

GJJM010042362022	 सत्यमेव जयते	<i>Filed on</i>	:	07/12/2022		
		<i>Registered on</i>	:	07/12/2022		
		<i>Decided on</i>	:	05/08/2026		
		<i>Duration</i>	:	<i>Years</i>	<i>Months</i>	<i>Days</i>
				03	07	29
11202056220794 SC/86/2022						

BEFORE THE HON'BLE 3rd ADDL. SESSIONS JUDGE
JAMNAGAR

SESSIONS CASE No. : 86/2022

Exh. :- 62

Complainant	STATE OF GUJARAT		
Versus			
Accused	1.	CHETANBHAI S/O.VASTABHAI BHUTABHAI MATIYA BHARWAD AGE : 22 YEAR, OCCUP. :- LABOUR R/o. :- Deri village, Metia Road, Bharvad, Tal.- Kalavad	
	2.	VASTABHAI S/O. BHUTABHAI JADAVBHAI MATIYA BHARWAD AGE : 50 YEAR, OCCUP. :- MALDHARI, R/o. :- Deri village, Metia Road, Bharvad, Tal.- Kalavad	
	3.	VAJIBEN W/O. VASTABHAI BHUTABHAI MATIYA BHARWAD AGE : 45 YEAR, OCCUP. :- HOUSEWIFE, R/o. :- Deri village, Metia Road, Bharvad, Tal.- Kalavad	
	4.	PAYALBEN W/O. BHUPATBHAI @ BHUTO PRAVINBHAI GAMARA D/O. VASTABHAI BHUTABHAI MATIYA AGE : 24 YEAR, OCCUP. :- HOUSEWIFE, R/o. :- Ravaki village, , Near Gamara Family Field, Tal.-Lodhika, Dist.-Rajkot.	

Police Station	<i>Kalavad Rural Police Station, Jamnagar</i>
F.I.R. No. : CR	11202056220794/2022
Offence	<i>Under Section 306, 498(A), & 114 of IPC</i>
Charges as per Charge-framed	<i>Under Section 306, 498(A), & 114 of IPC</i>
Date of Offence	<i>Between dated 08/10/2022 early morning 4:30 hours to dated 09/10/2022 morning at 9:30 hours</i>
Date of F.I.R.	<i>Dated 12/10/2022</i>
Date of Charge-Sheet	<i>Dated 19/11/2022</i>
Date of framing of Charges	<i>Dated 20/05/2026</i>
Date of commencement of evidence.	<i>Dated 10/06/2026</i>

APPEARANCE :-

Ld. A.P.P. for the State	<i>Mr. D. A. Jivrajani</i>
Ld. Advocate for Accused	<i>Mr. M. M. Andakat</i>
Ld. Advocate for the De-facto complainant	<i>Mr. O. M. Jadeja</i>

**THE OFFENCES PUNISHABLE UNDER
SECTION 306, 498A, 114 of IPC.**

-:: J U D G M E N T ::-

- [1]. It is the case of the complainant that the Accused were taunting related to the daily house holds work to the complainant's sister – Deceased Manishaben W/o. Chetanbhai Vastabhai Matiya D/o. Pravinbhai D. Gamara since last four months from the date of incident and during their married life, they were having quarrels for petty reasons and all the Accused were torturing mentally and physically to the sister of the complainant and therefore, the complainant's sister has committed suicide between dated 08/10/2022 early

morning 4:30 hours to dated 09/10/2022 morning at 9:30 hours.

