



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Criminal Revision Petition No. 1130/2002

Gulam Hussain

----Petitioner

Versus

State And Anr

----Respondent



For Petitioner(s)

: Mr. Manvendra Singh.
Ms. Saumya Choudhary.

For Respondent(s)

: Mr. Gaurav Singh, P.P.
Mr. Pradeep Shah, for complainant.

HON'BLE MR. JUSTICE ARUN MONGA

Order

07/08/2024

1. Petitioner herein is impugning an order dated 19.08.2002 passed by Additional Sessions Judge, Rajgarh (Churu) in Case No.25/2000, whereby the respondent No.2 / accused was discharged from the offences alleged have been committed by her.

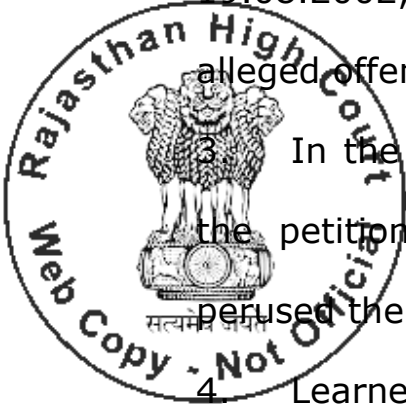
2. The brief facts leading to the instant petition are as follows: The petitioner is the father of the late Smt. Bilkeesh Bano, who was married to Wahid Hussain of Taranagar. On the night of 14.08.1998, she complained of stomach pain and was taken to the Government Hospital in Taranagar. She was subsequently referred to Churu, where she passed away during treatment. The police were informed on 15.08.1998, and an inquiry was conducted by the SDM of Churu under Section 174 Cr.P.C. A case was later registered initially under Sections 498-A and 302 IPC, and a

challan was filed against Smt. Aamina, the sister-in-law of the deceased, alleging that she had administered poison to Smt. Bilkeesh Bano. The learned Magistrate referred the case to the Additional Sessions Judge, Rajgarh (Churu), where a Regular Criminal Case was registered against Smt. Aamina. However, on 19.08.2002, the Sessions Court discharged Smt. Aamina from the alleged offenses.

3 In the aforesaid backdrop, I have heard learned counsel for the petitioner as well as learned Public Prosecutor and have perused the order impugned and the case file.

4 Learned counsel for the petitioner *inter alia* argues that learned Sessions Court committed grave error of law in not framing charges against the accused. The SDM Churu after holding inquest proceedings under Section 174 Cr.PC. lodged the FIR against the accused for the offences under Sections 302 and 498-A IPC. Thus the order impugned deserves to be quashed and accused be ordered to be tried under the alleged offences.

5. The impugned order is *inter alia* based on the reasoning that there is no evidence to show that the accused, Aamina, harassed Bilkeesh Bano for dowry or treated her cruelly. The prosecution's evidence indicates that Bilkeesh's husband and mother-in-law neither demanded dowry nor had a strained relationship with her. Aamina's act of merely having Bilkeesh visit her house and engaging in quarrels does not amount to cruelty for dowry. As for the charges under Sections 306 and 302 IPC, the statements alleging that Aamina poisoned Bilkeesh were made nearly two years after the incident and lacked corroboration. Thus, there was no *prima facie* evidence linking Aamina to Bilkeesh's death by



poisoning or instigating her to commit suicide. As a result, Amina was discharged from the charges under Sections 498-A and 306 IPC.

6. In my opinion the reasons and conclusion recorded by the learned Sessions court are consistent with record and applicable law. I am inclined to agree with the same. There seems no illegality or procedural irregularity fatal to the impugned order warranting interference by this Court. That is why it seems that the state has not challenged the trial court order.

Dismissed.

Pending application(s), if any, stand disposed.



(ARUN MONGA),J

4-Sumit/-

Whether Fit for Reporting:

Yes / No