

PART-A

MHND080004062013 	Received on : 06.12.2013 Registered on : 06.12.2013 Decided on : 29.06.2026 Duration : 12-Y.6-M.23-D
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**IN THE COURT OF ADDL. SESSIONS JUDGE,
KANDHAR, DIST. NANDED.**

(Presided Over by B.U.Choudhari)

Sessions Case No.91/2013 Exh. No. 217

PROSECUTION	The State of Maharashtra, Through Police Station, Usmannagar, Tq.Kandhar, Dist. Nanded.
Represented by	AGP Mr. M.B. Kagne

ACCUSED	1. Parvinsingh Pratapsingh Kachava, Age: 38 years, Occupation : Agri., R/o.Kalambar(Bk.), Tq.Loha,Dist.Nanded
	2. Vijayabai Pratap Kachava, Age: 63 years, Occupation : Household, R/o.Kalambar(Bk.), Tq.Loha,Dist.Nanded
	3. Sunita W/o. Ramsingh Parihar, Age: 43 years, Occupation : Household, R/o.Ambajogai, Dist.Beed
	4. Ramsingh Vijaysingh Parihar, Age: 46 years, Occupation : Agri., R/o.Ambajogai, Dist.Beed
	5. Arunsingh Bhikmasingh Kachava, Age: 61 years, Occupation : Agri., R/o.Kalambar(Bk.), Tq.Loha,Dist.Nanded

	6. Aruna Arunsingh Kachava, Age: 55 years, Occupation : Household, R/o.Kalambar(Bk.), Tq.Loha,Dist.Nanded
Represented by	: Shri. N.D.Kolnoorkar

PART-B

Date of offence	29.11.2012
Date of F.I.R.	04.12.2012
Date of Charge-sheet	06.12.2013
Date of Framing of charge	12.01.2017
Date of commencing of evidence	22.04.2019
Date on which Judgment is reserved	23.06.2026
Date of the Judgment	29.06.2026
Date of Sentencing if any	--

Accused details.

Rank of accused	Name of accused	Date of arrest	Date of release on bail.	Offense charged with	Whether acquitted or convicted	Sentence imposed	Period of Detention Undergone during trial for purpose of Section 428, Cr.PC
1]	Parvinsingh Pratapsingh Kachava,	18.10.2013	18.10. 2013	U/s. 498(A), 304(B) r/w/s 34 of the Indian Penal Code.	Acquitted	NA	NIL
2]	Vijayabai Pratap Kachavan,	18.10.2013	8.10. 2013		Acquitted	NA	
3]	Sunita W/o. Ramsingh Parihar,	18.10.2013	8.10. 2013		Acquitted	NA	
4]	Ramsingh Vijaysingh Parihar,	18.10.2013	8.10. 2013		Acquitted	NA	
5]	Arunsingh Bhikmasingh Kachava,	03.12.2013	03.12. 2013		Acquitted	NA	
6]	Aruna Arunsingh Kachava,	03.12.2013	03.12. 2013		Acquitted	NA	

Note :- The oral as well as documentary evidence produced on record is shown in PART-C appended to the Judgment, as directed in Para-44(iii) of Chapter-VI of Criminal Manual.

:: J U D G M E N T ::**(Delivered on 29th day of June, 2026)**

The accused are prosecuted for the offences punishable under Sections 498-A and 304-B read with Section 34 of the Indian Penal Code.

2. The prosecution case, in brief, is that deceased Mona was married to Parvinsingh Kachhava (accused No.1) on 30.11.2010. On 04.12.2012, her father namely Surjitsinh Shyamsingh Thakur (in short 'the informant') lodged a written report in Usmannagar Police Station, Tq.Loha, Dist.Nanded in which he alleged that, the marriage of his daughter was performed with accused No.1 at Shantai Mangal Karyalaya, Latur. Accused No.1 was running a Medical shop. Mona used to visit her parental home from time to time. However, accused No.1 and his relatives did not allow her to stay at her parental home for more than a day. She used to talk with the informant and her mother. Sometimes in the month of March, 2011 and thereafter the accused had started demanding money to his daughter for the purchase of amenities for their house. They used to abuse her, insult her, keep her starved and beat her with fist and kick blows though she was pregnant. The informant used to console his daughter but could not meet the demands made by the accused because of his poor financial conditions. Thereafter, one and half year passed. It was expected that, his daughter would see good days after having a baby. However, after the birth of grandchild, accused No.1

was addicted to liquor and gave more torture to his daughter.

3. It is further alleged that on 26.11.2012, Mona had called the informant at Latur Bus-stand by saying that, she wanted to talk something important. He visited the house of his daughter in spite of his busy schedule as he was a responsible government servant. He found his daughter under pressure and fear. After a cup of tea, his daughter hugged her mother and told that, though she had been telling for last 1 and ½ year about the conditions of her matrimonial home, they have kept mum. She was being ill-treated by her husband and her-in-laws who had taken away her gold ornaments, assaulted her and tried to kill her. She had come to her parental home by saying that she would try to see whether some funds could be arranged though she had the knowledge of their conditions.

4. It is further alleged that, when she was talking with the informant, she received a call of accused No.1 who asked her to come to matrimonial home forthwith. The informant was not ready and willing to send his daughter to her matrimonial house, because she was frightened but due to societal binding, he was constrained to go to the matrimonial home of his daughter on 28.11.2012 along-with his daughter. He had informed to the accused about his (financial) condition but assured them of sorting out the situation and then returned to Latur.

5. It is further alleged that, on 29.11.2012 at 12.07, his daughter made a call to her mother. In a frightened state

of mind, she asked her mother as to whether her necklace was left at the house in a hurry. They searched the necklace but could not find it and accordingly they informed to their daughter. Soon thereafter they heard a loud voice of their daughter as Mummy and the phone went off. They tried to contact her on phone but nobody was attending the phone. At about 3.00 p.m., the cousin father-in-law of his daughter informed the brother of the informant that Mona had hanged herself. At about 3.18 p.m. his brother informed him about the incident. They were perplexed as to why the in-laws of their daughter did not inform them about the incident. The informant, his wife and his children visited the matrimonial house of Mona and they were shocked because before they had reached there, Mona was laid in the campus of the house. After having noted the situation and the reality, the informant had a feeling that his daughter had not committed suicide but she was killed. In order to show that Mona had committed suicide, the accused had procured/ prepared a suicide note. In this background, the informant had set the law in motion.

