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IN THE COURT OF ADDITIONAL SESSIONS JUDGE, PANCHMAHAL AT
HALOL

CRIMINAL APPEAL NO. 18 OF 2026

STATE OF GUJARAT, Gandhinagar)
Through Ld. A.P.P., Halol) APPELLANT

VERSUS

(1) PRADIPBHAI PRABHATBHAI MAKVANA)
Aged Adult, Occupation: Business)
(2) PUSHPABEN PRABHATBHAI MAKVANA)
Aged Adult, Occupation: Housework)
(3) PRABHATBHAI DAHYABHAI MAKVANA) RESPONDENTS
Aged Adult, Occupation: Business)
(4) VARSHABEN KALPESHBHAI MAKVANA)
Aged Adult, Occupation: Housework)
All residing at Mu.Nesda, Ta.Kalol,)
Dist.Panchmahal.)

APPEAL U/s.419 OF BHARATIYA NAGARIK SURAKSHA SANHITA, 2023
(U/s.378 OF CRIMINAL PROCEDURE CODE)

AGAINST THE JUDGMENT AND ORDER DATED 10.12.2025 PASSED BY
THE COURT OF LEARNED ADDITIONAL CHIEF JUDICIAL MAGISTRATE, KALOL IN
CRIMINAL CASE No. 989/2019

APPEARANCE:

MS. L. R. SHETH, Ld. A.P.P. for the Appellant

MR. B. M. JADAV, Ld. Advocate for the Respondents

JUDGMENT

PRESENT APPEAL FILED AGAINST

1. The Appellant-State has preferred the present Criminal Appeal u/s.419 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (“**B.N.S.S.**”) (u/s.378 of the Criminal Procedure Code), being aggrieved and dissatisfied by the impugned judgment and order dated 10.12.2025 passed by the Court of Learned Additional Chief Judicial Magistrate, Kalol (“**Trial Court**”) in Criminal Case No. 989/2019 (“**Criminal Case**”) whereby the learned Trial Court was pleased to acquit the Respondents herein - Original Accused from having committed offence punishable u/s. 498(A), 323, 504, 506(2), 114 of Indian Penal Code (“**IPC**”).

STATUS OF THE PARTIES

2. Appellant is the State, whereas the Respondents herein were the original Accused before the Ld. Trial Court. The de-facto Complainant is Ashaben Pradipbhai Makwana. For the sake of convenience, the parties shall be referred to in their original capacity and status as before the Ld. Trial Court.

PROSECUTION CASE

3. Brief facts giving rise to the present appeal can be succinctly stated as under :
 - 3.1. The FIR was lodged by the *de-facto* complainant, namely, Aashaben Pradipbhai Makvana (“**de-facto complainant**”) on 30.08.2018.

3.2. The FIR was lodged by the de-facto Complainant against the present accused who are her in-laws, viz; **(i)** Husband Accused No.1 Pradipbhai Prabhatbhai Makvana, **(ii)** Mother-in-Law Accused No.2 Pushpaben Prabhatbhai Makvana, **(iii)** Father-in-Law Accused No.3 Prabhatbhai Dahyabhai Makvana, **(iv)** Sister-in-Law Accused No.4 Varshaben Kalpeshbhai Makvana.

3.3. The **gravamen** of the FIR is under: -

It was alleged that *de-facto* complainant was married to Accused No.1 in the year 2013. It was alleged that for one year, the *de-facto* complainant was kept merrily they had cordial marital life. During their matrimonial life span, the *de-facto* complainant also gave birth to one female child and later to twins male children. However, it was alleged that since last three years the accused i.e. Mother-in-law, Father-in-law and Sister-in-law were instigating her husband i.e. Accused No.1 against her alleged that she is a jinx she brings melancholy in the family. They also used to ask the Complainant to leave and used to say that they will marry Accused No. 1 else where. It was alleged that on account of the said incident her husband i.e. Accused No.1 also used to assault her and abuse her. It was further alleged that even the Panch was gathered to settle the matter. However, it was alleged that the accused continued to physically and mentally torture her and also threatened her with dire consequences. It was alleged that the accused forcibly removed her from the matrimonial house, pursuant to which, she returned to her parental house. Under the circumstances, the aforesaid FIR came to be lodged

3.4. Pursuant to the registration of the aforesaid FIR, investigation was conducted by the Police which ultimately led to filing of the Charge-sheet against the present accused. Thereafter, Criminal Case No.989 of 2019 came to be registered before the Ld. Trial Court. The Ld. Trial Court framed charge against the accused, to which the accused pleaded not guilty and accordingly the trial.

