

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Revision No. 337 of 2017

... .. Petitioner

Versus

1. The State of Jharkhand
2. ()
- 3.
- 4.

... .. Opp. Parties

P R E S E N T

CORAM: HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA

For the Petitioner	: Mr. Pramod Kumar, Advocate Mr. Kishlay Kumar, Advocate
For the State	: Ms. Shweta Singh, A.P.P.
For the O.P. No.2	: Mr. Manoj Kumar Dash, Advocate

C.A.V. on 17.07.2026

Pronounced on 20/08/2026

1. I have already heard the arguments of Mr. Pramod Kumar, learned counsel for the petitioner, Ms. Shweta Singh, learned A.P.P. and Mr. Manoj Kumar Dash, learned counsel appearing for the opposite party No.2.

2. Instant criminal revision is directed against the judgment dated 02.02.2017 passed by learned District & Additional Sessions Judge-I, Ghatshila, in Criminal Appeal No. 78 of 2016, whereby and whereunder the appeal preferred against the judgment of conviction under Sections 498A and 323 of the I.P.C., passed by learned Judicial Magistrate 1st Class, Ghatshila, in Complaint Case No. 23 of 2009 dated 20.04.2016 has been set aside and the appeal is allowed. Therefore, the accused persons (opposite party Nos.2 to 4) have been acquitted from the charges. The complainant being aggrieved by the

judgment of Appellate Court has preferred this criminal revision.

Factual Matrix

3. Factual matrix giving rise to this revision is that the complainant was married with _____ on 25.06.2008 in accordance with Hindu rites and customs. It is alleged that at the time of marriage on demand of accused persons cash of Rs.1,00,000/-, ten tolas gold ornaments and other household articles like palang, dressing table, iron almirah, brass utensils etc. total worth Rs.3,00,000/- were given by her father to the husband and in-laws family members. The complainant joined the company of her husband at matrimonial home where her all ornaments were detained and kept by in-laws and husband. The complainant became pregnant in the month of September, 2008. Thereafter, her husband started demanding Rs.1,00,000/- from the complainant to bring from her father for purchasing Hauler machine as he was engaged in business of rice. The complainant replied that his father is retired U.C.I.L. employee and unable to fulfill the above demand due to other liabilities to be discharged by him. Upon this, the complainant was subjected to cruelty both physical and mental at the hands of her husband and in-laws family members. Her food, cloth and other necessities were also stopped, hence, she fell ill and she was also not extended the medical facilities even during her pregnancy. Rather, she was assaulted by fists and blows confining in the room and quashed for bringing Rs.1,00,000/- from her parents. The complainant informed her parents, whereafter, witness Nos.2, 3 & 4 came to her matrimonial home on 22.02.2009 and disclosed their inability to satisfy the demand

of Rs.1,00,000/- then accused persons also misbehaved with parents of the complainant. It is further alleged that on 01.03.2009 at about 09:00 A.M., she was again pressurized by her husband and in-laws for bringing Rs.1,00,000/- from her parents otherwise she will be killed and she was mercilessly assaulted and driven out from her matrimonial home. She was constant to come back to her parental home and narrated about the above incidents and torturous acts of the accused persons then again on 02.03.2009 complainant's parent and witness Nos.2, 3 & 4 went to the house of accused persons to conciliate the matter, but they were adamant on their demand then father of the complainant asked for return of golden ornaments and other utensils given at the time of marriage, which was also not returned and kept by the accused persons. Thereafter, the complainant along with her father went to Jadugora police station on 03.03.2009 and informed about the occurrence, but on 15.03.2009 she was advised to lodge case before the Court, hence, this complaint case was lodged on 19.03.2009.

4. The Trial Court after conducting enquiry summoned the accused persons for the offences under Sections 498A and 323 of the I.P.C., the accused persons appeared and denied from the charges and claimed to be tried.

5. In the course of trial, altogether four witnesses were examined by the prosecution.

(i) C.W.-1,

(ii) C.W.-2,

(iii) C.W.-3,

(iv) *C.W.-4, Anita Bhakat (The complainant herself)*

6. On the other hand, no oral or documentary evidence has been adduced by the defence. The case of defence is denial from occurrence and false implication.

7. The learned Trial Court after considering the evidence of witnesses examined by complainant including herself recorded a definite finding about guilt of the accused persons for the offence under Sections 498A and 323 of the I.P.C. against which the accused persons preferred appeal, which was allowed by Appellate Court. Against the judgment of Appellate Court complainant filed this revision.

