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Form No. XXXII**Part 'A'****(Para 44(i) of Chapter VI of Criminal Manual)****IN THE COURT OF ADDITIONAL SESSIONS JUDGE,**
WARDHA

(Present: Vishal A. Sathe, Additional Sessions Judge)

(Crime No. 70/2017 registered by Police Station Officer,
Ramnagar for the offence punishable under Sections 498-A, 306
R/W 34 of Indian Penal Code and under Sections 4 and 5 of
Dowry Prohibition Act.)

Complainant	:	The State of Maharashtra, Through officer in charge, Police Station, Ramnagar.
Represented by	:	Shri S. U. Ghode, Learned Additional Public Prosecutor.
Accused	:	1. Tulsidas Ashokrao Fulmali, Age 34 years, Occu.: Pvt. Service, 2. Ashokrao Sambhaji Fulmali, Age 62 years, Occu. Retired, Both R/O: Anandnagar, Wardha, Tah. & Dist. Wardha.

Represented by	:	Shri P. B. Taori learned counsel for accused.
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Form- 'B'

[Para 44(ii) of Chapter VI of Criminal Manual]

Date of offence	:	12.05.2016 to 23.04.2017
Date of FIR	:	17.05.2017
Date of Charge-sheet	:	26.07.2018
Date of Framing of Charges	:	22.06.2022
Date of commencement of evidence	:	13.07.2026
The date on which judgment is reserved	:	21.08.2026
Date of judgment	:	21.08.2026
Date of Sentencing Order, if any	:	Nil

Accused Details:

R a n k	Name	Date of arrest	Date of release on bail	Offence charged with section	Whether Acquitted or convicted	Sentence Imposed	Period of Detention Undergone during Trial for purpose of Section 428 of Cr.P.C.
1	Tulsidas Ashokrao	26.07. 2017	22.08. 2017	498-A, 306,	Acquitted	-	-

	Fulmali			304B R/W 34 of I.P.C. and 3, 4 of Dowry Prohibit ion Act.			
2	Ashokrao Sambhaji Fulmali	26.07. 2017	10.01. 2019	498-A, 306, 304B R/W 34 of I.P.C. and 3, 4 of Dowry Prohibit ion Act.	Acquitted	-	-

Form- 'C'**LIST OF PROSECUTION/DEFENCE/COURT
WITNESSES****A. Prosecution:**

Rank	Name	Nature of evidence	Exhibit
The prosecution, in support of its case, has examined a total of four witnesses, whose nature have been discussed in detail in the reasons recorded hereinunder.			

B. Defence Witnesses, if any:

Rank	Name	Nature of evidence	Exhibit
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NIL	NIL	NIL	NIL
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C. Court Witnesses, if any:

Rank	Name	Nature of evidence	Exhibit
NIL	NIL	NIL	NIL

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS:**A. Prosecution:**

Sr. No.	Exhibit	Description
The prosecution has relied upon documentary evidence comprising Twelve (12) documents and its description have been discussed in detail in the reasons recorded hereinunder		

B. Defence:

Sr. No.	Exhibit	Description
Nil	Nil	Nil

C. Court:

Sr. No.	Exhibit	Description
1.	Exhibit-1	Chargesheet
2.	Exhibit-8	Charge
3.	Exhibit-21, 22	Statements of accused recorded under Section 313 of Cr.P.C.

D. Material Objects:

Sr. No.	Material Object	Description
Nil	Nil	Nil

J U D G M E N T

(Delivered on this 21th day of August, 2026)

01] The accused are facing trial for the offence punishable under Sections 498-A, 306, 304B R/W 34 of the Indian Penal Code and under sections 3 and 4 of Dowry Prohibition Act, 1961 **(Hereinafter referred to as “I. P. C. and D.P. Act”)**.

