

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES

A. Prosecution

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW1	Baiju Nonia	Hostile Witness
PW2	Surajmal Yadav	Hostile witness
PW3	Mahesh Nonia (Informant)	Hostile witness
PW4	Dr.Amrit Kumar	Medical Witness
PW5	Moni Kumari	Other Witness

B. Defence Witnesses, if any:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
DW1	-	-

C. Court Witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
CW1	-	-

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution:

Sr. No.	Exhibit Number	Description
1	Ext P1	Signature of witness over Panchnama
2	Ext P2	Written report
3	Ext P3/PW-4	Post-mortem Report
4	Ext P4	Endorsement
5	Ext P5	Formal FIR
6	Ext P6	Inquest Report
7	Ext P7	Visra report

J U D G M E N T

1. Accused persons named as Akash Kumar and Vijay Chauhan had been charged for an offence u/s 80(2)/3(5), 85/3(5), 103(1)/3(5) and 123/3(5) of Bharatiya Nyaya Sanhita, 2023 (hereinafter referred to as BNS) and after framing of charge, it was explained to the accused persons in Hindi to which they pleaded not guilty and claimed to face trial before the court. Hence, the present trial has been made against the aforesaid accused persons.

2. The prosecution case is as follows: The daughter of informant named as Ankita Kumari whose marriage was solemnized with one Akash Kumar on dated 20.04.2025 as per Hindu rites and custom. Thereafter, she was brought to her matrimonial home. Subsequently, her husband and her father-in-law subjected her torture for unlawful demand of bullet Motorcycle and Gold chain for which she was assaulted. It is further alleged that on dated 04.05.2025 Akash Kumar, through mobile, informed the informant that his daughter-Ankita Kumari has died due to illness. When the informant along with family members went there and they saw the dead body of his daughter. It was noticed that froth was coming out from mouth and nose of deceased and thereby suspected that his daughter was poisoned to death.

3. On the basis of aforesaid written report and FIR vide Mufassil P.S. Case No.165/2025 was registered for an offence under Section 80, 3(5) of BNS. The charge of investigation was handed over to Moni Kumari (Investigating Officer, hereinafter referred as I.O.). After investigation of the case, charge-sheet was submitted against aforesaid accused persons for an offence u/s 103(1), 80(2), 85, 3(5) of BNS. On the basis of charge-sheet, the Ld.Magistrate was pleased to take cognizance on dated 11.07.2025 for the aforesaid offences and issued processes against the accused persons on dated 08.08.2025 and on the same date, the case was committed to the court of Sessions. The charge against them was framed on dated 19.08.2025.

4. The point for determination in the present case is whether the

prosecution has been able to prove the charges levelled against the accused beyond all reasonable doubt.

FINDINGS

5. The prosecution has brought five witnesses from its side in order to prove its case. **PW1 is Baiju Nonia** who states before the court that Ankita Kumari was his grand-daughter. Mahesh Nonia (informant herein) is his son. The marriage of Ankita was solemnized with Akash Chauhan on dated 20.04.2025. After marriage, she went to her matrimonial home. Ankita died at her matrimonial home after 15 days of her marriage. At the time of incident, he was outside. Later, he received the information. This witness was not in regular communication with Ankita. Ankita was living happily in her matrimonial home and no kind of dowry demand was made from her. Ankita used to say that she was fine and she had no problem. This witness have seen the dead body of Ankita in evening. He had heard that Ankita's health had deteriorated, and she died because of it. This witness has not seen any objectionable marks, injuries, or stains on Ankita's body. This witness has not even suspect that Ankita had been given poison. Police has not recorded his statement. **On the request of prosecution, this witness has been declared hostile.** During his cross-examination, he stated that Ankita's marriage was solemnized with Akash willingly, happily, and with great celebration. Ankita was living well with her husband in her matrimonial home. Her in-laws never demanded any dowry from her. This witness had received an information that Ankita's health had deteriorated and she had passed away. Acting on this information, he went to Ankita's matrimonial home. He had neither read the post-mortem report nor was it read out to him by the police. This witness has only put his signature on the instruction of police. Vijay Chauhan works in Maharashtra. He had learned that on the day when Ankita died, Vijay Chauhan was going to his workplace, and upon receiving the news, he got off at the station and returned home.

