



2026:DHC:4748-DB



\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

**Reserved on: 7<sup>th</sup> May, 2026**  
**Pronounced on: 29<sup>th</sup> May, 2026**  
**Uploaded on: 29<sup>th</sup> May, 2026**

+ **CRL.A. 644/2015**

STATE NCT OF DELHI .....Appellant

Through: Mr. Ritesh Kumar Bahri, APP with  
Ms. Divya Yadav, Adv.

versus

JAWAHAR SINGH & ORS. ....Respondents

Through: Mr. Rahul Sharma, Mr. Utkarsh  
Jaiswal, Adv.

**CORAM:**  
**JUSTICE PRATHIBA M. SINGH**  
**JUSTICE MADHU JAIN**

**JUDGMENT**

**MADHU JAIN, J.**

1. The present appeal has been filed by the Appellant under Section 378 (1) of the Code of Criminal Procedure, 1973 (*hereinafter*, 'CrPC') assailing the impugned judgment dated 25<sup>th</sup> November, 2011 passed by the Id. ASJ- II (North), Tis Hazari Courts, Delhi arising out of **FIR No. 213/09** registered at P.S. Burari.

2. By the impugned judgment, the accused/Respondents (*hereinafter* 'Respondents') Jawahar Singh (husband of the deceased), Amar Singh (father-in-law of the deceased), Vidyawati (mother-in-law of the deceased) were acquitted of the charges under Sections 498-A/304-B/34 of the Indian Penal Code, 1860 (*hereinafter*, 'IPC'), on the ground that the conduct of the



Respondents towards deceased could not be said to be of such a nature, as would have compelled her to commit suicide or that the deceased was subjected to harassment by Respondents with a view to compel her parents to meet the unlawful demand of dowry. The relevant portion of the conclusion of the Trial Court are set out below:

*“34. In view of above discussion, I am of the considered view that allegations of harassment and cruelty are general and vague in nature and do not come under the category of 'harassment' and 'cruelty', which are required to prove dowry cases. Further, prosecution has also miserably failed to prove that the harassment or cruelty was in connection with dowry demand, soon before her death. Accordingly, accused Jawahar Singh, Amar Singh and Vidyavati are acquitted of the offence U/S 304 r/w Section 34 IPC.*

xxx

*38. In the present case, it has already been discussed in detail in the earlier part of judgment that allegation of harassment and cruelty are not proved against the accused persons. The conduct of accused towards deceased cannot be said to be of such a nature, which would have compelled her to commit suicide or that the deceased was subjected to harassment by accused with a view to compel her parents to meet the unlawful demand of dowry. Since, the necessary ingredients as are discussed in the cases, referred above, are not present in this case, all accused are acquitted of the offence U/S 498-A r/w Section 34 IPC.*

*39. In this case, accused Jawahar Singh, Amar Singh and Vidyavati are on bail. In view of amended provisions of Section 437A CrPC, accused are directed to furnish personal bond and surety bond in the sum of Rs. 10,000/- for a period*



*of six months with the directions that they will appear before Hon'ble High Court as and when any notice is received by them in respect of any appeal filed by the State against the judgment.”*

3. The Respondents were served and directed to furnish personal bonds. Proceedings against Respondent No.3/Vidyawati (mother-in-law of the deceased) stood abated on 25<sup>th</sup> March, 2015 on account of her demise. Subsequently, Id. Counsel for the Respondents on 4<sup>th</sup> December, 2025 submitted that Respondent No.1/Jawahar Singh (husband of the deceased) had also expired and placed on record their death certificates. Consequently, proceedings against Respondent Nos.1 and 3 stand abated and only Respondent No.2 *i.e.*, the father-in-law, survives.

#### **Facts**

4. The case of the Appellant/State (hereinafter “*Prosecution*”) is primarily based upon the testimonies of PW-1/Monu Malik and PW-5/Sagar, brothers of the deceased, PW-2/Sarla Malik, mother of the deceased, PW-3/ Saroj Devi, the marriage mediator, PW-4/Ishwar Chand, friend of the father of the deceased, and PW-13/Sonia, younger sister of the deceased.