02] The case of prosecution, in nutshell, is as follows:

Ruchi Tulsidas Phulmali, aged 26, was the daughter of the informant Digambar Dashrath Lambe. She married Tulsidas Phulmali on 12th May 2016 according to customary practices. Ruchi worked as a teacher at a School, located at her parental home. Soon after marriage, she informed her father that her husband accused No. 1 Tulsidas and father-in-law accused No. 2 Ashok were demanding money to repay marriage related debts. On 26 June 2016, her father raised a gold loan and gave ₹50,000 to Tulsidas. Despite this, Ruchi continued to face harassment and taunts that her parents had not given sufficient money or articles at marriage. She was also asked to

bring money for purchasing a vehicle, for which her father again gave ₹50,000, but no vehicle was purchased. Ruchi further told her family that her husband and in-laws repeatedly questioned her about insurance policies in her name. During pregnancy, they allegedly threatened not to keep her if she gave birth to a girl child. On 14 April 2017, she delivered a baby boy at Sawangi Meghe Hospital. On 23.04.2017, Ruchi was found in a well and was subsequently taken to the hospital, where she was declared dead.

03] Accordingly, on 25/4/2017 Shri Raju Dashrathji Lambe, the uncle of deceased Ruchi, went to the police station and gave report. On his report a Marg No. 19/2017 was registered under section 174 of Criminal Procedure Code. Thereafter, the informant Digambar Dashrath Lambe given report to Police Station, Ramnagar about the incidence. ASI Shri Pandurang Kamthe registered crime No. 70/2017 against accused for the offence punishable under sections 498-A, 306 R/W 34 of IPC and under Sections 4 and 5 of D. P. Act. The investigation then was handed over to Shri Sunil Jagannath Bhagat, Police Head Constable of Police Station, Ramnagar. Accordingly, he prepared spot panchanama and recorded the statements of witnesses. Shri. Sachin Yadav, ASI, after completion of investigation filed the charge-sheet against the accused for offences punishable under Sections 498-A, 306 R/W 34 of I.P.C. and under Sections 4 and 5 of D. P. Act.

04] Accused appeared before this court. On their appearance my learned predecessor was pleased to frame charge against accused (**Exh-8**) for an offence punishable under Section 498-A, 306, 304B R/W 34 of I.P.C and under sections 3 and 4 of D. P. Act. The contents of the charge were read over and explained to the accused in vernacular, to which they pleaded not guilty and claimed to be tried.

05] After completion of the prosecution evidence, the statements of the accused under Section 313 of the Code of Criminal Procedure (**Exh-21, 22**) were recorded, affording them an opportunity to explain the incriminating circumstances appearing against them. In their statements, the accused set up a defense of total denial and false implication.

06] Heard the learned Additional Public Prosecutor for the State and learned counsel for the accused. Upon consideration of the submissions advanced at the bar, the evidence brought on record, and the relevant provisions of law, the following points arise for determination. My findings thereon, together with the reasons, are recorded as under:

Sr. No.	Points	Findings
1]	Does the prosecution prove that from 12.05.2016 to 23.04.2017,	Not proved

	accused No. 1 being husband of deceased Ruchi Tulsidas Fulmali and accused No. 2 being her father in law in furtherance of their common intention, have subjected Ruchi Tulsidas Fulmali to cruelty and thereby committed an offence punishable under Section 498-A R/W 34 of the IPC?	
2]	Does the prosecution prove that on the same date, time and place accused in furtherance of their common intention abetted the commission of suicide by deceased Ruchi and thereby committed an offence punishable under Section 306 IPC?	Not proved
3]	Does the prosecution prove that on the same date, time and place accused in furtherance of their common intention, caused dowry death of Ruchi and thereby committed an offence punishable under Section 304B R/W 34 of IPC?	Not proved
4]	Does the prosecution prove that on	Not proved

	the same date, time and place accused in furtherance of their common intention, have taken dowry and thereby committed an offence punishable under Sections 3 of Dowry Prohibition Act?	
5]	Does the prosecution prove that on the same date, time and place accused in furtherance of their common intention, have demanded dowry and thereby committed an offence punishable under Sections 3 of Dowry Prohibition Act?	Not proved
6]	What order?	Accused acquitted as per final order.

REASONS

As to point No. 1 to 6 :

07] With a view to avoid repetition of facts, law and evidence, I have chosen to consider all the points conjointly.

