



2026:CGHC:23951

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HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 1064 of 2014

1. Subhash Chandra Yadav, S/o Bhagwan Chandra Yadav Aged About 27 Years, R/o Village Pakariya, P.S. Shivrinarayan, Distt. Janjgir - Champa C.G. At Present Housing Board Colony, Jashpur, P.S. Jashpur, Civil And Rev. Distt. Jashpur, Chhattisgarh.
2. Bhagwan Chandra Yadav S/o Late Puranik Lal Yadav, Aged About 59 Years, R/o Village Pakariya, P.S. Shivrinarayan, Distt. Janjgir - Champa C.G. At Present Housing Board Colony, Jashpur, P.S. Jashpur, Civil And Rev. Distt. Jashpur, Chhattisgarh.
3. Smt. Aruna Yadav, W/o Bhagwan Chandra Yadav, Aged About 51 Years, R/o Village Pakariya, P.S. Shivrinarayan, Distt. Janjgir - Champa C.G. At Present Housing Board Colony, Jashpur, P.S. Jashpur, Civil And Rev. Distt. Jashpur, Chhattisgarh.

4. Sandeep Kumar Yadav, S/o Bhagwan Chandra Yadav, Aged About 24 Years, R/o Village Pakariya, P.S. Shivrinarayan, Distt. Janjgir - Champa C.G. At Present Housing Board Colony, Jashpur, P.S. Jashpur, Civil And Rev. Distt. Jashpur, Chhattisgarh.
5. Sanjay Kumar Yadav, S/o Bhagwan Chandra Yadav, Aged About 28 Years, R/o Village Pakariya, P.S. Shivrinarayan, Distt. Janjgir - Champa C.G. At Present Housing Board Colony, Jashpur, P.S. Jashpur, Civil And Rev. Distt. Jashpur, Chhattisgarh.

... Appellants

versus

- State of Chhattisgarh Through The SHO, P.S. Jashpur, Distt. Jashpur, Chhattisgarh.

... Respondent

For Appellants : Mr. J.K. Saxena, Advocate.
For Respondent/State : Mr. Siddhant Tiwari, P.L.

Hon'ble Smt. Justice Rajani Dubey

(C A V Judgment)

1. This Criminal appeal is directed against the judgment of conviction and order of sentenced dated 16.10.2014 passed in Session Trial No. 20/2014, whereby the learned Additional Sessions Judge (F.T.C.), Jashpur, District Jashpur (C.G.) has convicted and sentenced the appellants as under :-

<u>CONVICTION</u>	<u>SENTENCE</u>
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Conviction of appellant Nos. 1 and 2 under Section 304(B)/34 of IPC.	R.I. for 07 years.
Conviction of appellant Nos. 3 to 5 under Section 498(A) of IPC.	R.I. for 01 year and to pay fine of Rs.500/- each, in default of payment of fine amount to undergo additional R.I. for 01 month.

2. The prosecution story leading to conviction of the accused/appellants is that the marriage of deceased Rajani Yadav was solemnized on 23.04.2012 with accused Subhash Yadav (A-1), son of accused Bhagwan Chand (A-2). After a few months of marriage, the deceased was subjected to physical and mental cruelty by her mother-in-law/accused Aruna Yadav (A-3), father-in-law Bhagwan Chand (A-2), husband Subhash Yadav (A-1), elder brother-in-law Sanjay Yadav (A-5), and younger brother-in-law Sandeep Yadav (A-4) on account of demand for a motorcycle. Owing to such harassment, deceased Rajani Yadav had been residing at her parental home since July 2012. About two months prior to the incident, the deceased had returned to her matrimonial home along with her child. After returning to her matrimonial home, she was again subjected to harassment by the accused persons. The

deceased had informed her father over the telephone that her in-laws were threatening to kill her. On 20.11.2013, the deceased informed through a mobile phone that the accused/appellants had assaulted her severely in connection with the demand for a motorcycle. On 21.11.2013, the deceased again telephoned her brother Rajesh Yadav and asked him to come and take her away, otherwise her in-laws would kill her. Thereafter, the deceased's father Janak Yadav and his wife left for Jashpur. Meanwhile, at about 6:30 p.m., accused Bhagwan Chandra (A-2) telephonically informed them that their daughter had committed suicide by hanging herself.