- [2]. The Original Complainant / Informant had given the complaint with the Kalavad Rural Police Station and F.I.R. : 11202056220794/2022 dated 12/10/2022 was registered for the offence punishable under Section 306, 498A, 114 of IPC. Thereafter, the Investigating Officer had recorded the statement of witnesses under Section 161 of Criminal Procedure Code, 1973 and drawn relevant Panchnama, sent the sample for testing and after investigating the offence, found sufficient evidence against the Accused and therefore, he had filed Charge-Sheet No. 41/2022 dated 19/11/2022, under Section 173 of Code Criminal Procedure, 1973, before the Hon'ble Magistrate Court and the same was registered as Criminal Case No.1792/2022. Thereafter, the Ld. Magistrate had complied the provision of Section 207 of Criminal Procedure Code, 1973 and supplied the copy of charge-sheet, F.I.R., Statement recorded under Section 161(3) of Criminal Procedure Code, 1973 and all other relevant papers relied on by the Prosecution to the Accused and recorded their statement, wherein they had informed to have private advocate. Thereafter, the Ld. Magistrate had committed the Accused under Section 209 of Criminal Procedure Code, 1973 and the same was registered as Sessions Case No.86/2022 on dated 07/12/2022. On service of

the process, the Accused had appeared along with their Ld. Advocate and after hearing for the charge, the charge was framed at Exh.-20 under Section 228 of Code of Criminal Procedure, 1973, on dtd. 20/05/2026 and plea were recorded vide Exh.-21 to Exh.-24 on dated 20/05/2026, wherein the Accused had pleaded not guilty and therefore, the case was proceeded further for conducting trial in accordance with law.

[3]. For adjudication of this case, the following charge is framed :-

:: CHARGE ::	
1	Whether the prosecution proves beyond reasonable doubt that the Accused were taunting related to the daily house holds work to the complainant's sister – Deceased Manishaben W/o. Chetanbhai Vastabhai Matiya D/o. Pravinbhai D. Gamara since last four months from the date of incident and during their married life, they were having quarrels for petty reasons and all the Accused were torturing mentally and physically to the sister of the complainant and therefore, the complainant's sister has committed suicide between dated 08/10/2022 early morning 4:30 hours to dated 09/10/2022 morning at 9:30 hours and thereby the accused have committed alleged offence punishable under Section 306, 498(A) & 114 of IPC?

2	What's Order ?
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[4]. My findings to the above stated points are as under :

:- FINDINGS :-

1	In NEGATIVE
2	As per FINAL ORDER

[5A]. In order to prove the alleged offence, the prosecution has leaded following oral and documentary evidences :

: <u>ORAL EVIDENCE</u> :				
Sr. No.	P.W. No.	Witness	Witness Name	Exhibit Number
1.	1	Complainant (Hostile)	Bhupatbhai Pravinbhai Gamara	Exh.-26
2.	2	Witness (Hostile)	Lakhmanbhai Limbabhai Gamara	Exh.-30
3.	3	Witness (Hostile)	Rinaben Lakhmanbhai Gamara	Exh.-31
4.	4	Witness (Hostile)	Laljibhai Pravinbhai Gamara	Exh.-32
5.	5	Witness (Hostile)	Sonalben Pravinbhai Gamara	Exh.-33
6.	6	Witness (Hostile)	Manishaben Laljibhai Gamara	Exh.-35
7.	7	Witness (Hostile)	Pravinbhai Dhusabhai Gamara	Exh.-36
8.	8	Investigating Officer / P.I.	Hiralben Vasrambhai Patel	Exh.-53

: <u>DOCUMENTARY EVIDENCE</u> :		
S/N.	PARTICULARS	EXHIBIT
1.	F.I.R. / Complaint	Exh.-27
2.	Statement of Complainant under Section 164 along with certificate and envelop.	Exh.-28
3.	Yadi to filling Inquest	Exh.-37
4.	Inquest Panchnama (Panch 1 – Yogeshbhai O. Makvana & 2 – Pujaben L. Gamara)	Exh.-38