6. After receipt of the above report of the incident from the father of Mona, C.R.No.94/2012 came to be registered in Usmannagar Police Station for the offences punishable under Sections 498-A and 304-B read with Section 34 of the Indian Penal Code. The crime was investigated by the Investigating Officer during the course of which he visited the place of incident, drew spot panchanama, obtained Post-mortem report, recorded the

statements of witnesses, effected search and seizure and after completion of the investigation, filed charge-sheet against the accused. The investigating officer found that, it was a dowry death. Therefore, he filed charge-sheet for the offences punishable under sections 498-A and 304-B read with section 34 of the Indian Penal Code.

7. Charge came to be framed against accused Nos. 1 to 6 for the offences punishable under 498-A and 304-B read with Section 34 of the Indian Penal Code vide **Exh.50** on 12.01.2017 to which they pleaded not guilty and claimed to be tried. The prosecution adduced evidence to prove the charge framed against the accused. The incriminating evidence was read over to accused Nos. 1 to 6 in their examination under Section 313 of the Code of Criminal Procedure vide Exh.202 to 207. They have denied the incriminating evidence. Their defence is of total denied.

8. The Points for determination along with my findings thereon for the reasons to following are as under :-

No.	POINTS	FINDINGS
1]	Does prosecution prove that on and before 29.11.2012 at about 14.00 p.m. at Kalambar (Bk.), Tq.Loha, accused No.1 being the husband of deceased Mona and accused Nos. 2 to 6 being his relatives, in furtherance of their common intention, subjected deceased Mona Pravinsingh Kachava to cruelty to meet their unlawful demand of money for purchase of motorcycle and gold, as alleged and thus committed the offence	No.

	punishable under Section 498-A of the Indian Penal Code?	
2]	Does prosecution further prove that on the aforesaid date, time and place, in furtherance of their common intention, Accused Nos. 1 to 6 subjected deceased Mona Pravinsingh Kachava to cruelty and harassment, in connection with non-fulfillment of their demand of motorcycle and gold, soon before her death, and she died otherwise than under normal circumstances within seven years of her marriage, as alleged, and thus committed the offence of dowry death punishable under Section 304-B of the Indian Penal Code?	No.
3]	What order?	Accused Nos. 1 to 6 are acquitted.

:: R E A S O N S ::

AS TO POINT NOS. 1 and 2 :-

9. The offence of cruelty punishable under Section 498-A and the offence of dowry death punishable under Section 304-B of the Indian Penal Code are intricately inter-related to each other. Therefore, they are being discussed together in order to avoid repetition of facts and to cause brevity of judgment.

10. It is the submission of learned AGP Shri. M.B.Kagne appearing for the prosecution that, the prosecution has been able to prove the guilt of the accused

beyond reasonable doubt within the meaning of offences punishable under Sections 498-A and 304-B read with Section 34 of the Indian Penal Code. The gist of the submissions made in **written notes of argument** by the learned AGP **vide Exh. 212**, is as under -

(a) This is a case of dowry killing/ dowry death where the daughter of the informant was harassed physically, mentally, psychologically and economically by her husband, in-laws and other relatives for demand of dowry of Rs.50,000/- and motorcycle made just before her death.

(b) The incident of death of Mona took place on 29.11.2012 which is within 07 years from the date of her marriage which was solemnized on 30.11.2010, therefore, presumption of dowry death is attracted to the present case. Moreover, the evidence of CW1 hand-writing expert Shri. Nandkumar Ramchandra Patil at Exh. 81 would show that suicide note was not in the hand-writing of the deceased. Thus, it is evident that the accused had tried to create show that the deceased had committed suicide though, in fact, it was her dowry death. Furthermore, the evidence of the Investigating Officers would also show that Monalisa's death is a dowry death.

(c) Victim Monalisa was hardly 22 years old at the time of her unnatural death. She was found hanging inside the close room leaving behind her nine-month old baby named Tejaswini. She was unable to bear the matrimonial cruelty and ill-treatment caused to her in connection with demand of dowry since the date of solemnization of marriage.

(d) A mother having baby of nine months old cannot die by suicide. Her death was shocking. There was a chit recovered by the I.O. in connection with death of Monalisa. Though said note is said to be a suicide note but the death of Monalisa was an unnatural death, the same being related to dowry, it is a dowry killing/death.

(e) The victim was well educated. She had studied in the Diploma of Electronics and Telecommunication. She was very meritorious, hard-working, scholar, submissive in nature and very sensitive girl.

(f) Monalisa was subjected to cruelty for demand of dowry made by her husband and his relatives. Accordingly, the evidence has been adduced by the informant at Exh.99. The informant has also deposed that, the victim was beaten frequently, she was starved of food since March, 2011. She had informed the instances of cruelty whenever she had come to her parental house.

(g) Hardly before 3 days of the incident, Monalisa had informed to her father as to how she is under tremendous pressure because of the harassment meted out to her. The accused had snatched away her all gold ornaments. There is ample evidence on record to prove the guilt of the accused beyond reasonable doubt that it is a dowry death.

(h) The prosecution has examined informant PW1 Surajeetsinh Thakur at Exh. 99; PW 2 Onkarsinh Surjeetsinh Thakur at Exh.104; PW 3 Rutuja Surjeetsinh Thakur at Exh.107; PW 6 Atul Ajinsingh Kachava at Exh.127; PW 7

Shri. Pandit Kachawe at Exh.37; PW 9 Geeta Kirankumar Chavan IO at Exh.182 and PW 10 I.O. Shri. Vishwajeet Bhagwanrao Ghodake at Exh. 195. All these witnesses have proved that the death of Monalisa is a dowry killing.