5. As per the Prosecution, the deceased Manju was married to Respondent No.1/Jawahar Singh on 15<sup>th</sup> February, 2009 at Arya Samaj Mandir. It was her second marriage and she had earlier obtained divorce through the Panchayat. Respondent No.1 was also previously married and had a daughter from the said marriage. PW-2/Sarla Malik deposed that PW-3/Saroj Devi had acted as mediator for the marriage proposal and after making enquiries regarding Respondent No.1, the marriage was solemnized.



PW-2 further deposed that utensils, clothes and gold articles were given at the time of the marriage and approximately Rs.50,000/- was spent thereupon.

6. The prosecution alleged that after the marriage, the deceased was subjected to cruelty and harassment by Respondent No.1/Jawahar Singh, Respondent No.3/mother-in-law Vidyawati and Respondent No.2/father-in-law Amar Singh in connection with demands of dowry, particularly for TV, fridge and cash amount of Rs.10,000/-. PW-2 deposed that about 15 days after the marriage, the deceased came to her parental home and stayed there for about a week. Thereafter, Respondent No.1 along with his sister, daughter and *nandoi* came to the parental home and took the deceased back to her matrimonial home. PW-2 further deposed that after about 20 days, the deceased again visited the parental home and informed her that her mother-in-law used to harass her for not bringing sufficient dowry and was also pressurising her to take up a job.

7. PW-2 further deposed that the deceased used to inform her telephonically that she was not permitted to use TV and fridge in the matrimonial home and whenever she attempted to use the said articles, her mother-in-law used to taunt her by saying that she had not brought the same from her parental house. She further deposed that whenever PW-2 attempted to bring the deceased back to the parental home, the mother-in-law refused to send her stating that there would be nobody to work in the house in her absence. PW-2 further deposed that during one such visit, the deceased informed her that Respondent No.1/Jawahar Singh and Respondent No.3/Vidyawati, mother-in-law used to harass her and demand Rs.10,000/-, TV and fridge from her. PW-2 stated that she assured the deceased that the



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demanded articles would be provided at the time of delivery of her child. PW-2 also contacted PW-3/Saroj Devi and informed her regarding the alleged harassment and demands.

8. PW-3/Saroj Devi, who was the mediator of the marriage, made similar allegations and deposed that after about 2-3 months, the deceased informed her that Respondent No.1/Jawahar Singh used to consume liquor, return home late in the night and beat her whenever she objected. PW-3 further deposed that the deceased informed her that her in-laws also harassed her and did not permit her to use TV and fridge on the ground that she had not brought the same in dowry. PW-3 stated that she advised the deceased to remain patient and assured her that after the birth of a child, the articles would be provided.

9. PW-3 further deposed that on one occasion, PW-2/Sarla Malik approached her and requested her to make Respondent No.1 understand his family responsibilities and also to stop consuming liquor and beating the deceased. PW-3 stated that though she had called Respondent No.1 to her house, he did not come there and later met her on the way whereupon she advised him not to misbehave with the deceased and also asked him to stop drinking and behave properly with Manju.

10. PW-1 and PW-5, brothers of the deceased, also deposed regarding alleged harassment and dowry demands. PW-1 deposed that after one or two months of the marriage, the deceased informed their mother in his presence that Respondent No.1 and his parents were harassing her for bringing insufficient dowry and she was not permitted to use TV and fridge in the matrimonial home. PW-5 deposed that whenever the deceased visited the parental home, she informed their mother that she was being harassed by her



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husband and in-laws for TV, fridge and cash amount of Rs.10,000/- to Rs.15,000/-. PW-13/Sonia, younger sister of the deceased, also deposed that the deceased used to inform the family members that her husband consumed liquor and used to beat her and that she was taunted for not bringing TV and fridge in dowry.

11. It is further the case of the Prosecution that on 5<sup>th</sup> July, 2009, Respondent No.1/Jawahar Singh along with his cousin came to the parental home of the deceased to take her back. PW-2 deposed that she separately spoke to Respondent No.1 and requested him not to harass or beat the deceased on account of dowry demands. PW-2 stated that Respondent No.1 assured her that such conduct would not be repeated and thereafter took the deceased back to the matrimonial home.

