

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
CRIMINAL REVISION APPLICATION No. 259 of 2010

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SHOBHNABEN CHELSHANKAR SHUKLA - Applicant
Versus
SHEKHAR @ SHARAD PRABHAKAR VYAS & 4 -
Respondents
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Appearance :

MR MIHIR H PATHAK for the Applicant.

NONE for Respondent Nos.1 to 4.

MR K.P.RAWAL, APP for the Respondent No.5.

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 16/11/2010

ORAL ORDER

1. At the request of Mr.Pathak, learned advocate appearing on behalf of the applicant, respondent No.2 is ordered to be deleted as she is already expired.

2. The present Criminal Revision Application under Section 397 of the Code of Criminal Procedure has been preferred by the applicant – Revisionist - original complainant against the impugned judgement and order 26/02/2010 passed by learned Sessions Judge, Surendranagar in Criminal Appeal No.8 of 2009 as well as judgement and order dated 19/01/2009 passed by learned Trial Court in Criminal Case No.1416 of 2004, by which, both the Courts below have acquitted respondent Nos.1 to 4 for the alleged offences punishable under Sections 498-A, 406, 504, 506(2) & 114 of the Indian Penal Code and Sections 3 & 4 of the Dowry Prohibition Act.

3. Having heard Mr.Pathak, learned advocate appearing on behalf of the applicant – original complainant and considering the impugned judgement and orders passed by both the Courts below, it appears that there are concurrent findings of facts given by both the Courts below and it is held that prosecution has failed to prove the case against respondent Nos.1 to 4- original accused for the offences punishable under Sections 498-A, 406, 504, 506(2) & 114 of the Indian Penal Code and Sections 3 & 4 of the Dowry Prohibition Act.

4. Having heard Mr.Pathak, learned advocate appearing on behalf of the applicant and considering the impugned judgement and orders passed by both the Authorities below, it appears that it was specific case on behalf of the applicant in support of her case that respondent Nos.1 to 4 have demanded Rs.10,000/-, which was paid to them by borrowing the same from relatives. However neither any name of relatives were given by the complainant, from whom, she has borrowed Rs.10,000/- to pay to the accused persons nor any of the relatives were examined. It is also required to be examined that except the original complainant, her brother and two panchas (who turned Hostile), no independent witnesses were examined. Not a single neighbour was examined to prove that cruelty has been caused by respondent Nos.1 to 4 – original accused. Considering the aforesaid aspects, Trial Court has acquitted the accused, which came to be confirmed by Appellate Court, the same are not required to be interfered with by this Court by exercising revisional jurisdiction. The scope in revisional jurisdiction is

very limited and this Court is not required to reappreciate the evidence.

5. Under the circumstances and for the reasons stated hereinabove, the present Criminal Revision Application deserves to be dismissed and is accordingly dismissed.

[M.R.SHAH,J]

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