



2026:CGHC:1840-DB

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HIGH COURT OF CHHATTISGARH AT BILASPUR

ACQA No. 126 of 2017

1 - State of Chhattisgarh Through Police Station Pamgarh, District Janjgir Champa, Chhattisgarh.

... Appellant

versus

1 – Ramkumar, S/o Bharat Lal Thawait, Aged About 24 Years,
2 – Bharatlal, S/o Dukaluram Thawait, Aged About 62 Years,
3 - Laxminbai, W/o Bharatlal Thawait, Aged About 59 Years,
All are R/o Village Rasauta, Police Station Pamgarh, District Janjgir Champa, Chhattisgarh.

... Respondent(s)

For Appellant	:	Ms. Sunita Sahu, P.L.
For Respondent(s)	:	Mr. Vivek Singhal, Advocate

Hon'ble Smt. Justice Rajani Dubey
Hon'ble Shri Justice Radhakishan Agrawal
Judgment on Board

Per Rajani Dubey, J.

13/01/2026

1. The present appeal has been preferred by the appellant assailing the judgment dated 02.01.2017 passed by the learned Additional Sessions Judge (F.T.C.) Janjgir-Champa (C.G.) in Sessions Case No. 127/2015 whereby the learned trial Court acquitted the respondents/accused of the offences punishable under Sections 498-A, 304-B and in alternative Section 302/34 of the Indian Penal Code, 1860.
2. The prosecution case is that the deceased Sarita was married to accused Ramkumar Thawait on 10.06.2009. After a few months of marriage, the accused subjected Sarita to physical and mental cruelty on account of insufficient dowry and at one point, even separated her from the matrimonial home. The accused Ramkumar thereafter compelled Sarita to bring a sum of Rs.3,00,000/- from her parental home for construction of a separate house, which amount was allegedly paid and utilized. Subsequently, further demands were made for money for digging a bore well and for articles such as a sofa, scooter, CD, etc. On failure to meet these demands, Sarita was continuously harassed

and humiliated by her husband Ramkumar and her in-laws, namely Bharatlal and Laxmibai.

On 25.04.2015, accused Ramkumar lodged a complaint against Sarita at the police station. On the same day, allegedly due to persistent cruelty and dowry-related harassment by the accused persons, Sarita committed suicide by hanging herself from a ceiling fan in her room. On receipt of information, Police Station Pamgarh registered a case and conducted investigation, including preparation of inquest (panchnama), spot map, Patwari map, recording of witness statements, and sending seized articles to FSL, Raipur for chemical examination. Upon completion of investigation, a charge-sheet was filed under Sections 304-B read with Section 34 of the Indian Penal Code before the Judicial Magistrate First Class, Pamgarh, who, having no jurisdiction to try the case, committed it to the Sessions Court, from where it was transferred to this Court for trial and disposal. The learned Trial Court framed charges against the respondents/accused under Sections 498-A, 304-B and in the alternative under Section 302 read with Section 34 of the Indian Penal Code, to which they pleaded not guilty and claimed to be tried.

3. In order to bring home the guilt of the accused/respondents, the prosecution examined as many as 10 witnesses. The statements of the accused/respondents were also recorded under Section 313 of the Code of Criminal Procedure, wherein they denied all the incriminating circumstances appearing against them and

pleaded innocence alleging false implication in the case. The accused/respondents did not lead any evidence in defence.

4. Upon due appreciation of the oral as well as documentary evidence available on record, the learned Trial Court acquitted the respondents/accused of the offences punishable under Sections 498-A and 304-B of the Indian Penal Code and in the alternative under Section 302/34 of IPC. Hence, this acquittal appeal.
5. Learned counsel for the appellant submits that the impugned judgment passed by the learned Trial Court is erroneous, perverse and contrary to both facts and law. The learned Trial Judge has misappreciated the oral and documentary evidence on record and failed to assess the prosecution evidence in its proper perspective. The prosecution witnesses are natural and trustworthy and minor discrepancies or omissions in their testimonies do not detract from their overall credibility. The learned Trial Court erred in discarding reliable evidence, particularly the testimonies of the mother and brother of the deceased, on trivial contradictions, while overlooking material evidence establishing cruelty and dowry-related harassment. It is further contended that the prosecution has successfully proved the charges under Sections 498-A, 304-B and alternatively under Section 302 read with Section 34 of the Indian Penal Code beyond reasonable doubt and the accused ought to have been convicted accordingly. The learned Trial Court also erred in branding the prosecution witnesses as interested witnesses and in

ignoring settled principles of law laid down by the Hon'ble Supreme Court governing cases of this nature. Consequently, the impugned judgment is unsustainable in law, unjust and liable to be set aside.

