

Vijaya

Vs

Laxmanrao and Another

Criminal Appeal No. 757 of 1997

(M.M. Punchhi, S.P. Kurdukar JJ)

19.08.1997

ORDER

1. Leave granted.

2. The appellant is the wife of the first respondent. She moved by means of a complaint against her husband and others for offences under Sections 420 and 498-A IPC. The respondents were issued process by a magistrate and they had to face trial. The trial ended up in acquittal, whereupon the appellant sought leave to appeal from the High Court under Section 378(4) of the Code of Criminal Procedure. The High Court declined to grant leave. Hence, this appeal.

3. The predominant reason which weighed with the trial court to dismiss the complaint was that it was belated by 2 years. Secondly, it was thought that PWs 1, 2, 4 and 5 who had gone in support of the complainant-appellant were interested in nature. The same views have been endorsed by the High Court by passing a speaking order. Considering the matter in its entirety and yet not expressing any opinion thereon, we are of the view that when Section 498-A of the Indian Penal Code is brought to use in the case of cruelty on women, the law of limitation is not that rigid so as to non-suit the aggrieved wife. A fair dose of liberalities is warranted, so that the law as an instrument comes in aid of the aggrieved due to gender inequalities. We, therefore, upset the impugned order of the High Court and remand the matter back to it, expecting of it to grant "leave", issue notice to the accused respondents so as to dispose of the appeal on merits of the matter. The appeal is, accordingly, allowed.