3. After the death of deceased Rajni Yadav, accused Subhash Yadav (A-1) lodged a mereg intimation (Ex. P/8) at Police Station Jashpur. Thereafter, the deceased's father Janak Yadav submitted a written report (Ex. P/5) at Police Station Jashpur. On the basis thereof, an FIR (Ex. P/13) for the offence punishable under Section 304-B, 34 of IPC was registered against the accused persons at Police Station Jashpur. The spot map of the place of occurrence was prepared vide Ex. P/10. The inquest over the dead body of deceased Rajni Yadav was conducted as per Ex. P/04. Postmortem examination of the deceased was conducted at District Hospital, Jashpur, and the postmortem report (Ex.

P/07) was obtained, according to which the cause of death of deceased was asphyxia due to hanging. One saree was seized from the spot vide seizure memo Ex. P/06. The seized saree was sent for examination, and the examination report was obtained vide Ex. P/12A. The Patwari prepared spot map vide Ex. P/05. Accused persons namely Subhash Yadav (A-1), Bhagwan Chand Yadav (A-2), Aruna Yadav (A-3), Sandeep Kumar Yadav (A-4), and Sanjay Kumar Yadav (A-5) were arrested vide arrest memos Ex. P/16, Ex. P/17, Ex. P/18, and Ex. P/19 respectively. Statements of the witnesses were recorded under Section 161 CrPC. After due investigation, charge sheet was filed against the accused/appellants for the offence under Sections 304(B), 34 of IPC before the jurisdictional Court at Jashpur.

4. After filing of the charge sheet, the learned trial Court framed the charges against accused/appellants under Sections 304-B/34 alternatively under Section 302 read with section 34 of IPC. The accused/appellants abjured their guilt and pleaded innocence.
5. So as to hold the accused/appellants guilty, the prosecution has examined as many as 13 witnesses. One defence witness namely Naini Yadav (DW-1) was also examined by the appellants in their defence. Statements of the

accused/appellants were also recorded under Section 313 of the Cr.P.C. in which they denied the charges levelled against them and pleaded innocence and false implication in the case.

6. After hearing counsel for the parties, the learned trial Court has convicted and sentenced the present accused/appellants as mentioned above in para 1 of this judgment. Hence this appeal.

7. Learned counsel for the appellant submits that Prosecution has failed to establish the essential ingredients of Section 304-B IPC. To sustain a conviction under Section 304-B IPC, the prosecution must have proved that the deceased was subjected to cruelty or harassment and such cruelty must be for or in connection with the demand of dowry and that the same must be shown to have occurred soon before the death but the prosecution has failed to prove these ingredients. Learned counsel also submits that the death is conclusively proven to be suicidal and not homicidal. There is no independent witness from the locality, neighborhood, or community confirming cruelty or harassment. It is settled in law that omnibus, general, and vague allegations are insufficient for conviction.

8. Learned counsel further submits that the learned Trial Court did not consider the evidence adduced by the prosecution as well as the defence. It was submitted that Janak Yadav (P.W.-3), the father of the deceased, and Janmati Yadav (P.W.-4), the mother of the deceased, have categorically admitted in their deposition that the elder father, cousin brother Golu Yadav and real sister Vidya Yadav of the deceased had also committed suicide by hanging. The said witnesses further admitted that they had never lodged any report before any Police Station alleging demand of dowry or harassment by the appellants for motorcycle. Janmati Yadav (P.W.-4) further stated that the Police of Jashpur had never made any enquiry from her and that she had not given any statement to the Police during investigation. These material admissions completely demolish the prosecution story regarding persistent cruelty and demand of dowry.
9. It is further submitted that Janak Yadav (P.W.-3) has clearly deposed that appellant No.1 was serving in a Government job as Electrician Trainer in Industrial Training Institute, Jashpur. He further admitted that appellant No.2 had deposited a sum of Rs.20,000/- in his bank account maintained in State Bank of India, Pamgarh Branch on 09.07.2012. Such conduct on the part of the appellants is