5.	Death Form	Exh.-39
6.	Yadi for P.M. Note	Exh.-40
7.	P.M. Note	Exh.-41
8.	Short Report	Exh.-42
9.	Panchnama of Place of Incident (Panch 1.- Prakashbhai Jentibhai Toyata and 2.- Vimalbhai B. Toyata)	Exh.-43
10.	Spot Inspection Report	Exh.-44
11.	Panchanam for Arrest of Accused No. 1 & 2 (Panch 1. - Badhabhai V. Vakatar & 2.- Punitbhai A. Katodia)	Exh.-45
12.	Panchanam for Arrest of Accused No. 3 & 4 (Panch 1. - Sangeetaben P. Bambhava & 2.- Bhupatbhai Nathabhai Gamara)	Exh.-46
13.	Panchanama for Sample Collection of the Deceased.	Exh.-47
14.	Muddamal Ravangi Patra	Exh.-48
15.	Authority Certificate	Exh.-49
16.	Muddamal Receiving receipt	Exh.-50
17.	Yadi to file Offence	Exh.-54
18.	Letter from D.F.S. Gujarat of dated 25/11/22	Exh.-59
19.	Biology and Serology Analysis Report	Exh.-60

[5B]. In order to prove themselves innocent in the alleged offence, the accused have leaded following oral and documentary evidences :

: <u>ORAL EVIDENCE</u> :				
Sr. No.	A.W. No.	Witness	Witness Name	Exhibit Number
NIL				

: <u>DOCUMENTARY EVIDENCE</u> :		
S/N.	PARTICULARS	EXHIBIT
NIL		

[6]. Thereafter, the prosecution has given the closing pursis Exh.-61. With a view to give full opportunity to the

accused, their further statements were recorded under Section 313 of the Criminal Procedure Code, 1973, wherein they have taken the defense that false case is being registered against them and they are innocent. I have heard the Ld. A.P.P. - Mr. D.A. Jivrajani for the State along with Ld. Advocate Mr. O. M. Jadeja for the Original Complainant and the Ld. Advocate – Mr. M.M. Anadkat for the Accused, at great length. I have also considered the oral and documentary evidences on record as well as record of the case.

[7]. The reasons, for the findings arrived at, for the adjudication of the above charge, are as under :

: REASONS :

ISSUE No. 1 & 2 :

(7.1). It is deposed by P.W. No. 1 – Bhupatbhai Pravinbhai Gamara – Complainant at Exh.-26 that his deceased sister was informing that neither cruelty is caused nor any dispute had by her in-laws and further deposed that her deceased sister has not committed suicide for any cruelty caused by her In-laws. It is admitted by P.W. No. 1 – Bhupatbhai Pravinbhai Gamara in his cross-examination at Exh.-26 that police had only asked to sign on a complaint and he had done. The said witness has not supported the case of the prosecution and therefore on the request of the Ld.

A.P.P., he was declared as hostile.

(7.2). It is deposed by P.W. No. 2 – Lakhmanbhai Limbabhai Gamara at Exh.-30 that his deceased niece was informing that neither cruelty is caused nor any dispute had by her in-laws and further deposed that his deceased niece has not committed suicide for any cruelty caused by her In-laws and she was kept good in her matrimonial house and the in-laws were not causing any cruelty to her. It is admitted by P.W. 2 – Lakhmanbhai Limbabhai Gamara in his cross examination at Exh.-30 that police has asked his name and address only. The said witness has not supported the case of the prosecution and therefore on the request of the Ld. A.P.P., he was declared as hostile.

(7.3). It is deposed by P.W. No.3 – Rinaben Lakhmanbhai Gamara at Exh.-31 that her deceased niece was informing that neither cruelty is caused nor any dispute had by her in-laws and further deposed that her deceased niece has not committed suicide for any cruelty caused by her In-laws and she was kept good in her matrimonial house and the in-laws were not causing any cruelty to her. It is admitted by P.W. No.3 – Rinaben Lakhmanbhai Gamara in her cross-examination at Exh.-31 that police has asked her name and address only. The

said witness has not supported the case of the prosecution and therefore on the request of the Ld. A.P.P., she was declared as hostile.

(7.4). It is deposed by P.W. No. 4 – Laljibhai Pravinbhai Gamara at Exh.-32 that his deceased sister was informing that neither cruelty is caused nor any dispute had by her in-laws and further deposed that her deceased sister has not committed suicide for any cruelty caused by her In-laws. It is admitted by P.W. No. 1 – Laljibhai Pravinbhai Gamara in his cross-examination at Exh.-32 that police had only asked his name and address and nothing else. The said witness has not supported the case of the prosecution and therefore on the request of the Ld. A.P.P., he was declared as hostile.

