



2026:CGHC:1928

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HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 994 of 2007

Judgment Reserved on : 16.10.2025

Judgment Delivered on : 13.01.2026

- Uday Bharti, S/o Bitthal Bharti, aged about 30 years, R/o Garden Chowk, Balodabazar, District Raipur (C.G.)

... Appellant

versus

- State of Chhattisgarh Through : Police Station – Balodabazar, District Raipur (C.G.)

... Respondent

For Appellant : Mr. Pawan Kesharwani, Advocate.
For Respondent/State : Ms. Sunita Sahu, P.L.

(C A V Judgment)**Per Rajani Dubey, J**

1. This Criminal appeal is directed against the judgment of conviction and order of sentenced dated 29.10.2007 passed in Session Trial No. 73/2007, whereby the learned Additional Sessions Judge, Balodabazar, District Raipur (C.G.) has convicted and sentenced the appellant as under :-

<u>CONVICTION</u>	<u>SENTENCE</u>
Under Section 304(B) of IPC	R.I. for 07 years and to pay fine of Rs.500/-, in default of payment of fine amount to undergo additional R.I. for 02 months.
Under Section 498(A) of IPC	R.I. for 03 years and to pay fine of Rs.500/-, in default of payment of fine amount to undergo additional R.I. for 02 months.

2. Admitted facts of the case is that marriage of present accused/appellant Uday Bharti was solemnized with deceased Seema and they were living as husband & other acquitted accused persons namely Rampyari and Shanta

Bharti were mother and brother of accused/appellant Uday Bharti, respectively.

3. The prosecution story leading to conviction of the accused/appellant is that accused/appellant and his deceased wife Seema were living in a rented house in Balodabazar. On the date of incident, accused/appellant Uday Bharti had gone out for work and when he came at morning after completing his work, he saw that his wife Seema was hanging with noose and she was died. Thereafter, the accused/appellant informed the incident to his landlord, then his landlord Krishna Kumar lodged the merg intimation in police station Balodabazar vide Ex.P-11. The incident was also informed to the parents fo deceased Seema and after their arrival, on 06.11.2006, inquest on the body of deceased was prepared vide Ex.P-3 and dead body was sent for postmortem examination to Govt. Hospital, Balodabazar vide Ex.P-8-B, where Dr. P.K. Tiwari (PW-8) conducted postmortem examination on the body of deceased and gave his report under Ex.P-8 noticing following injuries/symptoms :-

- (i) Rigor mortis present,
- (ii) A ligature mark around the neck elongated towards right side in the size of 3cm x 31”.
- (iii) Tongue protruded, bitten up between teeth.

(iv) Salivary trickle stain was present from left angle of mouth to left mammary region.

(v) A ligature mark of chunari cloth with slightly knot length of circle was 31”.

The autopsy surgeon opined the cause of death of deceased to be asphyxia due to hanging and the death was suicidal in nature.

4. Pieces of letter written by the deceased were seized vide Ex.P-4. Viscera of deceased was seized vide Ex.P-7. Thereafter, on 09.11.2006, Dhaneshwari Bai (PW-1), mother of deceased Seema, lodged a written report (Ex.P-1) in police station alleging therein that accused/appellant – Uday Bharti and other acquitted accused persons namely Rampyari and Shanta Bharti used to harassed her deceased daughter for demand of dowry and used to say her daughter to bring cash and jewellery & used to assault her. It was also alleged in the complaint that accused/appellant Uday Bharti demanded Rs.10,000/- over phone and told to take back deceased Seema if the amount is not given, thereafter, the mother of deceased had given Rs.10,000/- to her son-in-law, the appellant. It has been also alleged in the complaint that when deceased Seema met with an accident, appellant Uday Bharti had also demanded cash for medical expenses of the deceased, which she had also given to the appellant. Complainant Dhaneshwari Bai

(PW-1) also made appellant Uday Bharti understand and express her inability to give cash owing to her poor financial condition but despite this, the accused/appellant continued to harass the deceased for demand of dowry and because of the continuous harassment, her deceased daughter committed suicide.