6. PW-2 is Surajmal Yadav who had deposed before the court during course of his examination-in-chief that he knows Baiju Chauhan. This witness does not know how Ankita has died. This witness has not even seen the dead body of Ankita. **On the request of prosecution, this witness has been declared hostile.** During his cross-examination, he stated that marriage of Ankita was took place,

happily, and with great celebration. Ankita was living well with her husband in her matrimonial home. Her in-laws never demanded any dowry from her. Police have not recorded his statement.

7. PW3 is Mahesh Nonia who is informant in this case and has stated that he has filed this case. Ankita was his daughter and her marriage was solemnized with Akash Kumar on dated 24.04.2025. This witness has deposed that deceased never ever told him regarding the demand of bullet motorcycle and golden chain. **On the request of prosecution, this witness has been declared hostile.** During cross-examination, he stated that written report was written by one Chandrama Chauhan and the same was not read over before him. This witness does not know what was written in the written report, he only only signed over it. Accused persons have never demanded any dowry from her daughter. Ankita was happy in her matrimonial home. On the date of occurrence, Vijay Chauhan was going for work and on receiving information regarding the death of Ankita, Vijay Chauhan returned back to home.

8. PW5 is a Doctor who conducted the post-mortem of the deceased and found the followings:

External Examination- Rigor mortis present in all four limbs, eyes closed, mouth closed, bleeding and frothing present from nose. Bluish discoloration of neck and swelling of both eyes and face, foot down.

Internal examination-

Skull- all cranial nerves intact and congested

neck-trachea and larynx intact and congested

chest-lungs intact and congested

Abdomen-liver, spleen, bilateral kidney intact and congested

Stomach- semi solid material

Small intestine-Semi solid material

large intestine-Faecal material

Food particle in abdomen cavity

Perforation was seen in small intestine

Uterus non gravid

Urinary bladder- 40 ml of urine

Viscera preserved

B-Salt solution jar for chemical analysis- part of stomach and part of small intestine preserved. Cause of death- opinion reserved till report of viscera comes.

No metallic, Alkaloidal, Glycosial, Pesticidal and Volatile poison could be detected in the contents of plastic jar as described above

During cross-examination, he has stated that postmortem report does not bear case number. Bluish discoloration of neck and swelling of both eyes and face might be caused by bite or infection.

9. PW5 is I.O. of this case and she has stated that inspection of the place of occurrence was conducted in the presence of the informant Mahesh Chauhan and his family members. The matrimonial home of deceased Ankita Kumari is situated in Village Raghunandan Bigha, located approximately 5 kilometers to the north-west of Mufassil Police Station. Statements of witnesses Baiju Chauhan and Surajmal were recorded. During cross-examination, she admitted that she did not observe any froth coming out from Ankita's mouth or nose, and no seizure list was prepared. She further stated that no CD or pen drive containing videography of the crime scene or other electronic evidence was prepared or submitted before the court. She also admitted that she did not prepare a sketch map of the place of occurrence. No significant evidence was recovered from the scene. Furthermore, witnesses Baiju, Surajmal, and Mahesh did not state in their testimonies that the deceased was subjected to harassment for dowry. Additionally, the arrest memo does not bear the signature of any independent witness.

10. Ld. Counsel for defence has strongly contended that the prosecution has failed to prove its case beyond reasonable doubt. It is submitted that all the material witnesses, including the informant and close family members, have not supported the prosecution case and have clearly stated that there was no demand for dowry and that the deceased was living happily in her matrimonial home. The entire foundation of the prosecution story thus collapses. It is further argued that there is no reliable evidence of poisoning, as the viscera report does not detect any poison. The investigation suffers from serious lapses, such as non-preparation of seizure list,

absence of videography, failure to prepare a sketch map, and lack of independent witnesses in the arrest memo, which creates grave doubt on the fairness of the investigation. The defence submits that mere suspicion, however strong, cannot take the place of proof. In absence of any credible, consistent, and reliable evidence, the accused persons are entitled to benefit of doubt. Hence, it is prayed that the accused persons be acquitted of all the charges.