08] In order to substantiate the charge leveled against accused, the prosecution has examined in all four (04) witnesses. They are as under:

Rank	Name	Nature of evidence	Exhibit
PW-1	Digambar Dashrath Lambe	Informant-father of deceased.	08
PW-2	Chitra Degambar Lambe	Mother of deceased.	11
PW-3	Raju Dashrath Lambe	Uncle of deceased.	14
PW-4	Sunil Jagannath Bhagat.	Investigation Officer.	18

09] Thereafter, the learned APP closed the evidence of prosecution vide a pursis filed bellow **Exh-20**.

10] In addition to the oral testimony, the prosecution has placed reliance upon documentary evidence containing Twelve (12) documents, described as under:

Sr. No.	Exhibit	Description
1]	Exhibit-09	Report dated 17/5/2017 given by informant Digambar Dashrathji Lambe.
2]	Exhibit-10	F.I.R. No. 70/2017 registered against accused on 17/5/2017 for the offence punishable under Section 498-A, 306 R/W 34 of IPC and under Sections 4 and 5 of

		Dowry Prohibition Act. I.P.C.
3]	Exhibit-15	Report dated 25/4/2017 given by Raju Dashrathji Lambe.
4]	Exhibit-12	Marg No. 19/2017 registered on 25/4/2017 under section 174 of Cr.P.C.
5]	Exhibit-13	Aksmat death report.
6]	Exhibit-14	Marg Report dated 23/4/2017.
7]	Exhibit-15	Post Mortem Report of deceased Ruchi Fulmali.
8]	Exhibit-16	Inquest panchanama dated 24/4/2017.
9]	Exhibit-17	Receipt of dead body handed over to police.
10]	Exhibit-18	Death Summary sheet
11]	Exhibit-19	Form in which to Report of Post-mortem Examination to be used when forwarding viscera to the Chemical Analyser.
12]	Exhibit-20	Spot panchanama dated 25/4/2017.

11] I have heard the learned Additional Public Prosecutor for the State and the learned counsel for the accused at length. I have carefully examined the entire oral as well as documentary evidence brought on record.

12] The learned Additional Public Prosecutor submits that the prosecution has examined four witnesses, including the

complainant. All the witnesses have supported the case of the prosecution, and therefore, it is urged that the accused be convicted for the offence charged. On the contrary, the learned counsel for the accused contends that the prosecution has failed to establish the charge against the accused beyond reasonable doubt, and hence, prays that the accused be acquitted of all charges.

13] The PW-1 Digambar Lambe is the father of deceased Ruchi. He deposed that after marriage his daughter used to tell him that accused No. 1 was causing her harassment and that the harassment was in connection with a demand for money for purchasing a vehicle. He further deposed that he had given Rs. 50,000/- to accused No. 1 for purchasing a vehicle, but the vehicle was not purchased. Thus, the material part of the evidence of PW-1 regarding the alleged demand is substantially based upon what he claims to have been told by the deceased. Therefore, the evidence of PW-1 being hearsay witness requires careful scrutiny.

14] The PW-1 admits in cross-examination that he had not lodged any complaint against accused No. 1 during the lifetime of his daughter. He further admits that he could not state the date on which the alleged amount of Rs. 50,000/- was paid. He was also unable to state the precise date on which deceased Ruchi allegedly complained to him about the harassment. Most

importantly, according to PW-1 himself, although the incident occurred on 23.04.2017, he lodged a written complaint only after about 15 days, on 17.05.2017.

15] The PW-1 further admitted that the amount of Rs. 50,000/- was not paid on any date which he could specify and that he had not mentioned the date of payment to police. There is also no evidence from him regarding the precise words used by accused No. 1, the occasion on which the demand was made, the frequency of such demand, or any particular incident of physical or mental cruelty immediately preceding the death. His evidence, therefore, establishes at the highest that there was an allegation made by the deceased to her father regarding some harassment and that an amount of Rs.50,000/- was allegedly given to accused No. 1. It does not, by itself, satisfactorily establish the statutory ingredients of cruelty or demand of dowry or a dowry death.