6. Per contra, learned counsel for the respondents submits that the impugned judgment is legal, well-reasoned and based on proper appreciation of oral and documentary evidence. The learned Trial Court has rightly disbelieved the prosecution witnesses, who are interested and whose testimonies suffer from material contradictions and inconsistencies. It is further submitted that the prosecution has failed to prove the ingredients of offences under Sections 498-A, 304-B or alternatively Section 302 read with Section 34 IPC beyond reasonable doubt. The learned Trial Court has correctly applied settled legal principles and granted the benefit of doubt to the respondents. The judgment of acquittal warrants no interference and the appeal deserves dismissal.
7. Heard learned counsel for the parties and perused the material available on record.
8. It is apparent from the record that the learned Trial Court framed charges against the respondents/accused under Sections 498-A and 304-B of the Indian Penal Code and, in the alternative, under Section 302 read with Section 34 of the Indian Penal Code. Upon due appreciation of the oral as well as documentary evidence on

record, the learned Trial Court acquitted the respondents/accused of all the aforesaid charges.

9. It is not in dispute that the marriage of the deceased Sarita was solemnized with accused Ramkumar Thawait on 10.06.2009 and that Sarita died on 25.04.2015.
10. Ajay Singh (P.W.-1), villager of village- Rasouta deposed that although he does not recollect the exact date of the incident, about ten months prior thereto the deceased Sarita committed suicide by hanging herself in a room of her matrimonial home. The room was found locked from inside and, in his presence, the police broke open the door with a crowbar and found Sarita hanging from a scarf tied to the ceiling fan. The inquest (panchnama) of the door was prepared vide Ex.P-1 and he admits his signature on it from A to A part.

He further stated that prior notice was served upon him to remain present during the inquest proceedings, which notice is Ex.P-2 and bears his signatures from A to A part. The inquest report (panchnama) is Ex.P-3, bearing his signatures from A to A part. He also stated that the Halka Patwari prepared the site map of the place of occurrence in his presence, marked as Ex.P-4, on which his signatures appear from A to A part.

In his cross-examination, the witness admitted the defence suggestion that at the time of the last rites of the deceased Sarita, her parents did not level any allegation of harassment, quarrel or

any prior complaint relating to dowry. He denied the suggestion that during the panchnama proceedings the accused Ramkumar had stated that the deceased was in a relationship with one Satyam. He further stated that he had signed the panchnama (Ex. P-3) after it was read over and explained to him by the police.

11. Kishore Kumar Singh (P.W.-2) deposed that the wife of accused Ramkumar committed suicide by hanging herself in her matrimonial home. He stated that the police conducted the inquest (panchnama) of the deceased in his presence after issuing him a notice, marked as Ex. P/2, bearing his signatures from B to B part. He also admitted his signatures on the inquest memo (Ex. P/3) from B to B part.

In his cross-examination, he admitted the defence suggestion that accused Rajkumar had informed the police that he had caught the deceased Sarita with a boy named Satyam and thereafter, she committed suicide by hanging herself.

12. Akash Thawait (P.W.-3), the brother of the deceased Sarita stated that an amount of Rs.3,00,000/- was paid for construction of a house and Rs.14,000/- for boring and despite the same, the accused persons subjected the deceased to cruelty.

In his cross-examination, he admitted that at the time of marriage, there is no demand of dowry. He also admitted this suggestion that no report was made to the society or to the police regarding the harassment allegedly inflicted upon Sarita by the

accused during her lifetime. He also admitted that while giving his statement to the police, he had mentioned that the accused did not come to see her sister at the time of childbirth and that they occasionally harassed her in the name of dowry; however, since these facts were not recorded in his police statement (Ex. D/1), he was unable to explain the reason for their omission.

13. Mother of the deceased, Shiv Kumari Thawait (P.W.-4) stated that Sarita lived harmoniously with her in-laws for about one month after the marriage. Thereafter, her in-laws began quarrelling with her and separated her from the joint household.