EVIDENCE AT THE TRIAL

3.5. To bring home the charges against the accused before the Ld. Trial Court, the prosecution has led the following evidences :

ORAL EVIDENCE

Sr.	Testimony of	Exhibit
1	De-facto Complainant - Aashaben Pradipbhai	22
2	Dahyabhai Khengarbhai Parmar	24
3	Khaniben Laxmanbhai Makvana	26
4	Nitinbhai Laxmanbhai Makvana	29
5	Dipakbhai Valabhai	31
6	Ramabhai Popatbhai	32
7	Dalsukhbhai Somabhai Chamar	33
8	P.S.O. - Parmabhai Punjabhai Vankar	40
9	Investigating Officer	42

DOCUMENTARY EVIDENCE

Sr.	Document	Exhibit
1	Original Complaint	23
2	Depute Order	41

3.6. After closure of the prosecution evidence, further statement of the accused were recorded, wherein the accused denied all the incriminating evidences produced against them at the trial. Accused chose not to lead any evidence in support of their defence.

- 3.7.** After hearing Ld. Advocates for the parties and perusing the case record, Ld. Trial Court was pleased to acquit all the accused for having committed the alleged offence. The State being aggrieved and dissatisfied by the aforesaid impugned and order of acquittal passed by the Ld. Trial Court has preferred the present appeal.
- 3.8.** Upon filing of the present appeal, notice was issued upon the respondents, pursuant to which, the Respondents appeared before this Court through their Ld. Advocate. This Court also called for the record and proceedings from the Ld. Trial Court.

SUBMISSIONS

- 4.** Ld. APP has submitted that in matrimonial disputes there are hardly any neutral and independent eye-witnesses to the incident, and the matrimonial harassment often occurs within four corners of the house. It is further submitted that there is no reason for disbelieving the complainant. It is submitted that there is no reason for the complainant to spoil her own matrimonial life by lodging false complaint. It is submitted that in the present case, more importantly, the complainant also has three children. It is further submitted that only as a last resort, a female would have come forward to lodge the FIR. It is submitted that Ld. Trial Court has committed manifest error in not believing the testimony of the complainant and hence, it is submitted that the impugned judgment and order passed by the Ld. Trial Court is perverse and without any application of mind. Hence, it is prayed that the judgment and order of the Ld. Trial Court be set aside and accused are required to be convicted for the offences as alleged.

5. *Per contra*, Ld. Advocate for the Accused has submitted that the Ld. Trial Court has meticulously appreciated the evidence on record and has rightly come to the conclusion that the prosecution case is not believable. It is submitted that the present being an acquittal appeal, the same does not call for any interference at the hands of this Court. Hence, it is prayed that the present appeal be rejected.
6. Heard the Ld. Advocates for the parties and perused the record.

:: I S S U E S ::

7. Having heard Ld. Advocates for the parties and upon perusal of the record and proceedings of the Ld. Trial Court and the impugned Judgment and order passed by the Ld. Trial Court, the following issues arise for the kind consideration:

(1) Whether the impugned judgment and order passed by the Ld. Trial Court acquitting the accused from having committed offences u/s.498(A), 323, 504, 506(2), 114 of Indian Penal Code, is perverse, without any application of mind and/or by ignoring any material evidence on record or based upon extraneous considerations ?

(IN NEGATIVE)

(2) Whether the impugned judgment and order passed by the Ld. Trial Court deserves to be interfered by this Court in exercise of its appellate jurisdiction ?

(IN NEGATIVE)

(3) What final order?