(7.5). It is deposed by P.W. No. 5 – Sonalben Pravinbhai Gamara at Exh.-33 that her deceased daughter was informing that neither cruelty is caused nor any dispute had by her in-laws and further deposed that her deceased daughter has not committed suicide for any cruelty caused by her In-laws and she was kept good in her matrimonial house and the in-laws were not causing any cruelty to her. It is admitted by P.W. No. 5 – Sonalben Pravinbhai Gamara in her cross-examination at Exh.-33 that police has asked her name and address only. The

said witness has not supported the case of the prosecution and therefore on the request of the Ld. A.P.P., she was declared as hostile.

(7.6). It is deposed by P.W. No. 6 – Manishaben Laljibhai Gamara at Exh.-35 that her deceased sister-in-law was informing that neither cruelty is caused nor any dispute had by her in-laws and further deposed that her deceased sister-in-law has not committed suicide for any cruelty caused by her In-laws and she was kept good in her matrimonial house and the in-laws were not causing any cruelty to her. It is admitted by P.W. No. 6 – Manishaben Laljibhai Gamara in her cross-examination at Exh.-35 that police has asked her name and address only. The said witness has not supported the case of the prosecution and therefore on the request of the Ld. A.P.P., she was declared as hostile.

(7.7). It is deposed by P.W. No. 7 – Pravinbhai Dhusabhai Gamara at Exh.-36 that his deceased daughter was informing that neither cruelty is caused nor any dispute had by her in-laws and further deposed that his deceased daughter has not committed suicide for any cruelty caused by her In-laws and she was kept good in her matrimonial house and the in-laws were not causing any cruelty

to her. It is admitted by P.W. No. 7 – Pravinnhai Dhusabhai Gamara in his cross-examination at Exh.-36 that police has asked his name and address only. The said witness has not supported the case of the prosecution and therefore on the request of the Ld. A.P.P., he was declared as hostile.

(7.8). It is deposed by P.W. No. 8 – I.O. - Hiralben Vasrambhai Patel at Exh.-53 that she had arrested the Accused and produced before the court and investigated the offence and after finding sufficient evidence filed charge sheet.

(7.9). On appreciating the evidence on record, the witnesses have clearly deposed that no cruelty was caused by the Accused to the deceased and the deceased have not committed the suicide due to any cruelty by the Accused. The other witnesses have clearly admitted that they have not disclosed anything about the offence in the police statement and only their name and address are asked by the police. Thus, when none of the witnesses is proving that Accused have committed suicide due to cruelty of the Accused, then the Accused cannot be convicted based on such insufficient evidence on record and therefore, the Accused are entitled to get benefit of doubt due to insufficient evidence on record and are entitled to get acquittal.

(7.10). The Hon'ble Gujarat High Court has held the ratio in it's decision delivered in case of ¹STATE OF GUJARAT Vs. PRAVINSINH RANUBHA GARASIA that when the case is full of defects and infirmities that the whole case becomes doubtful, then prosecution has utterly failed to prove the case. The Hon'ble Gujarat High Court has held the ratio in it's decision delivered in case of ²RAYSING LALSING DARBAR Vs. STATE OF GUJARAT that when in view of discrepancies appearing on record, the complainants case is shrouded in mystry and his version becomes doubtful as to occurrence of the incident in question, the case of complainant is not free from doubt, the benefit of doubt has to operate in favour of the Accused according to well settled principles of criminal law. The Hon'ble Gujarat High Court has held the ratio in it's decision delivered in case of ³DHIRAJLAL VANMALIDAS THAKKAR Vs. B. M. RAO that upon going through the evidence on records, it is found that the statement of complainant were full of contradiction qua his complaint and there is no material on record to corroborate the oral version of complainant and several witnesses were declared hostile and other did not support the story and theory of