The witness further stated that Sarita and her husband had purchased land after selling their jewellery and had expressed their intention to construct a house, pursuant to which she gave a sum of Rs. 3,00,000/- to Sarita for construction of the house. After the house was constructed, an additional amount of Rs. 14,000/- was given for getting a bore installed.

In her cross-examination, she admitted this suggestion of defence that Sarita had asked for financial support, which the witness had provided. She also admitted that at the time of the panchnama, it was stated that Sarita was living well at her in-laws' house.

14. The sister of the deceased, Sangeeta Thawait (P.W.-5) stated that her mother had given an amount of Rs. 3,00,000/- to the deceased Sarita for the purpose of constructing a house. During

her cross-examination, she admitted that no demand for dowry was made by the accused persons at the time of marriage. She further stated that if the aforesaid facts were not mentioned in her police statement (Ex. D/2), she was unable to explain the reason for such omission.

15. Sub-Divisional Officer Bhupendra Kumar Agrawal (P.W.-6) prepared the inquest memo in the presence of witnesses marked as Ex.P/3. During his cross-examination, he admitted that at the time of preparing the inquest memo, Ramkumar stated that the deceased Sarita had an illicit relationship with Satyendra Yadav.

16. In inquest memo (Ex.P/3), it is mentioned that, “जाँच पर मृतिका गांव के यादव लड़का के साथ गलत सम्बन्ध को लेकर पति पत्नी में विवाद हुआ था। बदनामी के कारण स्वतः फांसी लगाकर आत्महत्या होना प्रतीत होता है। ”

17. The learned Trial Court minutely appreciated the oral as well as documentary evidence and found that the mother, brother and sister of the deceased admitted that a sum of Rs. 3 lakhs was given for construction of a house as financial assistance and that no demand for dowry was made at the time of marriage. They also did not state that soon before her death, the deceased was subjected to any cruelty on account of dowry.

18. The learned Trial Court rightly observed that although the death of the deceased occurred within seven years of her marriage, the prosecution failed to establish that the deceased was subjected to cruelty in connection with any demand for dowry. Further, the

independent witnesses admitted that the inquest memo recorded that the deceased had an illicit relationship with another person. Consequently, the learned Trial Court held that the prosecution failed to prove its case against the respondents beyond reasonable doubt.

19. Hon'ble Apex Court in the matter of **Charan Singh @ Charanjit Singh Vs. the State of Uttarakhand** reported in **2023 LiveLaw SC 341** held in paras 4, 5, 10 and 11 as under:-

“4.....The presumption in regard to dowry death can be raised in terms of Section 113B of the Indian Evidence Act, 1872 (for short, 'IEA') only if it is shown that soon before death, such woman had been subjected to cruelty or harassment for, or in connection with the demand of dowry.

5. If the evidence led by the prosecution is examined, no case for conviction under Section 304B or 498A IPC can possibly be made out as none of the witnesses have stated that there was any harassment or cruelty to the deceased or demand of dowry immediately before her death. The marriage took place in the year 1993, the deceased died on 22.6.1995. None of the family members of the deceased including her father, maternal grandmother or the maternal uncle have stated anything about the harassment of the deceased immediately before her death in connection with demand of dowry. In fact, the maternal grandmother and two maternal uncles who were living at distance of about one farlang from the village of the deceased were even present at the time of her cremation. They did not raise any issue either by lodging a complaint to the police or otherwise. In fact, it was admitted by the

maternal grandmother and the uncles of the deceased that after the cremation, with the intervention of the panchayat, they had collected all the dowry articles. It was further submitted that intimation was also given to the father of the deceased who in fact was living at a distance of about 290 kms. However, the cremation could not be delayed on account of waiting for the arrival of the father of the deceased.

10. The conviction of the appellant is under Sections 304B and 498A IPC raising presumption regarding dowry death within seven years of marriage. To appreciate the arguments raised by the learned counsel for the parties, a perusal of Section 304B and 498A IPC and Section 113B of the Indian Evidence Act would be required. The same are extracted hereinbelow:-

"304B. Dowry death- (1) 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.

Explanation. For the purpose of this sub-section, "dowry" shall have the same meaning as in Section 2 of the Dowry Prohibition Act, 1961 (28 of 1961).

(2) Whoever commits dowry death shall be punished with imprisonment for a term which shall not be less than seven years but which may extend to imprisonment for life.

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.

Explanation. For the purposes of this section,

"cruelty" means-

(a) any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman: or

(b) harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.

