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CRA-3396-2018

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VIVEK AGARWAL

&

HON'BLE SHRI JUSTICE RATNESH CHANDRA SINGH BISEN

ON THE 12th OF JANUARY, 2026CRIMINAL APPEAL No. 3396 of 2018*THE STATE OF MADHYA PRADESH**Versus**LAL SINGH AND OTHERS*

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Appearance:

Shri Manas Mani Verma - Govt. Advocate appearing for appellant/State.

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J U D G M E N T

Per. Justice Ratnesh Chandra Singh Bisen

This criminal appeal is filed by the State being aggrieved of the judgment dated 30.10.2015 passed by the learned First Additional Sessions Judge, District Hoshangabad in S.T. No.14/2015 whereby, learned trial Court has acquitted the respondents/accused persons from the charges under Sections 304-B, 306 and 498-A of the IPC.

2. Learned Government Advocate appearing for appellant/State has drawn the attention of this Court to the evidence of prosecution witnesses to point out that the learned trial Court has erred in acquitting the respondents by giving them benefit of doubt as well as on the basis of some minor contradiction and omissions.

3. Learned Government Advocate appearing for the State submits that



despite there being sufficient evidence on record as deposed by the prosecution witnesses, trial Court has recorded the finding of acquittal which is perverse and needs to be reversed, therefore, this appeal is filed under Section 378 (1) of Cr.P.C.

4. As per the prosecution story, on information given by Lal Singh Chauhan son of Indrabhan Singh, resident of Mahima Nagar, a Marg case bearing No.27/2014 was registered by A.S.I. K.K. Sharma on 10.04.2014 at about 03:15 a.m. at Police Station Hoshangabad that he works as labourer and his marriage was performed six years ago with Jyoti Chauhan daughter of Hari Singh, they have no children, due to which, his wife Jyoti was worried. On 10.04.2014, he had taken dinner sitting on the terrace, his wife Jyoti had served the food and she went to sleep down and he slept on the terrace. When at about 00:30 a.m., he came down in house to drink water, then he saw inside the house that his wife Jyoti was hanging from fan with a sari noose, then he shouted and woke up the whole family and his mother, father, brother, sister-in-law and daughter-in-law came and villagers had also come, then he opened the trap and climbed down to his wife Jyoti. There was some breathing so an ambulance was called which came after half an hour, who declared dead. After marg investigation, accused persons/respondents were made accused and arrested on 18.06.2014.

5. Shri Manas Mani Verma, learned Government Advocate for the appellant/State submits that in the present case, Vimla Bai Rajput (PW-5) has stated that deceased Jyoti was her younger daughter. She stated that she



had five children including three sons and two daughters. She stated that deceased Jyoti's marriage was performed in year 2009 with Lal Singh son of Indrabhan Singh at S.P.M. Hoshangabad. She stated that after few days of marriage, in-laws of deceased were harassing her regarding demand of dowry. This witness stated that her son-in-law Lal Singh from few day was demanding Rs.1 lac and motorcycle and on not carrying he used to threaten to kill her that if she will not bring money, he will not keep her and he aborted twice of my daughter.

6. Heard the learned Govt. Advocate appearing for the appellant/State.

7. On perusal of the record, it appears that within a period of seven year of marriage deceased Jyoti died and also her death was not natural, it means her death was otherwise then under normal circumstances.

8. Marg intimation (Ex.P-1) shows that it was registered on the information of the accused Lal Singh, who is husband of the deceased Jyoti, on dated 10.04.2014 and FIR (Ex.P-14) was registered on 26.04.2014. On perusal of Ex.P-14, it appears that Idla Mourya, S.D.O.P. during the inquiry of marg recorded the statements of relatives of the deceased Vimla Bai Rajput wife of Hari Singh Rajput, Monu Rajput, Kalyan Rajput and on the basis of the statement of the aforesaid relatives of the deceased Jyoti Bai, he registered FIR after 16 days of deceased death, but prosecution has not adduced the aforesaid statement along with charge-sheet.

9. On perusal of record, it appears that during the investigation Idla



Mourya (PW-11) has recorded statement of Monu Rajput, Vimla Rajput, Hari Singh Rajput, Kalyan Rajput, Raju Rajput and Manorma Rajput, but did not mention the date that on which date he recorded the statements of aforesaid witnesses under Section 161 of Cr.P.C.

10. Vimla Rajput (PW-5), who is mother of the deceased Jyoti, stated in her examination-in-chief that after some time of marriage of the deceased, in-laws of the deceased demanded dowry and they started cruelty with her. Husband of the deceased Lal Singh was demanding Rs.1 lakh and motorcycle and threatened to kill her on not bringing the said articles. In para 7 of her cross-examination this witness admitted that there was no special demand of kind of dowry by the accused persons. She also admitted in para 9 that deceased Jyoti used to come to her matrimonial home on festivals within 2 to 3 months and after staying 4 to 6 days she came back. She also admitted in para 16 of her statement that neither she nor her husband and sons had lodged any report against the accused persons at Out Post Sali Chauka, Police Station - Gadarwara or Police Station Hoshangabad. She also admitted that she did not make any complaint in the Police Counseling Center. She admitted that Lal Singh phoned her and asked that Jyoti committed suicide on the same night. She stated in para 19 of her cross-examination that today she could not tell when her daughter conceived and when did she have miscarriages. She also admitted that she never complained against her son-in-law. He made her daughter aborted by tablet.