¹ *STATE OF GUJARAT Vs. PRAVINSINH RANUBHA GARASIA : 1999[1] G.C.D. 328[Guj]*

² *RAYSING LALSING DARBAR Vs. STATE OF GUJARAT : 1997[1] G.C.D. 8 [Guj][UJ]*

³ *DHIRAJLAL VANMALIDAS THAKKAR Vs. B. M. RAO : 1997[1] G.C.D. 20 [Guj][UJ]*

complainant, there is no mistake if version of complainant is doubtful. The Hon'ble Gujarat High Court has held the ratio in its decision delivered in case of ⁴**LILUBHA MAHOBATSING Vs. STATE OF GUJARAT** that in criminal trial, necessity of proving the guilt of Accused beyond reasonable doubt rests on prosecution and where the result rests only on inferences or conjectures, that approach which helps the Accused must be accepted and further held that when there is demarcating line between “Facts Proved” and Fact Not Proved”, then benefit must go to Accused.

- (7.11). The Gujarat High Court has held in the case of ⁵**KARUBHAI Vs. STATE OF GUJARAT** that there are no strict rules for the reliability of the witnesses but one has to take decision after appreciation of overall evidence on record and several factors are required to be considered like demeanor of the witnesses, the statements recorded before the court, enmity between the parties etc. and thereafter, the appreciation is to be done. On appreciating evidence in the present case, the alleged offences are not proved beyond reasonable doubt against the Accused and the prosecution has not proved the case beyond reasonable doubt against the Accused as reflected from the records.

⁴ ***LILUBHA MAHOBATSING Vs. STATE OF GUJARAT : 1991[1] G.L.R. 226***

⁵ ***KARUBHAI Vs. STATE OF GUJARAT : 2007[1] G.L.H. 411***

(7.12). As per the provision of the Indian Evidence Act, it is a bounded duty and the law casts the burden of proof to prove the case beyond reasonable doubt on the prosecution but in the present case the prosecution has failed to prove the alleged offence beyond reasonable doubt. There is wide contradiction between the deposition of the witnesses and the complainant. Under such circumstances, doubt regarding the offences committed by the Accused arises. When there is minor doubt with regards to the offence committed, the straight way benefit goes to the Accused. It is the settled principles of criminal justice that let one hundred Accused be acquitted but one innocent should not be convicted. Taking into consideration the provision the criminal jurisprudence and the Indian Evidence Act, if the oral as well as documentary evidence of the present case is appreciated, then based on the said evidence the Accused could not be convicted for the alleged offences and the said evidences could be said to be insufficient. Thus, when the alleged offences are not proved beyond reasonable doubt and evidences are insufficient to convict, the Accused are entitled to get benefit of doubt and if Accused are acquitted giving benefit of doubt, then it will be just, proper, reasonable and legal. In

view of the above stated facts, findings, reasons, and settled principles of law, I answer the **ISSUE No.1** in **NEGATIVE** and answer **ISSUE No.2** by passing the following **FINAL ORDER** :

:- FINAL ORDER :-

- The Accused are acquitted under Section 258(1) of B.N.S.S. [Section 235(1) of Cr.P.C.], for the alleged offence punishable under Section 306, 498A and 114 of Indian Penal Code, 1860, by giving benefit of doubt, due to insufficient evidence on record.
- All the Non-Valuable Muddamal shall be destroyed, after expiry of appeal period.
- Bail Bonds of Accused shall stand cancelled.
- Each Accused shall furnish fresh surety of Rs. 15,000/- (Rupees fifteen thousands only) and personal bond of the like amount, as per Section 481 of B.N.S.S. [Section 437A(1) of Cr.P.C.], within period of two weeks.

*Signed, pronounced and declared in Open Court on this 5th day of **Aug, 2026**, at Jamnagar.*

Date : 05/08/2026
Place : Jamnagar

/// A.M.S ///

(**Rasikkumar V. Mandani**)
3rd Additional Sessions Judge
Jamnagar. (Code : GJ00715)