12. On 7<sup>th</sup> July, 2009 at about 4:15 PM, PW-2 received information through PW-13/Sonia that the deceased had committed suicide. PW-2 along with her son Sagar reached the matrimonial home and found the deceased hanging from the ceiling fan with a *chunni* tied horizontally over her mouth and a saree tied around her neck, the other end of which was tied with the ceiling fan. Police officials and relatives of the Respondents were already present there.

13. PW-12/Lady Constable Savitri deposed that on 7<sup>th</sup> July, 2009, during the formal search of deceased Manju conducted at the directions of the Investigating Officer, one torn diary page, handwritten on one side, was recovered from the left side of the brassiere of the deceased. The said note was handed over to the Investigating Officer and was seized by PW-20 Inspector J.S. Mishra. The said document was exhibited as the suicide note Ex. PW5/F. The suicide note reads as under:



DATE: 6/7/08

मैं मंजु अपने जीतेजी यह लिख रही हूँ  
कल 6/7/08 को मेरे सास, ससुर ने  
मेरे से लड़ाई कि जिसकी वजह से  
अपनी जान दे रही हूँ मेरे पास और  
कोई रास्ता नहीं था जिसका ना पति हो  
ना कोई हो तो वो क्या करेगा  
मैं मंजु अपनी मौत कि खुद जिम्मेदार  
हूँ इसीलिये मेरे ससुराल और मायके  
कि तरफ से कोई केस नहीं चलाना  
चाहिए न ही कोई किसी पर इल्जाम  
लगाएगा किसी का किसी से कोई रिश्ता  
नहीं रहेगा मेरे सास, ससुर को तो  
भगवान सजा देगा कानून नहीं।

“मैं मंजु अपने जीतेजी यह लिख रही हूँ, कल 6/7/08 को मेरे सास, ससुर ने मेरे से लड़ाई कि जिसकी वजह से मैं अपनी जान दे रही हूँ। मेरे पास और कोई रास्ता नहीं था जिसका ना पति हो ना कोई हो तो वो क्या करेगा। मैं मंजु अपनी मौत की खुद जिम्मेदार हूँ, इसलिए मेरे ससुराल और मायके की तरफ से कोई केस नहीं चलाना चाहिए न ही कोई किसी पर इल्जाम लगाएगा। किसी का किसी से कोई रिश्ता नहीं रहेगा। मेरे सास, ससुर को तो भगवान सजा देगा कानून नहीं। — Manju”

14. The Respondents Jawahar Singh and Amar Singh were arrested on 7<sup>th</sup> July, 2009 at the instance of PW-5/Sagar vide arrest memos Ex. PW5/C and



Ex. PW5/B respectively. Respondent Vidyawati was arrested on 8<sup>th</sup> July, 2009 vide arrest memo Ex. PW5/D.

15. Post-mortem on the dead body of the deceased was conducted by PW-11/Dr. Akash Jhanjee, who opined the cause of death to be asphyxia as a result of ante-mortem ligature hanging sufficient to cause death in ordinary course of nature. The relevant portion of the testimony of PW-11 is reproduced hereinbelow:

***“Opinion:***

*After completing the post mortem, I gave cause of death as Asphyxia as a result of anti-mortem ligature hanging, which is sufficient to cause death in ordinary course of nature. Ligature mark is anti-mortem in nature and is consistent with ligature material count insitu around the neck of the deceased.”*

16. PW-20 Inspector J.S. Mishra deposed that on 10<sup>th</sup> July, 2009, Sagar, brother of the deceased, handed over a telephone diary allegedly containing admitted handwriting of the deceased. The suicide note along with the admitted handwriting samples, affidavit and other documents were sent to FSL for handwriting examination. As per the FSL report Ex. PW20/J, the handwriting on the suicide note was opined to be that of the deceased. The relevant portion thereof reads as under:

*“Similarities are observed in the general features such as writing movement, skill, speed, spacing, alignment, relative size and proportion of characters and nature of commencing & terminating strokes etc.*

*There is no divergence observed between the questioned and standard writings & signatures and the aforesaid similarities in the writing habits are significant and sufficient and cannot be attributed*



to accidental coincidence and when considered collectively they lead me to the above said opinion.”