wholly inconsistent with the allegation that the deceased was being harassed for demand of motorcycle. The prosecution allegation regarding dowry demand is thus inherently improbable and false. Learned counsel further submits that Suresh Kumar Sahu (P.W.-1) has specifically deposed that the statements of the parental family members of the deceased were not recorded by the Police in his presence and that no external injury was found on the dead body of deceased Rajni Yadav. This witness materially weakens the prosecution case regarding alleged assault and cruelty immediately before the incident. It is also argued that Manoj Kumar Yadav (P.W.-8) admitted in his deposition that prior to marriage, the deceased Rajni Yadav had fallen from the roof of a house and suffered fracture in her leg. This circumstance indicates that the deceased was not physically and mentally stable even prior to marriage and the prosecution has deliberately suppressed the true background of the deceased.

10. Learned counsel for the appellants further submits that defence witness Naini Yadav (D.W.-1) has categorically deposed that prior to the marriage itself, there were already three motorcycles in the house of the appellants and, therefore, there was no occasion or necessity for the appellants to demand another motorcycle from the parental

family of the deceased. The said witness further stated that the appellants never subjected the deceased to any cruelty or harassment for demand of motorcycle. The learned trial Court has failed to assign any cogent reason for discarding the defence evidence. It is next contended that the conviction of the appellants is based merely upon omnibus, vague and general allegations, which are not supported by any independent evidence. The prosecution has failed to establish any specific overt act against the appellants. There is no reliable evidence to prove that the deceased was subjected to cruelty soon before her death in connection with demand of dowry. Learned counsel further submits that the learned trial Court failed to appreciate that the deceased was mentally disturbed even before marriage and due to her mental condition she committed suicide by hanging herself. The possibility of suicide on account of personal mental condition has not been ruled out by the prosecution. Learned counsel for the appellants submits that the prosecution has miserably failed to establish the guilt of the appellants beyond all reasonable doubts and, therefore, the appellants are entitled to benefit of doubt. The learned trial Court has failed to appreciate the oral and documentary evidence in its true and proper perspective. Learned counsel also submits that the learned Trial Court has failed

to consider that the chain of circumstantial evidence as brought by the prosecution does not establish beyond reasonable doubt the guilt of the accused/appellant. Thus, the benefit of doubt, of course, has to go to the appellant.

Reliance has been placed on the decision of Hon'ble Apex Court in the matter of **Charan Singh alias Charanji Singh Vs. State of Uttarakhan** reported in **2023 SCC OnLine SC 454**, and decision of this High Court dated 07.05.2025 of this High Court passed in **CRA No.1306/2022 and other connected matters [Vinay Kumar Pandey vs. State of Chhattisgarh & other connected matters]**.

11. On the other hand, learned State counsel supporting the impugned judgment of conviction and order of sentence submits that the prosecution has successfully proved all essential ingredients of Section 304-B IPC. The prosecution has consistently shown through the testimony of the deceased's father and mother and supporting witnesses that the accused/appellant subjected the deceased to continued harassment for dowry. The learned trial Court minutely appreciated the oral and documentary evidence and convicted the appellant. Therefore, the conviction of the

accused/appellant be upheld, and the appeal may be dismissed as devoid of merit.