Submissions on behalf of the Petitioner: -

8. Learned counsel for the petitioner submits that the impugned judgment dated 02.02.2017 passed in Cr. Appeal No. 78 of 2016, whereby the learned Appellate Court has set aside the judgment of conviction and sentence dated 20.04.2016 passed by the learned J.M. 1st Class, Ghatsila in Complaint Case No. 23 of 2009/T.R. No. 350 of 2016, is illegal and suffers from improper appreciation of the evidence and materials on record. It is submitted that the Appellate Court failed to properly appreciate the consistent and corroborative evidence of C.W.-1 to C.W.-3 and the victim (C.W.-4), which established that she was subjected to physical and mental cruelty by her husband and in-laws in connection with the demand of Rs. 1,00,000/- as dowry and was ultimately ousted from her matrimonial home. The evidence further disclosed that during pregnancy she was assaulted and an attempt was

made to kick her in the belly with the intention of causing abortion, attracting Sections 498A and 323 IPC. The Appellate Court also failed to consider the circumstances arising from the interim order dated 30.09.2013 passed in G.R. Case No. 1117 of 2009, pursuant to which the petitioner resumed residence at her matrimonial home but was again subjected to cruelty. It is therefore submitted that the Appellate Court erred in interfering with the well-reasoned judgment of conviction without assigning cogent reasons. Hence, the impugned judgment is liable to be set aside by restoring the judgment of conviction and sentence passed by the learned Trial Court.

Submissions on behalf of the State & Opposite Party No.2: -

9. *Per contra*, learned counsel appearing on behalf of State and learned counsel for the opposite party No.2 have submitted that the learned Appellate Court, after proper appreciation of the evidence on record, rightly acquitted the accused persons. The prosecution failed to establish the essential ingredients of Section 498A I.P.C. beyond all reasonable doubt and the allegations of cruelty and assault were not supported by sufficient independent and reliable corroborative evidence. Moreover, in a criminal revision against an order of acquittal, the revisional court ought to exercise its jurisdiction with great caution, particularly where the Appellate Court has taken a possible and reasonable view of the evidence. Therefore, the judgment of acquittal passed by the learned Appellate Court is justified and this criminal revision is fit to be dismissed.

Analysis, discussions and reasons:-

10. It was observed that from close scrutiny of evidence available on record *“it is clear that all the accused persons including husband Gouranga Bhakat demanded Rs.1,00,000/- for business of the husband of the complainant and when the demand was not fulfilled, accused persons assaulted the complainant and drove away her from matrimonial home. In this context, the statement of the complainant about causing cruelty against her is well corroborated by the evidence of C.W.-1 and C.W.-3 who have vividly described the way of committing cruelty by the accused persons and further the same also got corroboration from the evidence of C.W.-2, Chitranjan Bhakat, who is a villager and an independent witness, who also supported the factum of causing cruelty against the complainant.”*

11. It appears that the learned Appellate Court has deferred with the findings recorded by learned Trial Court only on the ground as discussed in paragraph 10 of the judgment passed in Criminal Appeal No.78 of 2016 which is extracted hereunder:-

*“After going through the evidence on record, I find that the allegation of demand of Rs.1,00,000/- was in connection with development of the business and not related to any dowry so, apparently Section 498A I.P.C. was not made out in this case. No independent witness took oath in this case. It appears that it is a case of lack of adjustment and the reliance may be placed upon the case of **Smt. Moutushi Sarkar versus Rajeev Sarkar & Ors.** reported in **2016 (1) Crimes 338.**”*

12. With the aforesaid reason, the learned Appellate Court did not consider this case to come under the ambit of Section 498A I.P.C. merely because there was no demand of dowry rather demand of Rs.1,00,000/- for the purpose of development of business.

13. At this juncture, it is relevant to quote the provision of Section 498A of the I.P.C.

“498A. Husband or relative of husband of a woman subjecting her to cruelty.— *Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.*

Explanation.— For the purpose of this section, “cruelty” means—

(a) any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or

(b) harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.”

14. It is quite clear from the explanation that the cruelty includes any willful conduct or harassment with a view to coercing her (the woman) to meet any unlawful demand of property or valuable security, resulting

in likelihood of causing danger to life, limb or health. There is no whisper in the said definition about demand of any dowry rather demand of any property or valuable security which should be unlawful.

15. In the instant case, there is no whisper or any defence plea that the amount of Rs.1,00,000/- was demanded for as a loan from the father-in-law to be returned later on rather this was purely an unlawful demand followed with coercive steps of ill treatment harassment both physical and mental meted with the complainant with a view to enforce the above demand from her father.

16. Therefore, the offence clearly comes within the ambit of Section 498A of the I.P.C. The learned Appellate Court has taken a very absurd view that the demand of Rs.1,00,000/- was only for the purpose of development of business and it was not as dowry, but failed to consider that Section 498A of the I.P.C. does not speak about demand of dowry rather any unlawful demand of money or property. Therefore, the findings recorded by the learned Appellate Court acquitting the opposite party Nos.2 to 4 in this case and setting aside their conviction and sentence passed by the learned Trial Court is absolutely unwarranted, illegal and perverse. Therefore, the judgment of acquittal passed by learned Appellate Court is hereby set aside and the judgment and order passed by learned Trial Court is restored and upheld.

17. Accordingly, this criminal revision is **allowed**.

18. The opposite party Nos.2 to 4 are directed to surrender before the learned Trial Court for receiving the sentence awarded against them by the learned Trial Court within two months from the date of this order,

failing which the learned Trial Court shall take all coercive steps against them for their appearance and sending to jail custody.

19. Pending I.A.(s), if any, stands disposed of accordingly.

20. Let a copy of this order be sent to the court concerned for information and needful.

(Pradeep Kumar Srivastava, J.)

Jharkhand High Court

Dated 20/08/2026

Arpit/ N. A. F. R.

Uploaded on 20/08/2026