17. The viscera report Ex. PW20/H further recorded that no poisonous substance was detected in the viscera of the deceased. The relevant portion whereof reads as under:

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Form No. FSL/DELHI/FM/03/23/24.12.2007

**FORENSIC SCIENCE LABORATORY**  
GOVT. OF NCT OF DELHI  
SECTOR 14, ROHINI, DELHI-110085.

REPORT No. FSL.. 2009/C-3105      Dated 19.11.2009

1. Please quote the Report (Opinion) No. & Date in all future correspondence & Summons.  
2. This Report is *Per se* admissible U/S.293 Cr. P.C.

To  
Shri J.S. Mishra,  
Inspector Investigation  
PS : Burari  
Delhi

Your letter No. 1077/SHO.Burari Dated 28.07.09 regarding one parcel in connection with case FIR No. 213/09 Dated 07.07.09 U/S 498A/304B/34 IPC P.S Burari duty received in this office on 31.07.09 through Inspector J. S. Mishra No. D-833.

DESCRIPTION OF PARCEL(S)

Sealed wooden box : 01 (one)  
Total : 01 (one)

One sealed parcel marked as '1'. Seal was intact and tallied with the specimen seal as per forwarding letter (FSL FORM).

DESCRIPTION OF ARTICLES CONTAINED IN THE PARCEL(S)/EXHIBIT(S)

Parcel-'1' : One sealed wooden box sealed with the seal of "CMO 1/C AAA GH SUBZI MANDI MORTUARY DELHI", labelled as PMR No. 1172/09 viscera of Manju. It was found to contain exhibits '1A', '1B' & '1C'.  
Exhibit-'1A' : Stomach and piece of small intestine with contents, kept in a sealed jar.  
Exhibit-'1B' : Pieces of liver, spleen and kidney, kept in a sealed jar.  
Exhibit-'1C' : Preservative sample, saturated solution of common salt, kept in a sealed vial.

RESULTS OF EXAMINATION

On Chemical & TLC examination, metallic poisons, ethyl and methyl alcohol, cyanide, phosphide, alkaloids, barbiturates, tranquilizers and pesticides could not be detected in exhibits '1A', '1B' & '1C'.

NOTE: Case Exhibits / Remnants of Exhibits sent to this laboratory for examination have been sealed with the seal of "SN FSL DELHI".

(SRI NARAIN)  
Senior Scientific Officer (Chemistry)  
Forensic Science Laboratory, Delhi  
Cum-Ex-Officio Chemical Examiner to the  
Govt. of National Capital Territory of Delhi

**“RESULTS OF EXAMINATION**

*On Chemical & TLC examination, metallic poisons, ethyl and methyl alcohol, cyanide, phosphide, alkaloids, barbiturates, tranquilizers*



*and pesticides could not be detected in exhibits '1A', '1B' & '1C'."*

18. Upon completion of investigation, chargesheet was filed against Respondent Jawahar Singh, Amar Singh and Vidyawati for offences punishable under Sections 304-B/498-A/34 IPC on allegations that deceased Manju had committed suicide on account of dowry related harassment and cruelty inflicted upon her by the Respondents. The Respondents pleaded not guilty and claimed trial.

19. During the course of trial, the Prosecution examined as many as 21 witnesses in support of its case. The details of the witnesses are as under:

| S. No. | Name                        | Prosecution witness |
|--------|-----------------------------|---------------------|
| 1.     | Monu Malik                  | PW-1                |
| 2.     | Sarla Malik                 | PW-2                |
| 3.     | Saroj Devi                  | PW-3                |
| 4.     | Ishwar Chand                | PW-4                |
| 5.     | Sagar                       | PW-5                |
| 6.     | Kuldeep Kishore             | PW-6                |
| 7.     | HC Amarnath                 | PW-7                |
| 8.     | SI Dheeraj Kumar            | PW-8                |
| 9.     | HC Rajpal                   | PW-9                |
| 10.    | HC Chiddha Singh            | PW-10               |
| 11.    | Dr. Akash Jhanjee           | PW-11               |
| 12.    | W. Constable Savitri        | PW-12               |
| 13.    | Sonia                       | PW-13               |
| 14.    | Satya Prakash Pathak        | PW-14               |
| 15.    | Constable Shatrujeet Thakur | PW-15               |
| 16.    | Ashok Kumar Rajput          | PW-16               |
| 17.    | SI Satya Prakash            | PW-17               |
| 18.    | Arvind Kumar                | PW-18               |
| 19.    | Constable Rajbir Singh      | PW-19               |



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|     |                       |       |
|-----|-----------------------|-------|
| 20. | Inspector J.S. Mishra | PW-20 |
| 21. | Inspector Hari Kishan | PW-21 |

20. After recording the Prosecution evidence, statements of the Respondents were recorded under Section 313 Cr.P.C, wherein they denied the allegations of the Prosecution. It was submitted that before solemnisation of marriage between Respondent Jawahar Singh and deceased Manju, the mother of Manju along with her family members had approached the house of the Respondents with the marriage proposal and had stated that they did not have any cash or valuable articles to give in the marriage, which was to be performed at Arya Samaj Mandir. The Respondents further stated that Respondent Jawahar Singh had informed the mother of the deceased that it was his second marriage and that he had one daughter from the first marriage. It was further submitted that deceased Manju insisted that the daughter be sent to her *nanihal* and allegedly threatened that if the same was not done, she would commit suicide and falsely implicate the Respondents.

21. The respondents examined one witness, DW-1/Sh. Bhupender Singh in their defence. DW-1 supported the Respondents and deposed that they never made any demand of dowry since they already had colour TV, Fridge, Almirah etc. in their house.

22. The Id. Trial Court observed that though the suicide note Ex. PW12/B referred to a quarrel between the deceased and her parents-in-law on the previous day, the exact reason for the quarrel was not disclosed therein and no specific allegation regarding dowry demand or beatings by accused Jawahar Singh was made in the said note. The Court further noted that the deceased had stated that she herself was responsible for her death and that no case should be initiated against anyone. The Id. Trial Court also took note



of the defence version that the deceased had allegedly concealed her earlier marriage from the Respondents and observed that the marriage certificate Ex. PW2/DX1 reflected her status as “unmarried”, despite prosecution witnesses admitting that the marriage with Respondent No.1 was her second marriage.

23. After considering the evidence on record, the Id. Trial Court held that the allegations of harassment and cruelty were general and vague in nature and that the Prosecution had failed to establish cruelty or harassment in connection with dowry demand soon before the death of the deceased. Accordingly, Respondents Jawahar Singh, Amar Singh and Vidyavati were acquitted of the offences under Sections 304-B/34 IPC and 498-A/34 IPC and, being already on bail, were directed to furnish personal bond and surety bond in the sum of Rs.10,000/- each for a period of six months in terms of Section 437A Cr.P.C., with directions to appear before this Court as and when notice is received in respect of any appeal filed by the State against the judgment.

**Submissions on behalf of the Appellant/ State**

24. Mr. Bahri, Id APP for the State, submits that Respondent No.1/husband and Respondent No.3/mother-in-law of the deceased have expired and only Respondent No.2/father-in-law survives.

25. He submits that the marriage between the deceased and Respondent No.1 was solemnised on 15<sup>th</sup> February,2009 and the incident occurred on 7<sup>th</sup> July, 2009, thus the marriage subsisted for approximately five months. Reliance is placed upon the testimonies of PW2 and PW13 to submit that the deceased was subjected to harassment soon after the marriage. PW2/mother of the deceased deposed that the trouble started within fifteen days of the



marriage, while PW13/sister of the deceased deposed that during May 2009, the deceased stayed at her parental house for about one and a half months and informed the family members that her husband and in-laws used to harass and taunt her for not bringing T.V. and fridge in dowry and were demanding Rs.10,000/- in cash. PW13 further deposed that the deceased used to make telephonic calls informing the family members about the harassment. The deceased returned to her matrimonial home on 5<sup>th</sup> July, 2009 and on 7<sup>th</sup> July, 2009, Respondent No.1 informed the family that she had committed suicide.