5. On the basis of aforesaid complaint (Ex.P-1), an FIR (Ex.P-12) was registered against the accused/appellant and other acquitted co-accused persons for the offence punishable under Sections 498-A and 304-B and 201 of IPC. The statements of the witnesses were recorded under Section 161 of Cr.P.C. After due investigation, charge sheet was filed against the appellant and other co-accused persons for the offence under Sections 498-A, 304(B), 201, 34 of IPC before the jurisdictional Court at Balodabazar.
6. After filing of the charge sheet, the learned trial Court framed the charges against accused/appellant and other co-accused persons under Sections 304-B/34 or 306/34 or 302/34 of the IPC. The accused/appellant and other co-accused persons abjured their guilt and pleaded innocence.
7. So as to hold the accused/appellant and other co-accused persons guilty, the prosecution has examined as many as 12 witnesses. 03 defence witnesses were also examined by

the appellant in his defence. Statements of the accused/appellant and other co-accused persons 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.

8. After hearing counsel for the parties, the learned trial Court while acquitting the other co-accused persons namely Rampyari and Shanta Bharti, has convicted and sentenced the present accused/appellant as mentioned above in para 1 of this judgment. Hence this appeal.
9. 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. Learned counsel also submits that all allegations of dowry demand and harassment arise solely from the statements of the deceased's mother (PW-1). 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. Learned counsel further submits that payments by mother (PW-1) do not prove dowry demand as it was given for medical treatment of deceased when she met with an accident. The mother's payments of Rs.10,000/- and Rs.7,000/- have no documentary proof linking him to any unlawful demand by the appellant. No complaint was lodged at the time of any payment and it is common in marriages for parents to assist newly weds financially, and such assistance cannot automatically be treated as dowry or extortion without specific evidence of forced demand. Learned counsel also submits that demand of dowry, if real, would reasonably have triggered a complaint, mediation, or intervention but nothing such happened in this case. Learned counsel also submits that father Krishna Giri Goswami (PW-4) has specifically stated in para 7 of his evidence that whenever he used to go to the matrimonial home of her daughter, the family members of her in-laws was positive and they never demanded any dowry from him nor alleged about substandard dowry articles. 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 decisions of Hon'ble Supreme Court in the matter of **Charan Singh alias Charanjit Singh** reported in **(2024) 13 SCC 649 : 2023 SCC OnLine Sc 454** and **The State of Uttarakhand Vs. Sanjay Ram Tamta @ Sanju @ Prem Prakash** reported in **2025 INSC 187**.

10. 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.
11. Heard learned counsel for the parties and perused the material available on record.

12. It is clear from the record of the learned trial Court that the learned trial Court framed charges under Sections 304-B and 498-A of IPC against appellant Uday Bharti & under Section 498-A against co-accused persons namely Rampyari and Shanta Bharti and after appreciation of oral and documentary evidence, the learned trial Court while acquitting co-accused persons Rampyari and Shanta Bharti of the charge under Section 498-A of IPC, convicted the present accused/appellant under Sections 304-B and 498-A of IPC.
13. It is not disputed before the learned Trial Court that deceased Seema was wife of accused/appellant Uday Bharti, their marriage was solemnized on 15.05.2002 and Seema died on 06.11.2006 i.e. within 07 years of her marriage by hanging.
14. The learned Trial Court finds that the death of deceased was suicidal and no cross-appeal was filed by the prosecution against this finding and the learned Trial Court acquitted the co-accused persons namely Rampyari (mother-in-law) and Shanta Bharti (sister-in-law) of the deceased of the charge under Section 498-A of IPC.
15. Now the question which arises for consideration by this Court is whether deceased Seema must have been

subjected to cruelty soon before her death by her the accused/appellant, husband and whether such cruelty or harassment begin in connection with any demand of dowry.

16. Dhaneshwari Bai (PW-1) has stated that after marriage, accused persons used to harass her deceased daughter and demand money and this was informed to her (this witness) by her deceased daughter over phone. She has also stated that after marriage, on 4th day, they had gone to the in-laws' house of her deceased daughter to take her but the accused persons denied to send deceased citing that they have given scrap items in the marriage and not dowry. She has also stated after one month, upon making understand, the accused/persons sent the deceased. She has also stated that deceased had told her that the accused persons used to assault her on account of dowry and after making her understand she sent deceased to her matrimonial house. She has also stated that in 2006, her deceased daughter had come to house for Diwali and told that the accused persons were demanding Rs.1,50,000/- but she had given Rs.7,000/- to her son-in-law (accused Uday Bharti) on the day of Laxmi Pooja (Diwali) and on the same day, they went to their home. Thereafter, she did not meet her deceased daughter for 15 days and after that her deceased daughter died after hanging herself. In cross-

examination, she has stated that first delivery of her deceased daughter took place in her in-law's house at Raipur, and all the expenses were born by the accused persons. This witness has first time stated to have given Rs.10,000/- out of her saving from domestic expenses. This witness has denied this suggestion that at the time of incident, accused Uday was not in home. She has also denied this suggestion that her deceased daughter aborted the child without the consent of her husband, accused Uday. She has also admitted this suggestion she did not lodge any report even after her deceased daughter told him about the harassment and she (this witness) self stated that she did not lodge any report as the accused used to treat her deceased daughter well. This witness has also admitted this suggestion that no meeting whatsoever had taken place between two families regarding the harassment/torture of her deceased daughter. This witness had also denied this suggestion that she lodged a false report against accused persons due to grief over her daughter's death.