(AS PER FINAL ORDER)

REASONS

(Scope of Acquittal Appeal)

8. At the outset, before proceeding further, it is required to be noted that the present is an appeal preferred by the State against the order of Acquittal passed by the Ld. Trial Court, whereby acquitting all the accused from having committed offence punishable under Section 498(A), 323, 504, 506(2), 114 of the Indian Penal Code ("I.P.C."). The principle with respect to scope of interference in acquittal appeal are well settled, that, unless the judgment of acquittal is totally perverse, without application of mind or based on extraneous consideration, the Appellate Court would not interfere, as there exist double presumption of innocence in favor of the Accused. The Hon'ble Apex Court in case of **BABU SAHEBAGOUDA RUDRAGOUDAR AND OTHERS vs. STATE OF KARNATAKA** in Criminal Appeal No.985 of 2010 decided on April 19, 2024 has summarized the law with respect to acquittal appeal as under :

"36. First of all, we would like to reiterate the principles laid down by this Court governing the scope of interference by the High Court in an appeal filed by the State for challenging acquittal of the accused recorded by the trial Court.

37. This Court in the case of **Rajesh Prasad v. State of Bihar and Another (2022) 3 SCC 471** encapsulated the legal position covering the field after considering various earlier judgments and held as below: -

"29. After referring to a catena of judgments, this Court culled out the following general principles regarding the powers of the appellate court while dealing with an appeal against an order of acquittal in the following words: (Chandrappa case [Chandrappa v. State of Karnataka, (2007)

4 SCC 415]

“42. From the above decisions, in our considered view, the following general principles regarding powers of the appellate court while dealing with an appeal against an order of acquittal emerge:

(1) An appellate court has full power to review, reappraise and reconsider the evidence upon which the order of acquittal is founded.

(2) The Criminal Procedure Code, 1973 puts no limitation, restriction or condition on exercise of such power and an appellate court on the evidence before it may reach its own conclusion, both on questions of fact and of law.

(3) Various expressions, such as, “substantial and compelling reasons”, “good and sufficient grounds”, “very strong circumstances”, “distorted conclusions”, “glaring mistakes”, etc. are not intended to curtail extensive powers of an appellate court in an appeal against acquittal. Such phraseologies are more in the nature of “flourishes of language” to emphasise the reluctance of an appellate court to interfere with acquittal than to curtail the power of the court to review the evidence and to come to its own conclusion.

(4) An appellate court, however, must bear in mind that in case of acquittal, there is double presumption in favour of the accused. Firstly, the presumption of innocence is available to him under the fundamental principle of criminal jurisprudence that every person shall be presumed to be innocent unless he is proved guilty by a competent court of law. Secondly, the accused having secured his acquittal, the presumption of his innocence is further reinforced, reaffirmed and strengthened by the trial court.

(5) If two reasonable conclusions are possible on the basis of the evidence on record, the appellate court should not disturb the finding of acquittal recorded by the trial court.”

38. Further, in the case of **H.D. Sundara & Ors. v. State of Karnataka (2023) 9 SCC 581** this Court summarized the principles governing the exercise of appellate jurisdiction while dealing with an appeal against acquittal under Section 378 of CrPC as follows: -

“8.1. The acquittal of the accused further strengthens the presumption of innocence;

8.2. The appellate court, while hearing an appeal against acquittal, is entitled to reappreciate the oral and documentary evidence;

8.3. The appellate court, while deciding an appeal against acquittal, after reappreciating the evidence, is required to consider whether the view taken by the trial court is a possible view which could have been taken on the basis of the evidence on record;

8.4. If the view taken is a possible view, the appellate court cannot overturn the order of acquittal on the ground that another view was also possible; and 8.5. The appellate court can interfere with the order of acquittal only if it comes to a finding that the only conclusion which can be recorded on the basis of the evidence on record was that the guilt of the accused was proved beyond a reasonable doubt and no other conclusion was possible.”

39. Thus, it is beyond the pale of doubt that the scope of interference by an appellate Court for reversing the judgment of acquittal recorded by the trial Court in favour of the accused has to be exercised within the four corners of the following principles:-

(a) That the judgment of acquittal suffers from patent perversity;

(b) That the same is based on a misreading/omission to consider material evidence on record;

(c) That no two reasonable views are possible and only the view consistent with the guilt of the accused is possible from the evidence available on record.