12. Heard learned counsel for the parties and perused the material available on record.
13. It is clear from the record of the learned trial Court that the learned trial Court framed charges under Sections 304-B read with section 34 of IPC, alternatively under Section 302 read with section 34 of IPC against the accused/appellants and after appreciation of oral and documentary evidence, the learned trial Court has convicted the present accused/appellants under Sections 304-B (34) and 498-A of IPC.
14. It is not disputed before the learned Trial Court that deceased Rajani was wife of accused/appellant Subhash Yadav (A-1), their marriage was solemnized on 23.04.2012 and Rajani died on 21.11.2013 i.e. within 07 years of her marriage by hanging.
15. The question which arise for consideration is whether the death of deceased Rajani was homicidal or suicidal in nature.
16. Dr. Purushottam Kumar Singh (PW-9) is the doctor who conducted postmortem of the deceased and gave his report

under Ex.P.-7. According to which, the doctor has opined the cause of death of deceased to be asphyxia due to hanging and the nature of death depends upon circumstances. However, other prosecution witnesses have stated different story with regard to the death of deceased.

17. Janak Yadav (PW-3), Jaanmati Yadav (PW-4) and Rajesh Kumar Yadav (PW-6), father, mother and brother of the deceased respectively, have stated that they were informed that deceased Rajani committed suicide.
18. The learned Trial Court finds that the death of deceased was by other than in normal circumstances which occurred within 07 years of her marriage and no definite finding was expressed by the learned Trial Court regarding her death. It is evident that the prosecution has also not challenged this finding and it is well settled principle of law that it is incumbent upon the prosecution to prove, through trustworthy evidence, that the death was homicidal in nature but the prosecution has failed to do so in the present case, and looking to the statement of accused persons and cross-examination of prosecution witnesses, it is evident that at the time of death of deceased, the door of the room was closed from inside and after breaking open the door, the deceased was seen hanging by saree and the doctor (PW-

9) has also not found any antemortem injury over the body of deceased. Thus, from all the surrounding circumstance and evidence, it can safely be inferred that that the death of the deceased was suicidal in nature which took place within 07 years of her marriage.

19. Now the question which arises for consideration by this Court is whether deceased Rajani must have been subjected to cruelty soon before her death by the accused/appellants and whether such cruelty or harassment begin in connection with any demand of dowry.
20. Janak Yadav (PW-3), father of the deceased, has stated that prior to the marriage, the accused persons had demanded motorcycle and after marriage, the accused persons were harassing his deceased daughter for not bringing motorcycle in dowry. He has also stated that accused Subhash Yadav (A-1) (husband of deceased) was pressurizing him for his job nearby the house, however, in para 10 of his cross-examination, this witness has admitted that his deceased daughter was admitted in hospital at Bilaspur for delivery and the expenses of the delivery were born by accused Bhagwan Chandra Yadav (A-2). He has also admitted that his deceased daughter had done the beauty parlor course and was running beauty parlor

business. This witness, in para 11, has also admitted that on 09.07.2012, accused Bhagwan Chandra Yadav had deposited Rs.20,000/- in his SBI account bearing A/c No. 3186127308. He has also admitted in para 12 that accused Subhash Chandra Yadav (A-1) was posted in Mulmula Paddy Center as Choukidar. Thereafter, he secured job in ITI, at Jashpur, and left the job of Choukidar. This witness has denied this suggestion that on 13.07.2013 in the marriage function of daughter of accused persons', the deceased had suffered mental attack and that he was asked by the accused persons to get the deceased treated in hospital at Bilaspur and that he told them that he would take the deceased to Kabaddi Das Baba for treatment. Further, this witness in para 13 of his cross-examination, has admitted that the elder paternal uncle (Bade Pita) and Golu Yadav, cousin of deceased of deceased Rajni Yadav had also committed suicide by hanging themselves. He has also admitted that Vidya Yadav, who was the sister of Rajani Yadav, had also committed suicide by hanging herself. He has denied that in the year 2009-10, deceased Rajani Yadav had suffered a mental attack and had jumped from the roof. He has also denied that as a result of her jumping from the roof, the bones of her waist and leg had fractured. He has admitted that Dr. Hemant Chatterjee, on the basis of