26. He further places reliance upon Ex. PW-2/C, list of dowry articles, the testimony of PW4 regarding demands for TV, fridge and cash, and the suicide note Ex. PW-5/F, wherein the deceased stated that on 6<sup>th</sup> July, 2008, (the year being apparently an inadvertent error) her mother-in-law and father-in-law had quarrelled with her and, being left with no option, she was ending her life.

27. He further submits that the marriage stands proved by Ex. PW-16/F and the postmortem report proved by PW11/Dr. Akash Jhanjee is not disputed. On the basis of the oral and documentary evidence on record, it is submitted that the ingredients of Section 304-B IPC are made out.

28. On the strength of the aforesaid submissions, Mr. Bahri urges this Court to set aside the acquittal and convict Respondent No.2.

**Submissions on behalf of the Respondent**

29. *Per contra*, Ld. Counsel for Respondent No.2 submits that there are material contradictions and inconsistencies in the prosecution evidence, which have been rightly appreciated by the Id. Trial Court while passing the impugned judgment of acquittal. He submits that though the prosecution



witnesses supported the case of the Prosecution in their examination-in-chief, they failed to support the same in their cross-examination. PW1, PW2, PW5 and PW13 were unable to state the specific date, time or month when the deceased allegedly complained of harassment or dowry demands.

30. He further submits that PW5/brother of the deceased admitted in his cross-examination that the deceased had never directly complained to him and that he had only heard that she was being taunted for not bringing a fridge.

31. Ld. Counsel further submits that PW13/Sonia materially contradicted her examination-in-chief in her cross-examination and admitted that she had been tutored by the IO outside the courtroom. In her cross-examination, PW13 deposed that the deceased had never informed her regarding any beatings or misbehaviour by the Respondents and she was unable to state the date or month of the alleged taunts, refusal to use T.V. and fridge, or demand of Rs.10,000/-. PW13 further admitted that the deceased had not obtained divorce from her first marriage prior to marrying Respondent No.1 and that she did not know whether the deceased was in depression on account of her earlier marriage.

32. Ld. Counsel submits that though both the deceased and Respondent No.1 were divorcees, the marriage certificate Ex. PW-16/F records the status of the deceased as “unmarried”. According to the Ld. Counsel for the Respondent No.2, the Prosecution has failed to establish whether the quarrel referred to in the suicide note was on account of alleged dowry harassment or could be some other reason such as concealment of the previous marriage of the deceased.

33. Reliance is placed upon the judgment of the Supreme Court in ***Chandrappa & Ors. v. State of Karnataka*** (2007) 4 SCC 415 to submit that



in an appeal against acquittal, there is a double presumption in favour of the accused and where two views are possible on the basis of the evidence on record, the Appellate Court ought not to interfere with the order of acquittal passed by the Id. Trial Court.

**Analysis and Findings**

34. The Court has considered the matter.

35. Before proceeding to the merits of the appeal, it is necessary to set out the statutory provisions which are to be considered. The relevant portion of Section 304-B and Section 498-A of the IPC read as under:

*“304-B. Dowry death.—Where the death of a woman is caused by any burns or bodily injury or occurs otherwise than under normal circumstances within seven years of her marriage and it is shown that soon before her death she was subjected to cruelty or harassment by her husband or any relative of her husband for, or in connection with, any demand for dowry, such death shall be called ‘dowry death’ and such husband or relative shall be deemed to have caused her death.”*

*“498-A. 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.”*

36. For attracting Section 304-B IPC, the Prosecution is required to establish that: (i) the death occurred otherwise than under normal circumstances within seven years of marriage; and (ii) soon before her



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death, the deceased was subjected to cruelty or harassment in connection with demand for dowry.

37. There is no dispute that the death occurred within seven years of marriage. However, the essential ingredient of cruelty or harassment “soon before death” in connection with dowry demand has not been established beyond reasonable doubt.