11. In support of the submissions, the learned AGP has placed reliance upon the following rulings :-

(i)	Satvir Singh Vs. State of Punjab, 2001 Cri.L.J. 4625
(ii)	Paras Yadav & Others Vs. State of Bihar, (1999) 2 SCC 126
(iii)	Dr. Vasant Arjun Rachh Vs. Ramniklal Shah, (1988) 3 BCR 462
(iv)	State of MP Vs. Jogendra, (2022) 5 SCC 401
(v)	Ravinder Kumar Vs. State of Punjab, (2001) 7 SCC 690
(vi)	Kanhaiyalal Vs. State of Rajasthan, (2013) 5 SCC 655
(vii)	Sharad Birdhichand Sarda Vs. State of Mah., AIR 1984 SC 1622
(viii)	State of AP Vs. Rajgopal Asawa, (2004) 4 SCC 470
(ix)	Kiran Kumar Vs. State of Kerala, 2022 SCC OnLine Kerala 6614 [also known as Vismaya Dowry Death Case]
(x)	Bakshish Ram and another Vs. State of Punjab, (2013) 4 SCC 131.

12. Per contra, it is the submission of learned advocate Shri. N. D. Kolnoorkar for the accused that the evidence on record does not prove the guilt of the accused beyond reasonable doubt. He has made the following submissions :-

(a) There is no reliable evidence on record to show that soon before the death, the victim was subjected to demand of dowry. He has further submitted that on one hand the father of the deceased had alleged that her gold ornaments were

snatched away by the accused and on the other hand, he has further alleged that on the date of incident, she had asked to her parents as to whether her necklace was forgotten at her parental home. One thing out of these two things has to be discarded.

(b) The IO has not seized the CDR to show that the deceased was in touch with her parents continuously, if not continuously, even on the date of the incident to show that before she had committed suicide, she had made call to her mother. Before her death, it is alleged that, she had screamed by saying "Aai", to indicate that she was killed. However, there is no evidence on record to show that the death of the victim was homicidal. The father of deceased was one of the witnesses to the Inquest Panchnama carried on 29.11.2012, however, he did not notice any foul play. Therefore, it cannot be said that death of Mona was dowry death.

(c) There is inordinate delay in lodging the FIR. The incident occurred on 29.11.2012 whereas the First Information Report was lodged only on 04.12.2012. Thus, there was ample time with the informant to concoct the story of dowry death.

(d) Accused No.6 is the real sister of the informant. Even then he had deposed in his cross-examination that he did not know whether any of women from his family has been married in the family of Accused. Thus, it is evident that he is not reliable.

(e) Ill-treatment has not been proved. Therefore, recourse of Section 113-B of the Evidence Act, 1872 cannot be taken. All allegations of dowry death are omnibus. The evidence of hand-writing expert CW-1 Nandkumar Ramchandra Patil is not reliable because alleged suicide note could not have been examined in the absence of documents of contemporary nature.

13. In support of his submissions, the learned Advocate has placed reliance upon the following rulings :-

(i)	Ravindra Ramdas Ingle Vs. State of Maharashtra, 2018 ALL MR (Cri) 4491
(ii)	S.P.S. Rathore Vs. C.B.I. and another, 2016 ALL SCR (Cri) 1545
(iii)	Vipin Jaiswal Vs. State of AP, 2013 ALL SCR 1485
(iv)	Bhagwansingh Govindsingh Kathar Vs. The State of Maharashtra and Others, 2023 ALL MR (Cri) 789

14. Before adverting to the oral and documentary evidence on record and appreciate the same on the anvil of respective submissions of the learned advocates of the prosecution and the defence, it would be just and proper to refer to the observations made in different rulings upon which reliance is placed by learned advocates of the respective parties.

15. In Satvir Singh Vs. State of Punjab, 2001 Cri.L.J. 4625, the Hon'ble Supreme Court held that it is for the Courts to decide, on facts and circumstances of each case, whether the death, in all probabilities, has been the

aftermath of such cruelty or harassment “soon before her death”. In this case, since there was no evidence of demand of dowry, the accused were acquitted under Section 304B of IPC but convicted under Section 498A of IPC since there was evidence of cruelty. It is further held that all amounts paid by the in-laws of the husband of a woman cannot become dowry. It is further held that suicide is one of the modes of death falling within the ambit of Section 304 B of IPC and resort can be had to Section 304B if the suicide by a bride is within 7 years of marriage on account of cruelty to her relating to dowry. It is further held that the prosecution has to prove that the harassment or cruelty was related to demand for dowry and also that such cruelty or harassment was caused “soon before her death”.

16. In **Paras Yadav & Others Vs. State of Bihar, (1999) 2 SCC 126,** the Hon’ble Supreme Court dealt with a case of murder. The accused were convicted on the basis of dying declaration of the deceased. In **Dr. Vasant Arjun Rachh Vs. Ramniklal Shah, (1988) 3 BCR 462,** the Hon’ble High Court of Bombay dealt with the order of rejection of an application of the complainant moved by him for “additional evidence”.

17. In **State of M.P. Vs. Jogendra, (2022) 5 SCC 401,** the Hon’ble Supreme Court observed that demand for money raised by respondents on deceased for construction of house falls within definition of word “dowry”. The Hon’ble Supreme Court found that the evidence on record shows that

the deceased was pressurized to make such request for money to her mother and uncle; it was not the case of complicity but case of sheer helplessness faced by the deceased in such adverse circumstances. Furthermore, the death took place in abnormal circumstances on account of burning and that too when she was five months pregnant. Therefore, conviction and sentence against the husband and father-in-law under Sections 304B and 498A of IPC was upheld.

18. In **Ravinder Kumar Vs. State of Punjab, (2001) 7 SCC 690,** the case was relating to murder. The Hon'ble Supreme Court held that law has not fixed any time for lodging the FIR. The object of immediate lodging FIR is to afford commencement of investigation without any time lapse and to expel the opportunity for any possible concoction of a false version. In **Kanhaiyalal Vs. State of Rajasthan, (2013) 5 SCC 655,** it was a case of murder of 5 persons. The Hon'ble Supreme Court observed on delay in lodging FIR that it has to be seen whether the delay creates a dent in the prosecution story and ushers in suspicion by scrutinizing the explanation offered for the delay in the light of the totality of the facts and circumstances. Greater degree of care and caution is required on the part of the Court to appreciate the evidence to satisfy itself relating to the explanation of the factum of delay.