11. Hari Singh Rajput (PW-6), who is the father of the deceased Jyoti, stated that a phone received on his elder son-in-law Raju that Jyoti was



tortured by her in-laws, therefore, he came to bring her, then mother of Jyoti sent reply that he will send to bring her on next morning to anybody. On the same day near about 01:20, again information was received on phone of his son-in-law Raju that his daughter Jyoti has died, then they went to Hoshangabad and found that Jyoti was lying dead in the room. He admitted in para 4 that after death of the deceased Jyoti he did not make any complaint to police station and also admitted that police has recorded his statement one time in Police Station Hoshangabad on the same day. In para 5 this witness stated that after marriage Jyoti had come many times in his house along with her husband Lal Singh. When defence counsel had asked in his cross-examination about the information received on phone of his son-in-law, he also denied that he did not told to police in his statement Ex.D-2 that his son-in-law has phoned him and told that Jyoti had died due to hanging on the same night near about 01: 20 a.m. He also admitted in para 7 that he did not inform or file any complaint against the accused person regarding the demand of dowry at Police Station or Police Paramarsh Kendra. He also admitted that his son-in-law did not demand rupees from him directly. He also admitted that his son-in-law Lal Singh never demanded any money from his wife in front of him.

12. Kalyan Singh (PW-7), who is brother of the deceased Jyoti, stated that on 09.04.2014 a phone call was received by his mother at night at about 01:20 a.m. that his younger sister Jyoti committed suicide. After receiving this information, they reached Hoshangabad at 06:00 a.m. and saw that his sister's Jyoti dead body was lying in the room and looking to the dead body



of his sister they understood that she was killed. They informed at police station and also police came and inquired the peoples who were present on the spot. Police had prepared Naksha Panchayatnama Ex.P-5. He admitted in para 3 of his cross-examination that police had recorded his statement at Police Station Hoshangabad near about 15 to 20 days after the incident and in para 4 he stated that a phone call had come to his mother at night near about 01:20 a.m. that Jyoti committed suicide. He also admitted in para 5 of his cross-examination that there was no issue to his sister Jyoti. He admitted that he never complained to Police Station regarding the torturing of Jyoti by accused persons. He also admitted that he never filed any complaint at Police Paramarsh Kendra for compromise.

13. Monu Rajput (PW-8), who is brother of the deceased, stated in his examination-in-chief that his sister Jyoti after 2 to 3 months of her marriage used to sorrow due to husband, mother-in-law, father-in-law, elder brother-in-law for demanding money. He also stated that on 09.04.2014 a phone of Jyoti had come to her mother that her in-laws are beating her for bringing money and motorcycle and also stated that they will kill her. Lal Singh had phoned to husband of his elder sister Rajendra Singh Rajput that Jyoti has committed suicide by hanging and then they reached Hoshangabad and saw the dead body of deceased Jyoti. They feel that Jyoti had not committed suicide, but accused persons killed her and hanged her dead body. He admitted in para 8 that he or his family members had not lodged a report in any Police Station during the six years of marriage of his sister regarding the demand of dowry and torturing the deceased Jyoti by accused persons. His



family member never filed any complaint to Police Paramarsh Kendra and Police Station Hoshangabad. He also admits that in para 11 of his cross-examination that deceased Jyoti had no issue till her death.

14. Raju Rajput (PW-9) stated that deceased Jyoti was his sister-in-law. Lal Singh phoned him in the year 2014 and told him that Jyoti has died due to committing suicide by hanging, then he, Hari Singh, Vimla, Monu, Pawan Shukla, Gudda Kachhi had gone to Hoshangabad near about 06:00 a.m. next morning and saw that Jyoti was lying dead in the baranda. After that Monu lodged a report at Police Station regarding the death of deceased Jyoti. Before incident deceased Jyoti told him and her mother that her husband Lal Singh and family members of Lal Singh had tortured and beaten and stated that she brought the money from her parents. Deceased Jyoti phoned her mother on the date of incident at 09:00 O'clock and stated that bring her to her matrimonial house, but Jyoti was died on the said night near about 01:00 to 01:30 a.m. He admitted in para 2 of his cross-examination that deceased Jyoti visited her matrimonial house once upon within 3 to 4 months and met her sister. He also admitted that Jyoti stayed in matrimonial house near about 6 to 8 days and Lal Singh took her forcefully to his house. He also admitted in para 6 of cross-examination that after reaching them, postmortem was conducted and cremation was done.

