

Hakam Singh Vs. Maharaj Singh

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Court : Madhya Pradesh

Decided On : Aug-14-2013

Appellant : Hakam Singh

Respondent : Maharaj Singh

Judgement :

Cr.A.No.1073/2012 14.8.13 Per B.D.Rathi,J Shri Shivraj Kushwaha, Advocate for the appellant.

Shri Yogesh Dhande, Government Advocate for the respondent no.4-State.

Heard on I.A.No.12763/2012, which is an application under Section 5 of the Limitation Act for condonation of delay in preferring this appeal.

As per Office note, the appeal is barred by 11 days.

Considering the reasons assigned therein, the I.A.is allowed and the delay in filing the appeal is, hereby condoned.

Heard on admission.

This appeal has been preferred under Section 372 of the Code of Criminal Procedure (hereinafter referred to as the Code.) being aggrieved with the judgment dated 29.2.2012 passed by II Additional Judge to the Court of I Additional Sessions Judge, Bhopal in Sessions Trial No.357/2010, whereby

respondent Nos.1 to 3 have been acquitted of the offences punishable under Sections 498A, 306 and 302 read with 34 of the Indian Penal Code (IPC).

for short).Marriage of Kapasbai (since deceased) was solemnized with respondent no.1 Maharaj Singh nearly 12 years prior to the date of incident and respondent Nos.2 and 3 are his parents.

As per the prosecution story, respondents 1 to 3 were involved in subjecting Kapasbai to cruelty and harassment due to not satisfaction of demand for dowry and, ultimately, on 3/3/2010 dead body of Kapasbai, under suspicious circumstances, was found in a Well at Village Damkheda.

Learned counsel for the appellant, as well as, learned Government Advocate, while making reference to the evidence on record, submitted that the learned trial Court has not properly appreciated the evidence on record and the impugned judgment deserves to be interfered with.

Having regard to the arguments advanced by the parties, we have gone through the impugned judgment.

After appreciation of evidence and material available on record, it was found by the trial Court that looking to the evidence of Gopal Singh (PW1).Parvati Bai (PW2).Hazrat Singh (PW3).Hakam Singh (PW4).prosecution had failed to prove its case.

Trial Court has not believed the testimony of these witnesses as the same were laden with contradictions, omissions and exaggerations.

It was also held by the trial Court that in the original complaint (Ex.P/

7) fact of cruel behaviour and demand of dowry was not mentioned by Hakam Singh (PW4).brother of deceased.

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 order of acquittal in question.

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

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

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