19. In **Sharad Birdhichand Sarda Vs. State of Mah., AIR 1984 SC 1622,** the Hon'ble Supreme Court observed that

before a case against the accused resting on circumstantial evidence can be said to be fully established, the following conditions must be fulfilled –

- The circumstances from which the guilt is to be drawn must or should be fully established.
- The facts established should only be consistent with the guilt of the accused and there should not be any explainable hypothesis other than the guilt of the accused.
- The circumstances should have a conclusive nature.
- Circumstances should exclude every other hypothesis.
- The chain of evidence must be so complete that it does not leave any ground in favour of the innocence of the accused.

20. In **State of A.P. Vs. Rajgopal Asawa, (2004) 4 SCC 470**, the Hon'ble Supreme Court held that demand made subsequent to marriage can be covered within the definition of "Dowry". It is further held that presumption under Section 113-B of the Evidence Act, 1872 is a presumption of law. On proof of the essentials mentioned therein, it becomes obligatory on the Court to raise a presumption that the accused caused the dowry death. The essentials required to be proved for raising the said presumption are that –

- The question before the Court must be whether the accused has caused the dowry death of a woman.
- The woman was subjected to cruelty or harassment by her husband or his relatives.
- Such cruelty or harassment was for, or in connection with, any demand for dowry, and
- Such cruelty or harassment was soon before her death.

21. In **Kiran Kumar Vs. State of Kerala, 2022 SCC OnLine Kerala 6614** [also known as **Vismaya Dowry Death Case**], the Hon'ble High Court of Kerala held that there was no patent infirmity in the order of conviction to render it erroneous. In this case, a 23 year old girl named Vismaya committed suicide at her matrimonial home by hanging inside the bathroom, unable to bear the matrimonial cruelties and ill-treatment in connection with demand for dowry. In this case, it was found that there was ample evidence before the Court in the form of call records as well as WhatsApp chats of the deceased to show that she was put under pressure by the accused of demand of dowry one week before her suicide.

22. In **Bakshish Ram and another Vs. State of Punjab, (2013) 4 SCC 131**, the Trial Court convicted the accused for offence of dowry death and cruelty respectively under Sections 304B and 498-A of IPC. The conviction came

to be upheld by the Hon'ble High Court. The Hon'ble Supreme Court acquitted the accused on the ground of inadequacy of evidence. The Hon'ble Supreme Court held that for convicting for dowry death, there must be evidence of cruelty or harassment related to dowry demands; there is no basis for presumption of dowry death without concrete evidence of harassment for dowry demands and that there should be unequivocal evidence to prove the guilt beyond reasonable doubt.

23. Now I would like to deal with the observations made in the rulings upon which reliance is placed by learned Advocate for the accused. In **Ravindra Ramdas Ingle Vs. State of Maharashtra, 2018 ALL MR (Cri) 4491**, there was delay of 2 days in lodging FIR. The father of the victim was informed on the same day of the incident. He had arrived at the place of incident on same day. No cogent explanation was given for delayed FIR. In this background, it was held that the FIR appears to be the result of afterthought thereby adversely affecting prosecution case. Furthermore, allegations pertaining to demand and harassment inflicted upon the deceased made by the prosecution witnesses are all identical and lacked credibility. There was no cogent material showing that the deceased was subjected to cruelty or harassment in connection with demand of dowry soon before death. It was, therefore, held that presumption under Section 113-B of the Evidence Act, 1872 was not attracted.

24. In **S.P.S. Rathore Vs. C.B.I. and another, 2016 ALL SCR (Cri) 1545,** offence of outraging modesty of a woman was the subject matter. In this case, signature of victim was identified by those witnesses in whose presence she had affixed her signature on the memo of allegations. In view of such evidence, it was held that, the expert evidence being weaker evidence, opinion of handwriting expert was not required.

25. In **Vipin Jaiswal Vs. State of AP, 2013 ALL SCR 1485,** the accused were convicted for the offences punishable under Sections 498-A and 304B of the Indian Penal Code. While setting aside the conviction, the Hon'ble Supreme Court held that the demand, if any, made by the accused for purchasing a computer to start business after six months of marriage is not really a "dowry demand". Only general allegations of harassment were made. Moreover, trial Court and High Court without resorting to the provisions of Ss. 45 and 73 of the Evidence Act disbelieved the suicide note. It was held that the prosecution failed to prove the guilt of the accused beyond reasonable doubt.

26. In **Bhagwansingh Govindsingh Kathar Vs. The State of Maharashtra and Others, 2023 ALL MR (Cri) 789,** the judgment of acquittal was challenged before the Hon'ble High Court of Bombay Bench at Aurangabad. The accused were tried for the offences punishable under

Sections 304B and 498A of IPC. It was found that omnibus allegations were levelled about demand of money and harassment. It was found that the death of the victim was not unnatural but it was due to cerebro pulmonary edema with intestinal pneumonitis. The judgment of acquittal was upheld by the Hon'ble High Court by holding that the guilt of the accused was not proved beyond reasonable doubt.

Appreciation of Evidence

27. The accused are prosecuted for the offences punishable under Sections 304-B and 498-A of the Indian Penal Code. In order to prove the guilt of the accused within the meaning of Section 304-B of IPC, the prosecution is required to prove the essential ingredients made out in the said offence of dowry death. Section 304-B of IPC reads as under –

304B. Dowry death.—

- (1) Where the death of a woman is caused by any burns or bodily injury or occurs otherwise than under normal circumstances within seven years of her marriage and it is shown that soon before her death she was subjected to cruelty or harassment by her husband or any relative of her husband for, or in connection with, any demand for dowry, such death shall be called “dowry death”, and such husband or relative shall be deemed to have caused her death.

Explanation.— For the purpose of this sub-section, “dowry” shall have the same meaning as in section 2 of the Dowry Prohibition Act, 1961 (28 of 1961).

- (2) Whoever commits dowry death shall be punished with imprisonment for a term which shall not be less than seven years but which may extend to imprisonment for life.

28. In order to prove the guilt of the accused within the meaning of Section 498-A of IPC, the prosecution is required to prove the essential ingredients made out in the said offence of matrimonial cruelty. Section 498A of IPC reads as under –

498-A. Husband or relative of husband of a woman subjecting her to cruelty.— Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

Explanation.— For the purpose of this section, “cruelty” means—

(a) any wilful 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) of the woman; or

(b) 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.