40. The appellate Court, in order to interfere with the judgment of acquittal would have to record pertinent findings on the above factors if it is inclined to reverse the judgment of acquittal rendered by the trial Court."

8.1. Thus, in light of the aforesaid legal principle let me evaluate the evidence on record to see whether the impugned judgment and order of acquittal passed by the Ld. Trial Court is, in any manner, perverse, without any application of mind and the same is delivered by ignoring material evidence on record.

ANALYSIS

9. Now, It is the prosecution case that *de-facto* complainant was married to Accused No.1 – in the year 2013. During the matrimonial life span, the complainant also gave birth to three children. As per the testimony of the complainant herself she was kept happily for 1-2 years. Thereafter disputes started to erupt, wherein it is alleged that the Accused i.e. Father-in-law, Mother-in-law and Sister-in-law started passing tantrums on her and also used to instigate Accused No.1 against her, because of which Accused No. 1 used to physically and mentally harass her. For lucid appreciate, let me reproduce the testimony of the *de-facto* complainant in verbatim as under :

Testimony of the De-facto Complainant at Exh.22

"સોગંદ આપ્યા:

સરતપાસ એ.પી.પી.શ્રી વી.વી.ગામીત

મારા લગ્ન આ કામના આરોપી નં.૧ પ્રદિપભાઈ પ્રભાતભાઈ સાથે આજથી નવ વર્ષ અગાઉ અમારી જ્ઞાતિના રીવાજ મુજબ થયેલા. આ આરોપી નં.૧ સાથેના લગ્નજીવનથી મારે સંતાનમાં ત્રણ બાળકોનો જન્મ થયેલ તેમાં પ્રથમ વખતે છોકરી અને બીજી વખતે બે જોડીયા છોકરાઓનો જન્મ થયેલો. આ આરોપી નં.૧ સાથેના લગ્નજીવન દરમિયાન તેઓએ મને એક બે વર્ષ સારી રીતે રાખેલા. ત્યારબાદ મને મારી સાસુ, મારા સસરા, મારી નણંદ, મારા જેઠ વિગેરે જણાવતા કે, આ ઘરમાં જોઈતી નથી તેના પગલા સારા નથી. મારી નણંદ વર્ષાબેન મને જણાવતા કે, મારે ત્રણ લાખ રૂપિયા આવેલા છે જેથી રોજનો બસ્સો રૂપિયાનો દારૂ મારા ઘરવાળાને પીવડાવીને જીવતી મારી નાંખીશુ તેવું જણાવતા. મારી નણંદ એવું કહેતા કે, મારા ઘરમાં આ જોઈતી નથી તેના લીધે મારું ઘર ભાંગે છે. મારા સસરા એવું જણાવતા કે, તારા કાલોલની અંદર ઘોંચીયો બહુ છે જેથી બસ્સો લાવજે અને છોકરાઓને મોટા કરજે. મારી સાસુ એવું કહે છે કે, તારે જે ભંગડે જવું હોય ત્યાં જતી રહે પણ મારા છોકરાને છુટ્ટુ કરી દે. મારા જેઠ પાછળથી એવું કહે છે કે, તારા પગલા મારા ઘરમાં જોઈતા નથી તારે મારા ઘરની ડેરી ટપાવી નહિ. મારા જેઠનું નામ શૈલેષભાઈ છે અને વારંવાર ફોન કરીને મને આજસુધી ગાળો બોલે છે અને મારા છોકરાને છુટ્ટુ આપી દે તેવું જણાવે છે. મને ઘરમાંથી કાઢી મુકી તો હું રસ્તામાં જતી હતી ત્યારે મારા મામા સસરા દીપકભાઈ વાલાભાઈ મને રસ્તામાં મળેલા અને મને તેમના ઘરે લઈ ગયેલા અને સમજાવેલ અને ત્યાં હું પાંચ દીવસ સુધી મારા છોકરાઓને લઈને ત્યાં