38. The allegations regarding dowry demand are general in nature. PW1, PW2, PW5 and PW13 were unable to state any specific date, month or occasion when such alleged demands were made. PW5 admitted that the deceased had never directly complained to him. PW13 materially contradicted her examination-in-chief in her cross-examination and admitted to having been tutored by the Investigating Officer outside the courtroom. She further deposed that the deceased had never informed her regarding any beatings or misbehavior by the Respondent.

39. The suicide note also does not specifically attribute the quarrel to any dowry demand. Though reference has been made to a quarrel with the parents-in-law on the previous day, the exact cause of the quarrel has not been disclosed. Rather, the deceased stated that she herself was responsible for her death and that no case should be initiated against anyone.

40. Another important circumstance which emerges from the record is that both the deceased and Respondent No.1 were previously married. The defence consistently took the stand that the deceased had concealed her earlier marriage. The marriage certificate records her status as “unmarried”, despite prosecution witnesses admitting that this was her second marriage. PW13 also admitted that the deceased had not obtained divorce from her



first marriage prior to marrying Respondent No.1 and that she did not know whether the deceased was under depression on account of her earlier marriage. The possibility that the deceased was emotionally disturbed or frustrated owing to her matrimonial circumstances, therefore, cannot be ruled out.

41. It is also noteworthy that the alleged demands pertained to T.V., fridge and cash amount of Rs.10,000/-. Except for bald allegations, there is no cogent evidence to establish persistent cruelty or harassment soon before death in connection with dowry demand.

42. The Court is conscious of the legislative intent behind Sections 498-A and 304-B IPC, which is to curb the menace of dowry deaths. In *State of Punjab v. Iqbal Singh, (1991) 3 SCC 1* the Supreme Court observed that such offences are generally committed within the privacy of the matrimonial home and independent evidence may not always be available. However, the foundational ingredients of the offence must still be established by the Prosecution.

43. Having regard to the material on record, this Court concurs with the finding of the Id. Trial Court that the ingredients of Sections 304-B IPC and 498-A IPC have not been established beyond reasonable doubt.

44. It is equally well settled that though the Appellate Court has the power to re-appreciate the evidence in an appeal against acquittal, interference is warranted only where the findings of the Trial Court are perverse or based on a complete misreading of evidence. In *Chandrappa & Ors. (supra)* the Supreme Court held that an order of acquittal strengthens the presumption of innocence in favour of the accused and where two views



are possible, the Appellate Court ought not to interfere with the acquittal. Similar observations were made by the Supreme Court in *State of Uttarakhand v. Sanjay Ram Tamta Alias Sanju Alias Prem Prakash* (2025) 3 SCC 433, wherein it was held that unless the findings are perverse and the only conclusion possible from the evidence on record is that of guilt, reversal of an order of acquittal would not be warranted, the relevant portion of the same is reproduced as under:

*“6. Trite is the principle that the appellate courts would be slow in reversing an order of acquittal, especially since the presumption of innocence that is always available to the accused; as a basic principle of criminal jurisprudence, stands reinforced and reaffirmed by the acquittal and unless there are very substantive and compelling reasons to do so, there cannot be a reversal of an order of acquittal. Unless it is found that the findings are perverse and the only conclusion possible from the compelling evidence is of guilt; appellate courts will be slow to reverse an order of acquittal.”*

45. Upon a consideration of the evidence on record, this Court is of the opinion that the view taken by the Id. Trial Court is a plausible view arising from the evidence on record and does not call for interference.

### **Conclusion**

46. For the reasons stated above, this Court finds that the Prosecution has failed to prove beyond reasonable doubt that the deceased was subjected to cruelty or harassment for or in connection with any demand of dowry soon before her death.



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47. The impugned order of acquittal is hereby upheld and the appeal is dismissed.
48. The Personal Bonds and Surety Bonds of the Respondent No.2 is cancelled.
49. Pending applications, if any, are also disposed of.

**MADHU JAIN  
JUDGE**

**PRATHIBA M. SINGH  
JUDGE**

**MAY 29, 2026/Av/b**