29. So far as regards, Section 304B of IPC is concerned the prosecution is required to prove beyond reasonable doubt that death of a woman is caused by any burns or bodily injury or occurs otherwise than under normal

circumstances within seven years of her marriage and it is shown that soon before her death she was subjected to cruelty or harassment by her husband or any relative of her husband for, or in connection with, any demand for dowry.

30. So far as regards, Section 498A of IPC is concerned, the prosecution is required to prove beyond reasonable doubt that the husband or the relative of the husband of a woman has subjected such woman to cruelty. The Explanation contemplates that “cruelty” means any wilful 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) of the woman; or 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.

31. Common thread in both the offences is harassment of wife on account of demand of money. Whilst Section 304B contemplates that the demand should relate to dowry, Section 498A contemplates any unlawful demand of money. Under Section 304B of IPC, it is the unnatural death within 7 seven years of marriage as a result of cruelty on account of demand of dowry soon before the death. Under Section 498A of IPC, the cruelty ought to be of such a nature that the wife is likely to be driven to commit suicide or cause grave injury

to herself after having fed up with the ill-treatment caused to her by her husband and relatives of her husband.

32. The core question is whether the prosecution has been able to prove the ingredients of the offences punishable under Section 304B and Section 498A of IPC beyond reasonable doubt.

33. In order to prove the guilt of the accused, the prosecution has examined in all 10 witnesses namely Surjitsinh Shyamsinh Thakur (PW-1) (Exh.99), Omkarsingh Surjitsinh Thakur (PW-2) (Exh.104), Rutuja Surjitsinh Thakur (PW-3) (Exh.107), Balaji Laxman Chintore (PW-4) (Exh.110), Jaipal Babusinh Thakur (PW-5) (Exh.121), Atul Ajitsinh Kachhawa (PW-6) (Exh.127), Pandit Sopanrao Kachave (PW-7) (Exh.137), Dinesh Bhagatsinh Chouhan (PW-8) (Exh.160), Geeta Kiranmumar Chavan (PW-9) (Exh.182) and Vishwajeet Bhagwanrao Ghodke (PW-10) (Exh.195). In addition, Nandkumar Ramchandra Parikh is also examined as a Court Witness No.1 at Exh.81.

34. Out of above named 10 witnesses examined by the prosecution, Surjitsinh Shyamsinh Thakur (PW-1) is the father of the deceased as well as he is the informant. Omkarsingh Surjitsinh Thakur (PW-2) is the brother and Rutuja Surjitsinh Thakur (PW-3) is the sister of the deceased. Balaji Laxman Chintore (PW-4) is the Panch witness of spot panchnama and seizure of red and yellow colour Note books. Jaipal Babusinh Thakur (PW-5) and Dinesh Bhagatsinh

Chouhan(PW-8) are the panch witnesses of spot panchnama and seizure of Nylon rope. Atul Ajitsinh Kachhawa (PW-6) is the cousin of Accused No.1. Pandit Sopanrao Kachave (PW-7) and Geeta Kiranmumar Chavan are the Investigating Officers whereas Vishwajeet Bhagwanrao Ghodke (PW-10) was the Police Station Officer who had initially registered A.D. No.20/2012. Nandkumar Ramchandra Parikh is a Court Witness No.1 and a private hand writing expert whose opinion was sought by the father of the victim on the point of examination of signature on the alleged Suicide Note.

Appreciation of Suicide Note

35. There is no dispute that Monalisa died on 29.11.2012. On the same day, PW 10 then PSI Shri. Vishwajeet Bhagwanrao Ghodke deposed that he inquired into Accidental Death No.20/2012 under Section 174 of the Code of Criminal Procedure, 1973. His evidence at Exh. 195 shows that he had visited the place of incident, drew spot panchnama and seized a Nylone Rope vide Exh.196. He also seized suicide note (marked as MO-2) under seizure panchnama Exh.197. He has also seized a note book having front page of Tiger under panchnama Exh.198. He has also drawn Inquest Panchnama vide Exh.118.

36. The Inquest Panchnama Exh.118 was drawn in presence of panch witnesses as well as in presence of the informant PW1 Surjitsinh. This fact is admitted by PW1 in his cross-examination which is also evident on perusal of Inquest

Panchnama. After having found the suicide note and after having noticed that there was no foul play, it appears that PW 10 had registered the AD. In his cross-examination, PW 10 has admitted that he had read the suicide note and found that Mona had committed suicide. Though he had deposed that she committed suicide because of the cruelty but he admitted that the suicide note does not show that she has committed suicide because of the cruelty.

37. The bone of contention between the prosecution and the accused is about the genuineness of the Suicide Note dated 29/11/2012. According to the father of the victim, said note is brought into existence by the accused only to get rid of the charge of dowry death whereas according to the defence, the said note is genuine one. The said alleged Suicide Note reads as under :-

सॉरी प्रविण

आज लाख रुपये का क्या नहीं होता था । गरीबी के बहुत दिन देखे हैं अब और नहीं। मेरी तरफ से नेकलेस का छोटा पर्स पता नहीं कहा खो गया । उसमे बाले, चैन, बाजुबंद, मंगलसुत्र इतना सामान था । जो मेरी लापरवाही के वजह से खो गया । मुझे प्लीज माफ कर दो मैं जिंदा रही तो पता नहीं अपने आप को कितना कोसुंगी प्लीज मुझे माफ कर दो । कल आते समय पता नहीं किसने बैग मे से निकाल लिया । वो सामान बहुत जरूरी और महंगा था । मुझे माफ कर दो प्रविण मैं तुम्हारे सिवा नहीं रह सकती लेकिन तुमसे प्यार बहुत करती हूँ । अपने बेटी को संभालना मैं ये बोझ लेकर नहीं रह सकती सॉरी.

मोनालीसा प्र.क.