રહેલી. છોકરા મને કાઢી મુકી ત્યારે રાત્રે અગિયાર વાગ્યે છોકરા આપેલા. જેથી હું પાંચ દીવસ મારા મામા સસરાને ત્યાં રહી તો મારી સાસુ મારા મામા સસરાને ચઢાવેલ કે, તમે કેમ તમારે ત્યાં તેને રાખી છે. ફરીયાદ કરવા હું મારા મામા સાથે ગયેલી અને તે લોકો એટલે કે, મારા મામા સસરાએ ફરીયાદ કરાવેલી. ફરીયાદ મેં કાલોલ પોલીસ સ્ટેશનમાં આપેલી. મને ફરીયાદ બતાવવામાં આવે છે જેમાં મારી સહી છે જે હું ઓળખી બતાવુ છું જે રજુ દાખલ **આંક 23**. આપવામાં આવે છે. આરોપી નં. ૧ થી ૩ મારા પતિ અને સાસુ સસરા હાજર છે મારા નણંદ હાજર નથી. બીજુ ઘણુ બધુ બનેલ છે પણ ફરીયાદમાં લખેલ નથી. મારા પતિ મારી જોડે મારઝુડ કરી માબેન સમાણી ગાળો બોલતા હતા.

સરતપાસ પુરી.

ઉલટપાસ આરોપીઓ તરફે વિ. વ. શ્રી. એસ.એસ.શેઠ

એ વાત ખરી છે કે, મને મારઝુડ કરેલ તે બાબતનો મારી પાસે કોઈ પુરાવો નથી. એ વાત ખરી નથી કે, મારઝુડ કરવાની વાત મેં ગોઠવેલી છે. એ વાત ખરી નથી કે, મેં મારી સરતપાસમાં જે હકીકત લખાવેલી છે જેવી કે, મારી સાસુ, મારા સસરા, મારી નણંદ, મારા જેઠ વિગેરે જણાવતા કે, આ ઘરમાં જોઈતી નથી તેના પગલા સારા નથી. મારી નણંદ વર્ષાબેન મને જણાવતા કે, મારે ત્રણ લાખ રૂપિયા આવેલા છે જેથી રોજનો બસ્સો રૂપિયાનો દારૂ મારા ઘરવાળાને પીવડાવીને જીવતી મારી નાંખીશુ તેવુ જણાવતા. મારી નણંદ એવુ કહેતા કે, મારા ઘરમાં આ જોઈતી નથી તેના લીધે મારુ ઘર ભાંગે છે. મારા સસરા એવુ જણાવતા કે, તારા કાલોલની અંદર ઘોંચીયો બહુ છે જેથી બસ્સો લાવજે અને છોકરાઓને મોટા કરજે. મારી સાસુ એવુ કહે છે કે, કામને ભંગડે જવુ હોય ત્યાં જતી રહે પણ મારા છોકરાને છુટુ કરી દે. મારા જેઠ પાછળથી એવુ કહે છે કે, તારા પગલા મારા ઘરમાં જોઈતા નથી તારે મારા ઘરની ડેરી ટપાવી નહિ. મારા જેઠનુ નામ શૈલેષભાઈ છે અને વારંવાર ફોન કરીને મને આજસુધી ગાળો બોલે છે અને મારા છોકરાને છુટુ આપી દે તેવુ જણાવે છે. અને ઘરમાંથી કાઢી મુકી તો હું રસ્તામાં જતી હતી ત્યારે મારા મામા સસરા દીપકભાઈ વાલાભાઈ મને રસ્તામાં મળેલા અને મને તેમના ઘરે લઈ ગયેલા અને સમજાવેલ અને ત્યાં હું પાંચ દીવસ સુધી મારા છોકરાઓને લઈને ત્યાં રહેલી. છોકરા મને કાઢી મુકી ત્યારે રાત્રે અગિયાર વાગ્યે છોકરા આપેલા. જેથી હું પાંચ દીવસ મારા મામા સસરાને ત્યાં રહી તો મારી સાસુ મારા મામા સસરાને ચઢાવેલ કે. તમે કેમ તમારે ત્યાં તેને રાખી છે. ફરીયાદ કરવા હું મારા મામા સાથે ગયેલી અને તે લોકો એટલે કે, મારા મામા સસરાએ ફરીયાદ કરાવેલી.

