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Some brides are 'villains', not victims: lawyers

RAHUL

[WEDNESDAY, MAY 01, 2002 12:32:02 AM]

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KOLKATA: City lawyers claim to be surprised at the spate of 'patently unfair' cases alleging cruelty to the bride under section 498A of the Indian Penal Code, which is a cognizable and non-bailable offence meaning that the police can arrest without warrants and bails can be obtained only from a law court and not the police station.

They are also surprised to come across many cases which, they feel, are brazenly fabricated and amount to a gross abuse of a legal provision.

Once a woman lodges a complaint, the arrest of the husband is virtually routine. And if he happens to be a government servant or working in a public sector undertaking or bank, his suspension follows again as a routine.

In some cases lawyers have been appalled to find elderly relatives of the husband and even visiting relatives of the husband implicated in the case.

In some cases the husband and his family are virtually being blackmailed into coughing up money and reach an out-of-court settlement.

In one of the cases the bride is said to have won the heart of her in-laws so much that when her sister-in-law gets married, all the family jewellery are put in her lockers.

She takes the jewellery, leaves the house and promptly lodges a complaint against her husband.

Inquiries revealed that she had an earlier affair and had left to live with her love, recalls Ananda Basu, Advocate practising in the Calcutta High Court.

Eminent lawyer Bishnu Charan Ghosh says, "As a lawyer I have never come across such gross abuse of any of the provisions of any Act as I am experiencing in 498A IPC cases".

He goes on to say, "I don't mean to suggest that brides are always the villains and not the victim. In a majority of the cases, in fact, the brides are at the receiving end. But what is surprising is the large number of cases where the brides actually seem to be villainous".

Asked about the ways to check abuse of section 498A, B.C.

Ghosh and Gitanath Ganguly, the former suggests a threefold measure: (i) to convert section 498A into a bailable one, (ii) The Ld. court could

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carefully consider whether the allegations of the bride are indeed genuine at least against the in-laws or other relations of her husband when it directs investigation under section 156(3) of CrPC for an offence under section 498A and, (iii) The Ld. court could carefully take into account whether custodial detention is at all needed for the old in-laws and other relations.

Ganguly suggests that on receiving a complaint under section 498A from a woman, police should immediately approach the Magistrate instead of arresting the accused.

He asserted that the police should collect the materials, place them before the Magistrate and arrest people only with the permission of the Magistrate. He also suggests making the offence under this section a bailable one.

The lawyers also point out the irony that while women belonging to the poorer sections, for whom the section was primarily meant, are not even aware of the provision, the section is being merrily misused by a section of the urban women.



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