38. The record shows that PW 9 Geeta Kirankumar Chavan then Sub Divisional Police Officer, Kandhar had investigated the Crime No.94/2012 till her transfer. Her evidence shows that by letter dated 02.02.2013 (Exh.183), she had sought opinion of hand-writing expert in respect of

the alleged suicide note. The record further shows that Shri.V.A. Pardeshi, State Examiner of Documents, CID, MS, Aurangabad by his letter dated 23.06.2014 (Exh.44) communicated his **Opinion** No. AHW/43/2013 dated 23.06.2014 (Exh.45). It appears that said opinion having gone against the prosecution, no efforts were taken by the prosecution to examine the hand-writing expert. The opinion of Hand - Writing expert is as under -

O P I N I O N

AHW/43/2013

The documents of this case have been carefully and thoroughly examined with the aid of scientific equipment.

2. The persons who wrote the re-enclosed writing and signatures marked Exh.N-1 to N-19 also wrote the red-enclosed writing and signature marked Exs. Q-1 and Q-2.

39. It appears that according to the State Examiner of Documents, CID, MS, Aurangabad, Monalisa is the author of the Suicide Note. However, according to the prosecution, the father of victim had undertaken another exercise of examination of genuineness of the alleged suicide note. Accordingly, Court Witness No.1 Nandkumar Ramchandra Parikh was examined at Exh.81. His opinion is at Exh.82. The extract of his **opinion** is as under -

EXPERT - OPINION

Resultant upon a very careful examination and comparison, I am of opinion that the Questioned signature 'Monalisa' marked 'Q-1' dated 29.11.2012 on the Questioned document, is a fraudulent signature made by some different person and it is not in the handwriting of the genuine person who wrote the Admitted Signatures marked 'A-1). ('Q-1' and 'A-1' are xerox copies.

The line quality examination of the questioned signature marked 'Q-1' is itself defective as compared with the body writing in the questioned document.

There is no similarity of any kind in the Questioned signature and admitted signatures marked "Q-1' and 'A-1'.

I am also of the opinion that the aforesaid questioned signature marked Q-1 is not WRITING made by the genuine person, but it is a DRAWING made by some different person.

The opinion stated above is not a mere 'OPINION' but it is a 'FACT' which can be seen by any person with the help of the attached Comparison Chart.

40. In his deposition at Exh. 81, CW 1 Shri Parikh has stated that he had received three admitted signatures which he was supposed to compare with the disputed signature. In his cross-examination, he has deposed that he does not remember as to who had come to him to seek his opinion and whether he received the documents through post or through some persons. Also, he does not remember as to who had given the fees. His evidence further shows that to compare questioned signatures with admitted signatures, requirement

is that, as far as possible recent signatures are required but he had not received any proof regarding the year of admitted signatures. In para 5 of the deposition, this witness stated that he had returned the photocopies to the person along with his opinion.

41. On one hand there is opinion sought by the IO, in which it has been stated that the author of the suicide note was Monalisa. On the other hand, the father of Monalisa had sought opinion of a private hand-writing expert whose opinion says that Monalisa is not the author of the suicide note. It may be noted that CW-1 had based his opinion on photo-copies. Secondly, there is nothing with him to show that the admitted signatures furnished to him were contemporaneous to the disputed signature on the suicide note. Furthermore, private hand-writing expert is examined before the Court but the government hand-writing expert has not been examined simply because his opinion had gone in favour of the accused. In fact situation, I am of a considered view that it would not be safe to rely upon the contrary opinions of both hand-writing experts.

Evidence of Demand of Dowry/Cruelty

42. The prosecution has come with a case that the death of Monalisa is a dowry death. Monalisa has died by hanging herself with the help of a Nylon Rope inside her room. According to the PM Report (Exh.123), the death of Monalisa was “due to asphyxia due to hanging”. The PM

report does not show any foul play. However, according to the prosecution, the death took place within 7 years of the marriage, therefore, it is a dowry death.

43. According to FIR Exh. 100 lodged by PW 1 Surjitsinh Thakur, the accused were demanding money to his daughter for growth in business as well as for bringing amenities to the house. The accused used to keep the victim starved off food. They used to beat her and insult her in filthy language. The FIR shows that on 29.11.2012 at about 12.07, Monalisa had made a call over which she had asked as to whether her necklace was forgotten at her house. When she was informed that necklace was not at her parental house, they heard her loud voice and word "Mummy". They tried to contact her on her phone but that was not attended. Thereafter, in the afternoon, at about 3 p.m., a telephonic message was given by cousin-father-in-law of Monalisa to the brother of the informant that Monalisa had committed suicide by hanging.

44. The incident took place on 29.11.2012 in the afternoon. The written FIR was lodged on 04.12.2012. Thus, it is evident that there is inordinate delay in lodging the FIR. The question is whether the delay is normal or it was utilized for concoction. Sometimes the delay is because the parents of the victim are in a trauma and sometimes they are nurturing a vengeance. What is material is to note that when there is inordinate delay in lodging the FIR, then the

possibility of concoction cannot be ruled out, therefore, a duty is cast on the Court to scrutinize evidence carefully.

45. Though the prosecution has examined 10 witnesses to prove the guilt of the accused, the whole crux of the prosecution case depends upon the evidence of PW1 Surjitsinh Thakur, PW 2 Onkarsinh Thakur and Rutuja Thakur. As noted earlier, Surjitsinh is the father of the victim, Onkarsinh is the brother and Rutuja is the sister of the victim.

46. PW 1 Surjitsinh Thakur deposed extensively at Exh. 99. His evidence shows that Mona was married to Accused No.1 on 30.11.2010. The accused No.1 was running a medical shop. The accused used to demand money for their leisure and for medical shop purpose. Thereafter, since the month of March 2011, harassment of his daughter was increased though she was pregnant. The accused persons used to beat her by means of fist blows and did not serve food to her. His daughter used to convey her harassment by phone and whenever she had visited the house.

47. He has further deposed that on 26.11.2012, his daughter had reached Latur bus stand from where she went to her parental home where this witness noticed that she was under tremendous mental pressure. She had told that the accused persons had removed her all gold ornaments. Thereafter, he went to Kalambar along with his daughter and same day returned and on 29.11.2012 at about 12.07 noon,

her daughter in a frightened condition asked whether her golden necklace was left at his house. They did not find it. They heard her screaming “Aai-g” loudly and thereafter her daughter’s phone was switched off. Then at about 3 pm, they came to know that Mona had strangled.