113B. Presumption as to dowry death.- When the question is whether a person has committed the dowry death of a woman and it is shown that soon before her death such woman had been subjected by such person to cruelty or harassment for, or in connection with, any demand for dowry, the Court shall presume that such person had caused the dowry death.

Explanation. -For the purposes of this section, "dowry death" shall have the same meaning as in Section 304-B of Indian Penal Code (45 of 1860)"

11. The interpretation of Sections 304B and 498A IPC came up for consideration in **Baijnath's** case (supra). The opinion was summed up in paras 25 to 27 thereof, which are extracted below:-

"25. Whereas in the offence of dowry death defined by Section 304-B of the Code, the ingredients thereof are:

(i) death of the woman concerned is by any burns or bodily injury or by any cause other than in normal circumstances, and

(ii) is within seven years of her marriage, and

(iii) that soon before her death, she was subjected to cruelty or harassment by her husband or any relative of the husband for, or in connection with, any demand for dowry.

The offence under Section 498-A of the Code is attracted qua the husband or his relative if she is subjected to cruelty. The Explanation to this Section expositis "cruelty" as:

(i) any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical), or

(ii) harassment of the woman, where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.

26. Patently thus, cruelty or harassment of the lady by her husband or his relative for or in connection with any demand for any property or valuable security as a demand for dowry or connection therewith is the common constituent of both the offences.

27. The expression "dowry" is ordained to have the same meaning as in Section 2 of the Dowry Prohibition Act, 1961. The expression "cruelty", as explained, contains in its expanse, apart from the conduct of the tormentor, the consequences precipitated thereby qua the lady subjected thereto. Be that as it may, cruelty or harassment by the husband

or any relative of his for or in connection with any demand of dowry, to reiterate, is the gravamen of the two offences.”

20. The Hon'ble Apex Court in its latest judgment dated 12.02.2024 (Criminal Appeal No 1162 of 2011) passed in **Mallappa and Ors. Versus State of Karnataka**, has held in para 36 as under:-

36. Our criminal jurisprudence is essentially based on the promise that no innocent shall be condemned as guilty. All the safeguards and the jurisprudential values of criminal law, are intended to prevent any failure of justice. The principles which come into play while deciding an appeal from acquittal could be summarized as:-

“(i) Appreciation of evidence is the core element of a criminal trial and such appreciation must be comprehensive-- inclusive of all evidence, oral and documentary;

(ii) Partial or selective appreciation of evidence may result in a miscarriage of justice and is in itself a ground of challenge;

(iii) If the Court, after appreciation of evidence, finds that two views are possible, the one in favour of the accused shall ordinarily be followed;

(iv) If the view of the Trial Court is a legally plausible view, mere possibility of a contrary view shall not justify the reversal of acquittal;

(v) If the appellate Court is inclined to reverse the acquittal in appeal on a re-appreciation of evidence, it must specifically address all the reasons given by the Trial Court for acquittal and must cover all the facts;

(vi) In a case of reversal from acquittal to conviction, the appellate Court must demonstrate an illegality, perversity or error of law or fact in

the decision of the Trial Court.”

21. Having appreciated the entire evidence on record in the light of the settled legal principles governing appeals against acquittal, this Court finds that the learned Trial Court has taken a plausible and legally sustainable view. Although the death of the deceased occurred within seven years of marriage, the prosecution failed to establish the indispensable ingredient of cruelty or harassment “soon before death” in connection with any demand for dowry, so as to attract Sections 498-A and 304-B IPC or the presumption under Section 113-B of the Evidence Act. The consistent admissions of the deceased’s close relatives show that the amounts paid were by way of financial assistance and not pursuant to any dowry demand and there is no evidence of contemporaneous cruelty. The inquest memo and testimony of independent witnesses disclose an alternative narrative for the deceased’s suicide.
22. In an appeal against acquittal, where two views are reasonably possible, the view favourable to the accused must ordinarily be adopted. Interference is justified only when the findings of the Trial Court are shown to be perverse, illegal or based on a manifest misappreciation of evidence. Having regard to the limited scope of interference in an appeal against acquittal, we find no illegality or irregularity in the conclusions recorded by the learned Trial Court. No such infirmity is demonstrated in the present case so as to

warrant interference.

23. Consequently, the appeal lacks merit and is dismissed.

Sd/-

(Rajani Dubey)

JUDGE

Sd/-

(Radhakishan Agrawal)

JUDGE

Ruchi