11. Learned P.P. vehemently opposed the contention of the learned counsel for the defence and has submitted that the death of Ankita Kumari occurred within a very short span of her marriage, i.e., within 15 days. The medical evidence clearly indicates suspicious conditions, including frothing from the nose, bluish discoloration of the neck, and congestion of internal organs, which ruled out as natural death. It is further contended that though some witnesses have turned hostile, their testimony does not completely demolish the prosecution case, and reliance can still be placed on the medical evidence and surrounding circumstances. The prosecution emphasizes that the conduct of the accused persons in merely informing that the deceased died due to illness raises serious doubt. He has submitted that the matter must not be viewed in a manner that completely absolves the accused, and the totality of circumstances should be considered before granting any relief.

12. Heard either side and perused the record.

13. Upon consideration of the entire evidence adduced before this Court, as well as the submissions advanced by learned counsel for the accused and the learned P.P. for the State, this Court finds itself confronted with material that falls short of the standard required to sustain a criminal conviction. The threshold of proof beyond reasonable doubt, which is fundamental to criminal jurisprudence, has not been met in the present case. At the outset, PW-1, PW-2, and PW-3, who are close relatives of deceased and thus the most natural witnesses, have not supported the prosecution case. They have clearly deposed that the marriage of the deceased Ankita Kumari with accused Akash Kumar was solemnized happily and peacefully. They have further stated that deceased was living well in her matrimonial home and that no demand for dowry was ever made. Importantly, none of these witnesses have alleged any cruelty, harassment, or assault upon the deceased by the accused

persons. Though these witnesses were declared hostile by the prosecution.

14. Now, coming to the medical and investigative evidence, the testimony of the doctor (PW-4) and the I.O (PW-5). The post-mortem report indicates congestion of internal organs and certain physical conditions; however, the cause of death was initially reserved pending viscera report. The Forensic Science Laboratory report categorically states that no metallic, alkaloidal, glycosidal, pesticidal, or volatile poison was detected. Thus, the allegation of poisoning remains unsubstantiated. Furthermore, during cross-examination, the doctor has admitted that certain findings such as bluish discoloration and swelling may also be caused by infection or other reasons. Hence, the medical evidence does not conclusively establish homicidal death. The I.O has admitted several lapses in investigation. No seizure list was prepared, no independent witnesses were examined, no sketch map of the place of occurrence was prepared, and no electronic evidence was collected. Even the arrest memo does not bear signatures of independent witnesses. No incriminating material was recovered from the place of occurrence. These deficiencies create serious doubt regarding the prosecution case and the fairness of investigation. Thus, the chain of circumstances is clearly incomplete and unreliable. It is well established that in cases based on circumstantial evidence, every link in the chain must be firmly proved and must point only towards the guilt of the accused. Suspicion, however strong, cannot take the place of proof. In the present case, the prosecution has failed to establish a complete chain of circumstances. The exact cause of death remains uncertain, whether natural, accidental, or otherwise, and the benefit of such uncertainty must go to the accused.

15. Further, for attracting the provisions relating to dowry death, the prosecution must prove that soon before her death, the deceased was subjected to cruelty or harassment in connection with demand for dowry. In the present case, none of the material witnesses have supported such allegations. There is absolutely no evidence on record to show cruelty or harassment “soon before death.” While it is correct, as urged by the learned P.P for the State, that the death occurred within fifteen days of marriage and under unnatural circumstances, mere suspicion, however grave, cannot take the place of proof. The prosecution carries the burden of establishing its case by cogent, consistent, and convincing evidence. In that regard, it

is necessary to take note of the decision of Hon'ble Supreme Court in the case of ***Sharad Birdhichand Sarda v. State of Maharashtra***¹, the Hon'ble Supreme Court has held as hereunder;

"153. A close analysis of this decision would show that the following conditions must be fulfilled before a case against an accused can be said to be fully established:

(1) the circumstances from which the conclusion of guilt is to be drawn should be fully established.