17. Tameshwar Singh (PW-2), who is the brother of deceased, has stated that his deceased sister was being assaulted and tortured by her husband - accused-appellant Uday and mother-in-law. In cross-examination, this witness has admitted that his deceased sister lived well at her in-laws'

house. This witness has also admitted that the accused/appellant never asked his deceased sister to bring money in front of him.

18. Narendra Goswami (PW-3) is the brother-in-law (Jija) of the deceased. He has stated that deceased Seema was distressed in her in-laws' house. He has also stated that deceased Seema had told his wife that her (deceased's) in-laws were harassing her for dowry. In cross-examination, this witness has admitted this suggestion that in his presence, no amount/cash was given to accused Uday Bharti by the mother of deceased Seema. This witness has also admitted this suggestion that even after the deceased told him about harassment for dowry, he did not discuss the matter with the deceased's parents.
19. Krishna Giri Goswami (PW-4), who is the father of deceased, has stated that his deceased daughter told him that her in-laws used to harass her for dowry and when he asked her (deceased) to tell them (in-laws' of deceased), his deceased daughter refused. In cross-examination, this witness has admitted this suggestion that at the time of marriage, accused Uday Bharti demanded T.V., refrigerator, cooler, watch and chain & they gave all the articles in the marriage but he admitted this suggestion that he did not

inform the police about this while recording his statement.

This witness has also admitted this suggestion that his wife did not tell him about giving Rs.10,000/- to accused Uday Bharti.

20. Chandrakala Verma (PW-5) is the landlord of accused and deceased. She has stated that accused Uday and deceased Seema lived well and she does not know what conversation took place between the accused Uday and deceased Seema and no one in the in-laws' family of deceased told her anything. In cross-examination, this witness has admitted this suggestion of defence that accused Uday Bharti used to come home drunk and due to this deceased Seema was upset.

21. The Hon'ble Apex Court in the matter of **Charan (supra)**, in para 11 has held 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 expositis "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".

22. 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 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 appellant Uday Singh. Though Dhaneshwari Bai (PW-1), mother, Tameshwar Singh (PW-2), brother, Narendra Goswami (PW-3), brother-in-law and Krishna Giri Goswami (PW-4), father, have made general allegations regarding harassment and demand of money & their testimonies suffer from material inconsistencies, improvements and omissions. Admittedly, according to the evidence of parents of deceased, no complaint or report was ever lodged even after disclosure by deceased Seema of harassment or assault for demand of dowry by the accused Uday Singh and his family members. PW-1 herself admitted that she did not approach the police as the accused used to treat the deceased well, and that no meeting was ever convened between the two families regarding any alleged cruelty. Further, PW-2 categorically admitted that the deceased was living well at her matrimonial home and that no demand of

money was ever made in his presence. That apart, PW-3 also admitted that he neither witnessed any payment of money nor informed the parents of the deceased about the alleged dowry harassment. Furthermore, PW-4 admitted that the alleged demand of articles at the time of marriage was never disclosed to the police and that he had no knowledge of any monetary payment allegedly made by PW-1, wife of PW-4. Significantly, PW-5, who is the landlord of accused Uday and deceased Seema, and the independent witness in the case, stated that the deceased and the appellant were living normally, and the only circumstance brought on record was that the appellant used to consume alcohol due to which the deceased was upset, which by itself does not constitute cruelty for dowry demand as contemplated under law.

23. 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 appellant 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

appellant Uday Singh, and he is entitled to the benefit of doubt.

24. In the result, the appeal succeeds and is, accordingly, allowed. The impugned judgment is hereby set aside and the appellant is acquitted of the charges under Sections 304-B and 498-A of IPC.
25. The appellant is on bail. Keeping in view the provisions of Section 437-A Cr.P.C. (481 of the B.N.S.S.), the appellant is 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/- 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 appellant on receipt of notice thereof shall appear before the Hon'ble Supreme Court.
26. 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