48. It has further come in the evidence of PW-1 that he visited the house of the accused along with his family members at about 7 pm and found that his daughter was laid in the courtyard. At that time, ASI Shri.V.V. Ghodke had shown him suicide note but he was unable to tell anything about it and then the body of his daughter was sent for post mortem examination. It has come in the evidence of this witness that though he was personally unable to reconcile about the suicide note but he had a strong belief that it was not a case of suicide but all accused were responsible for her death. Therefore, he had lodged the FIR **Exh.100**.

49. In his cross-examination, Surjitsinh has admitted that the FIR does not show that the accused persons had demanded money for motor cycle. He further admitted that he did not lodge any complaint on the same day and only on 04.12.2012, he had lodged a written complaint. According to him, he was in mental shock, therefore, he did not lodge the complaint on the same day. He admitted that he was present when funeral rites were performed at village Kalambar. He denied that he had demanded marriage expenses to the accused and on their denial, he had filed a false complaint.

He denied that in the month of March 2011, his daughter was harassed but admitted that he had not filed any complaint in the same month. He denied that after 4-5 days of the incident, he had filed a concocted and false complaint in the police station.

50. PW-2 Onkarsinh Thakur is the brother of the deceased. He deposed that Monali was married with Accused No.1 on 10.07.2011. 02 Tolas of gold ornaments and Rs.10,000/- in cash and household utensils were given in marriage to Accused No.1. In the month of March 2011, accused persons demanded motor cycle, computer and Rs.50,000/- in cash. Moreover, accused Aruna used to taunt his sister on the count of said demand. On 26.11.2012, the deceased had come to their house but without wearing golden ornaments.

51. He further deposed that his sister had told to his parents that accused persons had assaulted her by fist and kick blows on the count of demand of money, removed her ornaments and sent her at Latur bus stand with her cousin brother-in-law. His sister had asked to fulfill the demand of accused person. Accused No.1 had made a phone call to his sister to come back to celebrate anniversary on 30th day and accordingly on 28.11.2012, his father along with Monalisa had gone to Kalambar. Then, on 29.11.2012 at about 12 to 12.15 noon, his sister had made a call asking Rutuja as to whether her necklace was left in the house. After searching it, when Rutuja told his sister and when she was about to go

off the call, they heard voice of Monalisa as "Aai-g". Thereafter, Monalisa could not be contacted and at about 3.30 p.m., it was informed that she had expired.

52. In his cross-examination, he has admitted that his police statement does not contain the allegation in respect of assault by the accused persons to his sister on account of their demand of motor cycle, computer and cash of Rs.50,000/-. He further admitted that his police statement does not contain the allegation that they heard the screaming voice of the deceased as "Aai-g". Further, his statement does not disclose that Rutuja had tried to contact his sister but it could not be connected. He admitted that his sister Monalisa had taken education of diploma in Electronics and Tele-communication at Ambejogai and that Ambejogai and Latur have greater facilities than Kalambar. He admitted that village Kalambar is comparatively small village but denied that Monalisa was not willing to reside at such a small village because she had spent life at big city.

53. PW-3 Rutuja Surjitsinh Thakur is the sister of the deceased Monalisa who is also known as Monali. She has deposed that whenever Monali had visited her parental home, she used to tell her that the accused persons were asking her as to why she did not bring Rs.50,000/-, motor cycle and other things from her parental house. Though Monali was pregnant, the accused persons continued to harass her. On 26.11.2012, when she had come to her parental house she had told that the accused persons had

removed golden ornaments from her person and asked that she should not come for cohabitation. Furthermore, she has deposed that Accused No.1 had asked Monalisa to come immediately.

54. It is to be noted that PW2 Onkarsinh has deposed that Accused No.1 had made a call to Monalisa asking her to come back since he wants to celebrate Wedding Anniversary on 30th . On one hand PW3- Rutuja deposes that the accused had almost driven Monalisa out of her matrimonial house with a warning that she should not come back for cohabitation and on the other hand PW2 Onkar deposes that Accused No.1 had asked Monalisa to come back for celebration of wedding anniversary. Had the accused threatened Monalisa, as per the say of PW3, how could they i.e Accused No.1 would ask Monalisa to come back for celebration of wedding anniversary.

55. PW-3 Rutuja has further deposed that on 28.11.2012, her father had dropped Monali at her matrimonial house in the morning and on 29.11.2012, Monali had made a call on the mobile of her mother asking as to whether her necklace was left there. What is glaring to be noted is that the prosecution case is that Monalisa was stripped off all her golden ornaments. If that is so, how Monalisa can be said to have come to her parental house with her golden necklace. Thus, it can be said that both facts would not co-exist.

56. PW3 Rutuja has further deposed that they searched the necklace but did not find it and accordingly told Monalisa. At that time, they heard the voice of Monalisa as “Aai-g” and then her mobile was switched off and then at about 3.30 pm, her father got the intimation of death of Monalisa. According to this witness, all the accused persons are responsible for her death.

57. In her cross-examination, she has stated that she does not remember as to whether she has told the police of having heard Monalisa screaming “Aai-g”. On careful perusal of her statement, I do not find any such allegation in her police statement dated 11-12-2012. In fact, her police statement shows that when Monalisa had asked in a frightened voice as to whether her necklace was left then Monalisa had told that since her baby was crying she would call later. She has denied that the accused persons had not harassed Monalisa on the count of their demand of motor cycle, computer and Rs.50,000/- in cash.

58. Upon careful appreciation of the evidence of PW-1 Surjitsinh, PW-2 Onkarsinh and PW3- Rutuja, I am of a considered view that all the allegations made by them with regard to the harassment of Monalisa on account of their dowry demand of motor cycle, computer and Rs.50,000/- in cash are not proved beyond reasonable doubt. It is worth to note that the prosecution has not placed on record any independent evidence to show that Monalisa was harassed by the accused persons on account of their dowry demand.

Had Monalisa been subjected to cruelty on account of dowry demand, then certainly she would have sent letters to her parents or sent WhatsApp messages to her friends or her brother and sisters or parents. The fact that there is no independent corroboration to the oral evidence of PW1 to PW-3 in respect of their omnibus and vague allegations against the accused persons, it would be quite unsafe to rely upon their testimony.

