

Ramkali (PW6) and Rajaram (PW7).as well as, evidence of Rekhabai (PW4).Mohan (PW3).Maniram (PW14) respectively sister, grandfather and uncle of the deceased and evidence of independent witnesses Bhagchand (PW1).Manohar (PW8).Purushottam (PW15).whereby, it is apparent that the same, so far as it relates to cruelty for demand of dowry, is not trustworthy.

It is an admitted fact that love marriage was performed between Prembai and respondent no.1 Mukesh three years prior to the date of incident, and ever since then, the relationship between the two families, who were neighbors.had soured.

Report of the incident was lodged after 17 days of the death of Prembai upon not fulfillment of demand for money and land made by parents of the deceased from the respondents.

Further, during autopsy, no injuries were found on the dead body.

In the aforesaid premises, we agree with the findings recorded by the trial Court.

It is well settled that the judgment of acquittal should not be disturbed unless the conclusions drawn on the basis of evidence brought on record are found to be grossly unreasonable or manifestly perverse or palpably unsustainable.

Taking into consideration the reasons assigned on the face of evidence on record establishing the aforesaid facts and circumstances, the view taken by the learned trial Court was apparently a possible view.

As such, no interference is called for with the judgment of acquittal in question.

The application, being devoid of merit and substance, stands dismissed.

(AJIT SINGH) (B.D.RATHI) JUDGE JUDGE (and)

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