એ વાત ખરી નથી કે, મને મારા સાસુ, સસરા, જેઠ, નણંદે તું સારા પગલાની નથી, તું જોઈતી નથી તેવુ ક્યારેય કીધુ નથી. મને મારા ઘરવાળા સારી રીતે રાખતા અને સારી રીતે રહેતા હતા તેના જવાબમાં જણાવુ છું કે, બે વર્ષ સારી રીતે રાખેલા ત્યારબાદ તેમની ચઢામણીમાં મને ત્રાસ આપતા હતા. એ વાત ખરી નથી કે, મારે બિમારી અને સારા નરસા પ્રસંગોમાં મારા ઘરવાળા ખર્ચ કરતા હતા. એ વાત ખરી છે કે, મારી સાસરી ફળિયામાં આવેલી છે. એ વાત ખરી છે કે, મારી સાસરીના ફળિયામાં ઘણા બધા અમારી જ્ઞાતિના માણસો રહે છે. એ વાત ખરી નથી કે, મને ક્યારેય ધમકી આપેલ નથી, ગાળો બોલેલ નથી કે મારઝુડ કરેલ નથી. એ વાત ખરી નથી કે, મેં ખોટી ફરીયાદ કરીને ખોટી જુબાની આપુ છું.

ઉલટપાસ પુરી.

ફેરતપાસ નથી.”

10. Now, upon perusal of the aforesaid testimony of *de-facto* complainant, at the outset, it is required to be noted that there does not appear any specific allegation or episode of physical torture meted by the Accused upon the *de facto* Complainant. There is no evidence that Accused had assaulted the *de facto* Complainant at any point of time. Hence, so far so the allegation of physical assault is concern, the same does not find any support from the testimony of the de-facto complainant herself. Also, it may be noted that there are no allegations regarding any demand of dowry. Hence the only allegations which requires consideration is about mental harassment.

10.1. Now, upon bare perusal of the testimony of the *de facto* Complainant, it is apparent that there exist no modicum of particulars with respect to any allege incident of torture i.e. when and in what manner each episode of harassment and torture were meted by the accused upon her. The only allegations against the Accused is that the accused used to pass tantrums on the Complainant by saying that “she is a jinx on the family and that they would kill her, and that because of her the family remains in melancholy, and Accused also used to ask her for divorce.” However all such allegations are completely bereft of any material particulars or narratives. Neither there is any reference to context to such tantrums, nor there is any kind of narrative as to on which date, what time, on how many occasion such incident had occurred. No specific episode has been brought on record. The allegations are totally omnibus, vague, generalized and evasive.

10.2. It is trite and well settled that ‘cruelty’ *per se* is not enough to constitute the offence u/s 498A, unless it is done with the intention to cause grave injury or drive the victim to commit suicide. Mere generalized and omnibus allegations of cruelty and instigation, without narrating any specific instances of harassment and providing details thereof, cannot attract the rigors of Section 498A of the IPC¹.

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18. A bare perusal of the FIR shows that the allegations made by respondent No.2 are vague and omnibus. Other than claiming that appellant No.1 harassed her and that appellant Nos.2 to 6 instigated him to do so, respondent No.2 has not provided any specific details or described any particular instance of harassment. She has also not mentioned the time, date, place, or manner in which the alleged harassment occurred. Therefore, the FIR lacks concrete and precise allegations.

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19. A perusal of the FIR shows that the allegations made by the complainant are that in the year 2015, the appellants inflicted mental and physical cruelty upon her as she could not give birth to a male child. Such allegations made by the complainant appear to be vague as no specific instances of harassment are mentioned. No specific role or allegation is levelled on either of the appellants and no specific incident of physical or mental cruelty has been mentioned. A mere omnibus statement has been made that the physical and mental cruelty was afflicted because the complainant could not provide a male child. Furthermore, it is merely mentioned that the appellants would instigate the husband to harass the complainant, but again, no specific or precise instances are mentioned as to how the appellants instigated their son and what acts were committed by him as a direct result of such instigation.