59. Section 304B of IPC demands that soon before the death, a woman ought to be subjected to harassment on account dowry demand. No doubt dowry can be given before marriage, at the time of marriage and during the course of subsistence of wedlock but the fact remains that there has to be a cogent and reliable evidence with the prosecution to prove that in fact there was harassment on account of dowry which led the victim to commit suicide. No such evidence except oral evidence is on record. Such oral evidence is also tainted with material omissions and contradictions. As noted above, on one hand, the prosecution had alleged that Monalisa was stripped off her golden ornaments, on the other hand the prosecution had also alleged that Monalisa had enquired with her parents as to whether her golden necklace was left at her parental house when she had come over there on 26.11.2012. Both facts cannot co-exist. Had the accused stripped of all gold ornaments of Monalisa, it cannot be believed that, she would have come wearing gold necklace at her parental house.

60. The incident is very unfortunate. Losing a daughter, sister and such a close relative is enough to have a fatal emotional blow to the closed ones. However, it is well settled that there are end number of reasons for committing suicide. Not all cases fall within the ambit of dowry death or within the ambit of cruelty or within the ambit of abetment of suicide. The inordinate delay in lodging the FIR cannot be attributed to mental trauma of the informant who happened to be a Government Servant and well educated person. Being a father of the deceased, it is but natural for him to disbelieve that Monalisa would commit suicide given the fact that she was highly educated and was having a baby girl. However, in the absence of cogent and reliable evidence in the form of dowry demand, it would not be just and proper to hold the accused persons guilty of the charges framed against them. The possibility of Monalisa having committed suicide for the reasons stated in the suicide note cannot be ruled out. In this view of the matter, the accused are entitled for benefit of doubt. For all these reasons, I am of a considered view that the prosecution has failed to prove the guilt of the accused within the meaning of Section 304B and Section 498A of the Indian Penal Code beyond reasonable doubt. **Hence, Point Nos. 1 and 2 are answered, in the negative.**

AS TO POINT NO. 3 :-

61. In view of the findings recorded in the negative, the accused are entitled for acquittal. Hence, in answer to

Point No.3, the following order is passed -

ORDER

- (1) Accused Nos.1. Parvinsingh Pratapsingh Kachava, 2. Vijayabai Pratap Kachava, 3. Sunita W/o. Ramsingh Parihar, 4. Ramsingh Vijaysingh Parihar, 5. Arunsingh Bhikmasingh Kachava and 6. Aruna Arunsing Kachava, are hereby **acquitted** vide **Section 235(1) of Cr.P.C.**, for the offences punishable under Sections 498-A and 304-B read with Section 34 of the Indian Penal Code.
- (2) Their bail bonds are cancelled.
- (3) Accused Nos. 1 to 6 shall execute PR bond of Rs.15,000/- [Rs. Fifteen Thousand only] each and surety of like amount for 6 months period towards compliance of Sec. 437-A of the Code of Criminal Procedure, 1973.
- (4) Muddemal Properties being worthless be destroyed after 6 months if no appeal is preferred.

Date: 29.06.2026
Place : Kandhar.

(**B.U. Choudhari**)
Addl. Sessions Judge,
Kandhar.

PART - C**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)
PW-1	Surjitsinh Shyamsinh Thakur	Informant
PW-2	Omkarsingh Surjitsinh Thakur	Witness
PW-3	Rutuja Surjitsinh Thakur	Witness
PW-4	Balaji Laxman Chintole	Seizure Panch
PW-5	Jaypal Babusingh Thakur	Spot Panch
PW-6	Atul Ajitsingh Kachava	Witness
PW-7	P. S. Kachave	Investigating Officer
PW-8	Dineshsingh Bhagatsingh Chavhan	Spot Panch
PW-9	Geeta Chavhan	Investigating Officer
PW-10	Vishwajeet Bhagwanrao Ghodke	Investigating Officer

B. Defence witnesses, if any:-

Rank	Name	Nature of Evidence (Eye witness, Police witness, Expert witness, Medical witness, Panch witness, other witness)
Nil		

C. Court witnesses, if any :

Rank	Name	Nature of Evidence (Eye witness, Police witness,
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		Expert witness, Medical witness, Panch witness, other witness)
CW-1	Court witness namely Nandkumar Ramchandra Parikh	Private hand-writing expert

LIST OF PROSECUTION / DEFENSE/ COURT EXHIBITS

A- PROSECUTION

Sr. No.	Exhibit Number	Description
1.	43	Letter by A.P.I. to Court
2.	44	Letter by State Examiner of documents dated 23.06.2014
3.	45	Opinion bearing No.AHW/43/2013
4.	82	Expert opinion of CW-1
5.	82/1	Comparison Chart of Questioned Signature and admitted signatures
6.	82/2	Photo copy of suicide note
7.	100	Written FIR
8.	101	Printed FIR
9.	111, 112, 113	PW-4 Balaji's endorsement on three Seizure Panchanamas
10.	118	Inquest Panchanama
11.	123	Post-mortem Report
12.	138	PW-7 Kachave's endorsement on the complaint
13.	139	Seizure Panchanama of Note Book
14.	140 to 145	Arrest Panchanama
15.	183	Letter by I.O. to Govt. Examiner of

		documents dated 02.02.2013
16.	196	Spot Panchanama
17.	197 & 198	Seizure Panchanama
18.	118	Inquest Panchanama
19.	196	Spot Panchnama
20.	197	Seizure Panchanama of suicide Note
21.	198	Seizure Panchnama of Note Book having front page of Tiger

D. Material objects:

Sr. No.	Material object / Number	Description
1.	Article - A	Register of Mahila Arthik Nondvahi
2.	M.O. - 1	Notebook having front page of image of tiger
3.	M.O. - 2	Suicide Note

Date: 29.06.2026
Place : Kandhar.

(B.U. Choudhari)
Addl. Sessions Judge,
Kandhar.

CERTIFICATE

I affirm that the contents of this PDF file order are same, word to word, as per the original order.

Name of stenographer	Mrs J P Ghogare
Name of Court	DJ-1 & ASJ, Kandhar
Date of Dictation	29.06.2026
Order signed by the P.O on	29.06.2026
Order uploaded on	29.06.2026