15. K.K. Sharma (PW-1) admitted in his statement that on 10.02.2014 he registered a Marg No.27/2014 under Section 174 of Cr.P.C. on the information of Lal Singh Chauhan and he prepared the spot map (Ex.P-2)



before the witnesses and he sent dead body of Jyoti for postmortem to District Hospital Hoshangabad which application is Ex.P-3. He admitted in his cross-examination that Lal Singh told him that Jyoti Chauhan was always in stress that she has no child.

16. From the evidence of Dr. Smt. B.A. More (PW-2), it appears that deceased Jyoti was not conceived at the time of her death. Dr. Vijay Kumar Aarakh (PW-3) conducted the postmortem of dead body of deceased Jyoti and opined that deceased Jyoti died due to asphyxia which was likely to have occurred due to hanging of the neck. He also stated that part from this, there were no other injury marks on the body.

17. Idla Morya (PW-11) is an Investigating Officer and on perusal of her statement, it appears that during the inquiry of marg she recorded statement of Hari Singh, Vimla, Kalyan, Monu Rajput, but she did not mention that on which date she recorded the aforesaid statements. She also stated that she recorded the statements on 26.04.2014. She also admitted that she summoned the relative of the deceased Jyoti for recording statement from date 16.04.2014 to 25.04.2014, but they did not come. She also admitted that on aforesaid submission, she did not mention in case diary. She also admitted that she did not mention the date of the recording of the statements of the witnesses in the statement sheet. She also admitted in para 4 that she did not inquire about the incident neighbourer Jaswant Thakur, Sheikh Hasan and Juber Khan. In para 4 she also admitted that she did not record the statements of the independent witnesses from her matrimonial place Sali Chauka and her in-laws place Mahima Nagar. She only recorded



the statements of family member of th Jyoti. She also admitted in para 7 of her cross-examination that Vimla Rajput did not stated in her statement Ex.D-2 that the information was received on phone of her elder son-in-law Raju Rajput that Jyoti committed suicide by hanging herself. She also admitted that Hari Singh Rajput did not stated in her statement Ex.D-3 that the information was received on the mobile phone of Raju that the family member of the in-laws of the deceased Jyoti tortured her and he came.

18. After discussion of the aforesaid evidence which has been produced by the prosecution, it appears that deceased Jyoti had hanged herself on 10.04.2014 and immediate informed police station Hoshangabad by Lal Singh Rajput and on the basis of the information of Lal Singh Marg intimation No.27/2014 was registered on the same date. It is also clear that Lal Singh had informed the mother, father and relative of the deceased of Jyoti on the same date and relatives of the deceased reached the place of incident on the next date, but did not record any statement of the relative of the deceased on the next date, whereas statements were recorded on 26.04.2014 near about 16 days after death of the deceased. There is no sufficient reason expressed by Idla Mourya (PW-11) why she did not record the statement of the witnesses during the inquiry of marg intimation on the next date of the incident. On perusal of Ex.D-1 to Ex.D-2, it appears that Idla Mourya did not mentioned the date under her signature on which date she recorded the statements of the witnesses. It is also mentioned here that deceased Jyoti hanged herself on dated 10.04.2014, whereas her marriage was solemnized in year 2009, it means deceased Jyoti committed suicide



after near about six years of her marriage, but nothing on record to show that her mother, father and brother had made any complaint before police station regarding the demand of dowry, therefore, it appears that deceased committed suicide by other reason, but aggrieved by committing suicide her mother, father, brother and other relatives after planning they given statement before Investigating Officer regarding the demand of dowry her husband Lal Singh and family member of Lal Singh. It is appropriate to mention that many contradictions and omissions were found in the court statement and police statement of Manorama Rajput (PW-4), Vimla Rajput (PW-5), Hari Singh Rajput (PW-6), Kalyan Rajput (PW-7), Monu Rajput (PW-8) and Raju Rajput (PW-9). Apar from this, it is also noteworthy that during the postmortem, Dr. Vijay Kumar Arakh (PW-3) did not find any injury on the body of deceased.

19. It would also be necessary to mention here that the deceased was beaten up by the accused persons sometime before the date of incident and if the parents of the deceased had got here treated, they could have presented the relevant documents.

20. Vimla Bai Rajput (PW-5) stated in her statement that on 9th April, 2014, at 8:30 pm, she received a call from her son-in-law, who said that he would not keep her daughter and that she should pay the money or take her away. At that time, her daughter called from phone of her son-in-law and told her to come and take her away, otherwise they would kill her. But if there was any truth in the above facts, the parents, brother or other relative of the



deceased would have informed to the police about this on the date of the incident or the day after. Whereas, after about 15 to 16 days of the incident, after much deliberation, statements were given to the investigating officer on 26th April 2014. The above facts alone make the credibility of the prosecution questionable.

21. When examined from this aspect, then it is clearly a case of false implication. Appeal has been filed without application of mind, therefore, we dismiss the appeal affirming the judgment of acquittal.

22. Accordingly, this criminal appeal is **dismissed**.

23. Record of the trial Court be sent back.

(VIVEK AGARWAL)
JUDGE

(RATNESH CHANDRA SINGH BISEN)
JUDGE

sp/-