his report, had found a fracture in Rajani Yadav's leg bone. He has denied that his daughter Rajani Yadav had suffered mental attacks two or three times even at her matrimonial home in Jashpur, and that he wanted to keep his daughter and son-in-law at his house in Byas Nagar. Further, this witness in para 14 of his cross-examination, admitted that accused Bhagwan Yadav (A-2) has been serving in the Agriculture Department at Jashpur for the last 25 years. He has further admitted it to be correct that prior to the death of his daughter Rajani Yadav, he had not lodged any report at Jashpur Police Station. He also admitted it to be correct that before the death of Rajani Yadav, he had neither convened any meeting nor lodged any report regarding the alleged harassment meted out to her. He admitted that he had heard about the alleged harassment only over the telephone and that he had neither spoken to nor met Naini Yadav (DW-1), the elder daughter-in-law of the accused persons, in that regard. He further admitted that he had not made any enquiry or discussion with the neighbours residing adjacent to the Housing Board Colony where his daughter was residing. He has also admitted that he had not read the contents of Ex. P/3 (inquest report) and was unaware of what was written therein. He also admitted it to be correct

that the handwriting in the complaint (Ex.P-5) is not of his handwriting.

21. Jaanmati Yadav (PW-4), mother of the deceased, has stated that the accused persons had demanded platina motorcycle, however, in cross-examination, this witness has admitted that she had not lodged any report in police station regarding the alleged demand of motorcycle. This witness has also admitted that she had not convened any meeting in village regarding the harassment being meted out to her deceased daughter by the accused persons. This witness has admitted that the elder paternal uncle (Bade Pita) and Golu Yadav, cousin of deceased Rajani Yadav had also committed suicide by hanging themselves. He has also admitted that Vidya Yadav, who was the sister of Rajani Yadav, had also committed suicide by hanging herself.
22. Bhagwat Prasad Yadav (PW-5), uncle of deceased, has not supported the prosecution case and the prosecution has declared this witness hostile and cross-examined him, then he admitted this suggestion that while giving his statement to the police, he did not mention that his brother Janak (PW-3) had told him that deceased Rajani Yadav's in-laws were demanding a motorcycle.

23. Rajesh Kumar Yadav (PW-6), brother of deceased, has stated that his deceased sister Rajani had told him that the accused persons were demanding motorcycle but in cross-examination, he admitted that neither any report was lodged at police station regarding the demand of motorcycle nor any meeting was convened regarding the harassment being meted out to his deceased sister by the accused persons. This witness has denied this suggestion that his deceased sister suffered mental attack frequently, however, he admitted this suggestion that his deceased sister was associated with 'Satyanij Institution' and was doing beauty parlor business.
24. Manoj Kumar Yadav (PW-8), cousin of deceased, has stated in para 3 of his examination-in-chief that while staying at her in-laws' house, deceased Rajani was telling him from time to time on mobile phone that his (this witness's) father was not able to give deceased a motor cycle at the time of marriage and on this matter, accused persons were harassing the deceased mentally for not giving motorcycle. He has also stated that apart from mental harassment, accused persons used to fight with deceased from time to time, this was also told by deceased Rajani on phone, however, in cross-examination, this witness has admitted that he neither told anything to police about the harassment to deceased by the

accused persons nor lodged any complaint in this regard before any platform or forum at social level. This witness has admitted this suggestion that deceased Rajani's elder paternal uncle (Bade Pita), cousin Golu Yadav and sister Vidya Yadav had also committed suicide by hanging themselves.

25. Naini Yadav (DW-1) is the daughter-in-law of the accused persons and wife of accused Sanjay Yadav (A-5), who has supported the defence of accused that accused persons never demanded any dowry from the deceased or her parents and the deceased was never harassed by the accused persons for demand of dowry.
26. The Hon'ble Apex Court in the matter of **Charan Singh alias Charanji Singh Vs. State of Uttarakhan** reported in **2023 SCC OnLine SC 454**, held in para 11 as under :-

"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 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 exposts "cruelty" as:

(i) any willful 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 in connection therewith is the common constituent of both the offences.