23. Hence, it was clear that ‘cruelty’ is not enough to constitute the offence. It must be done with the intention to cause grave injury or drive the victim to commit suicide or inflict grave injury to herself. In the present case, the allegations levelled in the FIR do not reveal the existence of any such allegations. The only allegation that referred to an injury being inflicted against the complainant is a vague statement that the son of the appellants herein used to beat her, but there is no specific allegation of any such injury being caused by the appellants herein.

30. In the present case also, as discussed above, the facts when taken at face value, do not reveal any specific instance of cruelty committed by the appellants herein. In our view, only stating that cruelty has been committed by the appellants herein due to some reason, would not amount to the offence under Section 498-A of IPC being attracted.

- 10.3.** In order to constitute offence under Section 498(A) of I.P.C. one has to specifically narrate each episode of harassment and torture meted by the accused, from which the Court can come to the conclusion that the complainant was actually harassed and tortured by the accused. The prosecution is expected to bring on record proper narrations of each incident of alleged cruelty, as against generalized and omnibus allegations. Making sweeping allegations without any particulars of date, time and narration of the incident, or by merely using pick and choose words, without any reference to context, cannot attract the rigors of Section 498(A) of I.P.C.
- 10.4.** In the present case the complainant was married in the year 2013. Initially for 1-2 years her marriage was cordial and Accused used to keep her happy. Complainant also had three children from her marital life. However, it is alleged that subsequently the Accused started torturing her. There is no fathomable reason coming on record to show the reason for such change of attitude by the accused towards the complainant. Moreover, the allegations that the Accused used to pass tantrums at her are without any context and appears more like pick and choose words. What was that incident wherein the Accused had passed tantrums at her, is not specified. There is no narrative of even one single incident. In such situation, the prosecution case does not inspire confidence.
- 10.5.** It is alleged that Victim was driven out of matrimonial house, and thereafter, she had stayed at house of one Dipakbhai Valabhai, who is the uncle of the complainant. Prosecution has examined Dipakbhai who stated that he has no knowledge of any incident.

10.6. The prosecution has also examined the mother of the complainant, however, even her testimony is evasive without any narrative of any specific incident. She further stated that she does not know when the deceased was driven away from home and when panch was gathered. It is also pertinent to note that even no panch witness have been examined who would had tried to settle the dispute between them. There are also no independent witness to the incident. There is no evidence on record so as to satisfy the requirement u/s 498A of the Penal Code.

11. I have minutely peruse the impugned judgment and order of the Ld. Trial Court and I do not find any perversity in the appreciation of evidence done by the Ld. Trial Court. The Ld. Trial Court has meticulously evaluated the testimony of all the prosecution witnesses and has come to the conclusion that prosecution has not proved its case beyond reasonable doubt and that the prosecution case is suspicious. Upon overall appreciation of evidence on record, I fully concur with the view taken by the Ld. Trial Court in acquitting the accused. I do not find any illegality or irregularities in the impugned judgment and order of acquittal passed by the Ld. Trial Court, which requires any interference at the hands of this Court. Hence, I confirm the judgment of acquittal passed by the Ld. Trial Court.

12. Hence, in view of the aforesaid facts and circumstances, I find the present appeal to be bereft of any merits and the same is required to be rejected. Thus, I pass the following order : -

ORDER

- A)** The Present Criminal Appeal is hereby **REJECTED**.
- B)** The impugned judgment and order dated 10.12.2025 passed by the Ld. Trial Court in Criminal Case No. 989/2019 is hereby **confirmed**.
- C)** R & P of Criminal Case No. 989 of 2019 to be send back to the Trial Court. Copy of this Judgment be placed in the record of the Trial Court.
- D)** No cost

JUDGMENT DICTATED, SIGNED AND PRONOUNCED IN OPEN
COURT TODAY ON 5TH DAY OF MARCH, 2026

Place : Halol.

Date : 05-03-2026.

(Vivek N. Mapara)
Additional Sessions Judge,
Panchmahals at Halol
(Unique ID Code: GJ01589)

Mustakim Bhala