

Ladha Vs. Karsan

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Court : Rajasthan

Decided On : Jan-24-1991

Reported in : 1991(1)WLN130

Judge : B.R. Arora, J.

Appeal No. : S.B. Cr. Special Leave to Appeal No. 117/1990

Appellant : Ladha

Respondent : Karsan

Judgement :

B.R. Arora, J.

1. This Criminal Special Leave to Appeal is directed against the judgment dated March 31,1990, passed by the learned Munsif and Judicial Magistrate, First Class, Sanchore, by which the learned Magistrate acquitted accused Karsan of the offence Under Section 4 of the Dowry Prohibition Act.

2. Accused Karsan was tried by the learned Munsif and Judicial Magistrate, First Class, Sanchore, for the offence Under Section 4 of the Dowry Prohibition Act. The prosecution, in support of its case, examined PW1 Ladha, PW 2 Prahlad, PW 3 Misra, PW 4, Khushal, PW 5 Lala, PW 6 Surja Ram, PW 7 Doongra, PW 8 Teja Ram and PW 9 Reshmi. The accused was examined Under Section 313

Cr.P.C. and he, also, produced DW1 Dhoora in defence. The learned Magistrate after appreciation of the evidence, came to the conclusion that there are several contradictions in the statements of the prosecution witnesses and the prosecution has, also, failed to produce independent witnesses, which were available in the case and from the bare reading of the evidence of these witnesses, produced by the prosecution, even the marriage of Karsan with Rashmi (daughter of Ladha) has not been proved and when the marriage itself has not been proved, there was no question of demanding any dowry.

3. I have perused the order passed by the learned lower Court and the learned lower Court has properly appreciated the evidence on record and has arrived-at rightful conclusion. The order does not require any interference as the order acquitting the accused was passed after proper appreciation of the evidence.

4. In the result, this Leave to Appeal has got no force and is hereby dismissed. The leave prayed-for is refused.

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