It may be noted here that this Court indicated that the circumstances concerned 'must or should' and not 'may be' established. There is not only a grammatical but a legal distinction between 'may be proved' and 'must be or should be proved' as was held by this Court in [Shivaji Sahabrao Bobade & Anr. v. State of Maharashtra](#)(') where the following observations were made:

"Certainly, it is a primary principle that the accused must be and not merely may be guilty before a court can convict and the mental distance between 'may be' and 'must be' is long and divides vague conjectures from sure conclusions."

(2) The facts so established should be consistent only with the hypothesis of the guilt of the accused, that is to say. they should not be explainable on any other hypothesis except that the accused is guilty,

(3) the circumstances should be of a conclusive nature and tendency.

(4) they should exclude every possible hypothesis except the one to be proved, and (5) there must be a chain of evidence so complete as not to leave any reasonable ground for the conclusion consistent with the innocence of the accused and must show that in all human probability the act must have been done by the accused.

154. These five golden principles, if we may say so, constitute the panchsheel of the proof of a case based on circumstantial evidence.

159.It will be seen that this Court while taking into account the absence of explanation or a false explanation did hold that it will amount to be an

1(1984) 4 SCC 116

additional link to complete the chain but these observations must be read in the light of what this Court said earlier, viz., before a false explanation can be used as additional link, the following essential conditions must be satisfied:

(1) various links in the chain of evidence led by the prosecution have been satisfactorily proved. (2) the said circumstance point to the guilt of the accused with reasonable definiteness, and (3) the circumstance is in proximity to the time and situation.

160.If these conditions are fulfilled only then a court can use a false explanation or a false defence as an additional link to lend an assurance to the court and not otherwise. On the facts and circumstances of the present case, this does not appear to be such a case. This aspect of the matter was examined in [Shankarlal](#)'s case (supra) where this Court observed thus:

"Besides, falsity of defence cannot take the place of proof of facts which the prosecution has to establish in order to succeed. A false plea can at best be considered as an additional circumstance, if other circumstances point unflinching to the guilt of the accused."

16. In view of the above discussion, this Court finds that the essential ingredients required to constitute offences under Sections 80(2)/3(5), 85/3(5), 103(1)/3(5), and 123/3(5) of the BNS have not been proved. The prosecution has failed to establish any demand for dowry, any act of cruelty, or any direct or indirect involvement of the accused persons in the death of the deceased. The mere fact that the death occurred within a short period of marriage, though a suspicious circumstance, cannot by itself lead to conviction in the absence of cogent and reliable evidence. The chain of evidence is incomplete, unconvincing, and incapable of sustaining a conviction. It is a well-settled principle of criminal jurisprudence that conviction cannot be sustained on conjecture and surmise. In view of the above, it is res integra that no case under law is made out against the accused/Petitioner. Consequently, this Court holds that the prosecution has miserably failed to prove the charges beyond reasonable doubt.

17. On the basis of discussions abovemade, the prosecution has

completely failed to prove the charge levelled against accused facing trial as there is no cogent and corroborative evidence available on the record to prove the offence against the accused facing trial.

18. On considering the facts, circumstances and material available on the record and discussion made above, this Court is of considered opinion that prosecution has miserably been failed to prove its case beyond reasonable doubt.

19. Accordingly, the accused persons namely **(1)Akash Kumar and (2) Vijay Chauhan are hereby acquitted of the charges under Section 80(2)/3(5), 85/3(5), 103(1)/3(5), and 123/3(5) of BNS, 2023.** Since **(1)Akash Kumar and (2) Vijay Chauhan** are in custody, as such office is directed to issue release order immediately.

Dictated & corrected by me

Dictated by me

(Rajeev Ranjan Kumar)
Sessions Judge
Aurangabad
17.03.2026

(Rajeev Ranjan Kumar)
Sessions Judge
Aurangabad
17.03.2026