27. The expression "dowry" is ordained to have the same meaning 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".

27. In the case in hand also, on careful consideration of the evidence on record, testimonies of the aforesaid prosecution witnesses and in the light of the principles laid down by the Hon'ble Supreme Court in **Charan Singh (supra)**, it is clear that the prosecution has only proved this fact that deceased Rajani died within 07 years of her marriage under unnatural circumstances but it has failed to establish the essential ingredient of "cruelty or harassment soon before death in connection with demand of dowry" so as to attract the provisions of Sections 304-B or 498-A IPC against the appellants.
28. The allegations regarding demand of a motorcycle rest primarily upon the interested testimony of the deceased's close relatives, father namely Janak Yadav (PW-3), mother Jaanmati Yadav (PW-4), brother Rajesh Kumar Yadav (PW-6) and cousin Manoj Kumar Yadav (PW-8). All these witnesses admitted that neither before nor after the

marriage did they lodge any report with the police, convene any community meeting, or make any complaint to any social forum regarding the alleged demand of motorcycle or harassment. PW-3 further admitted that before the death of the deceased he had never reported any harassment to the police, never discussed the matter with neighbours residing near the matrimonial home of the deceased, and had only heard about the alleged harassment over telephone conversations. Such conduct is wholly inconsistent with the prosecution allegation that the deceased was being continuously harassed for dowry. The testimony of PW-3 also reveals several circumstances inconsistent with the prosecution case. He admitted that when the deceased was admitted to a hospital at Bilaspur for delivery, the expenses were borne by accused Bhagwan Chandra Yadav (A-2). He further admitted that accused Bhagwan Chandra Yadav had deposited Rs.20,000/- in his bank account. These admitted facts indicate cordial relations between the two families and are incompatible with the allegation that the accused persons were persistently harassing the deceased and her parental family for dowry.

29. No independent witness from the village or neighbourhood has been examined to corroborate the allegation of dowry demand. The prosecution case, therefore, suffers from lack

of independent corroboration. Moreover, the evidence brought on record discloses circumstances suggesting that the deceased had a history of mental health issues and that several close family members of the deceased i.e. her elder paternal uncle (Bade Pita), cousin Golu Yadav and sister Vidya Yadav, had committed suicide by hanging.

30. Further, the defence version receives support from DW-1 Naini Yadav, daughter-in-law of the accused family, who categorically stated that no dowry was ever demanded and that the deceased was never harassed on account of dowry. Her testimony could not be effectively discredited in cross-examination.
31. In view of aforesaid admissions and contradictions in the evidence, the prosecution evidence does not inspire confidence to prove that the deceased was subjected to cruelty or harassment by the appellants soon before her death for or in connection with any demand of dowry, which is the essential ingredient of both Sections 304-B and 498-A IPC, as reiterated by the Hon'ble Apex Court in **Charan Singh (supra)**. Consequently, the prosecution has failed to prove its case beyond reasonable doubt against the appellants, and they are entitled to the benefit of doubt.
32. In the result, the appeal succeeds and is, accordingly, allowed. The impugned judgment is hereby set aside and

the appellant Nos. 1 and 2 are acquitted for the charges under Section 304-B/34 of IPC & appellant Nos. 3 to 5 are acquitted of the charges under Sections 498-A of IPC.

33. The appellants are on bail. Keeping in view the provisions of Section 437-A Cr.P.C. (481 of the B.N.S.S.), the appellants are directed to forthwith furnish a personal bond in terms of Form No.45 prescribed in the Code of Criminal Procedure of sum of Rs.25,000/- each with one surety in the like amount before the Court concerned which shall be effective for a period of six months along with an undertaking that in the event of filing of Special Leave Petition against the instant judgment or for grant of leave, the aforesaid appellants on receipt of notice thereof shall appear before the Hon'ble Supreme Court.
34. The trial Court record along with a copy of this judgment be sent back immediately to the trial Court concerned for compliance and necessary action.

Sd/-

(Rajani Dubey)
Judge