16] The PW-2 Chitra Lambe is the mother of the deceased. She deposed that after marriage accused No.1 used to trouble Ruchi for bringing money and that PW-1 had given Rs.50,000/- to accused No.1 for purchasing a vehicle. She further stated that whenever Ruchi came to her house, she used to tell her that accused No.1 was causing her harassment. However, in her cross examination she candidly admitted that she could not state the date on which the alleged demand was made or the

date on which her husband paid Rs.50,000/-. She also admitted that prior to the death of Ruchi, neither she nor her family had lodged any complaint against accused No.1 or held any meeting regarding the alleged harassment. This admission assumes importance because the alleged harassment is not attributed to one isolated incident. If the harassment was continuous and serious enough to drive the deceased to suicide, the absence of any contemporaneous complaint, intervention, meeting, or other independent circumstance is a relevant factor while testing the evidence. PW-2 also deposed that on 23.04.2017 accused No.1 was at her house and that, at about 2.00 p.m., she noticed the deceased in the well. But in the absence of any direct evidence, it does not itself, establish that accused No.1 instigated or intentionally aided the deceased to commit suicide. The evidence of PW-2 regarding the alleged dowry demand is also general in character.

17] The PW-3 Raju Dashrath Lambe is the uncle of deceased Ruchi. He deposed that the deceased was being harassed at her matrimonial home on account of demand for ornaments and money. He further deposed that money was paid by his elder brother and that even thereafter the harassment continued. However, the evidence of PW-3 suffers from infirmities. In cross-examination, PW-3 categorically admitted that he was not present when the occurrence took place and he has no direct knowledge of the circumstances in which Ruchi fell in to the

well. More importantly, PW-3 admitted that his allegation regarding harassment for ornaments and money was not recorded in the complaint and statement in the manner stated by him. He stated that he had told police that Ruchi was being harassed for ornaments and that, even after money was paid, the harassment did not reduce and the demands increased, but he could not explain why such material facts were not mentioned in his complaint and police statement. The alleged demand for dowry and continuation of harassment constitutes the very foundation of the offences under Sections 498-A and 304-B IPC. When such material facts are absent from the earliest version and subsequently introduced during evidence, the Court must scrutinise such testimony with considerable caution. PW-3 also stated that after the incident he had made an allegation that accused No.1 had murdered Ruchi. This version is materially different from the present prosecution theory of suicide abetted by cruelty and dowry harassment. The changing nature of the allegations is another circumstance which affects the reliability of his testimony.

18] The PW-4 Sunil Jagannath Bhagat was serving at Police Station Ramnagar. He deposed that he received the accidental death/marg inquiry and prepared the spot panchnama. He further deposed that statements of relatives of the deceased were recorded and that subsequent investigation was conducted by other police officers. The evidence of PW-4 is important for

testing the earliest version of the witnesses. In cross-examination, PW-4 specifically admitted that PW-3 Rajoo Lambe had not stated, while giving his statement and report, that Ruchi was being harassed at her matrimonial home for ornaments, that the harassment continued even after payment of money, or that the demands increased. This admission substantially corroborates the defence contention regarding material omission in the evidence of PW-3. PW-4 further admitted that statements of witnesses ought to be recorded promptly. Thus, the prosecution evidence itself demonstrates that the material allegation of continuing dowry harassment, relied upon at the trial, was not present in the earliest version of PW-3.

19] Section 498-A IPC contemplates cruelty in two forms, namely, wilful conduct likely to drive a woman to suicide or cause grave injury, and harassment to coerce her or her relatives to meet an unlawful demand for property or valuable security. In the present case, neither form of cruelty is proved beyond reasonable doubt. PW-1 and PW-2 are unable to state the date or specific circumstances of the alleged demand or payment of Rs.50,000/-. No specific act of physical or mental cruelty is attributed to either accused. The evidence against accused No.2 is particularly vague and does not disclose any specific overt act. Mere relationship with the deceased cannot constitute cruelty. The material omissions and absence of

contemporaneous complaint further render the evidence insufficient for conviction under Section 498-A IPC.

20] For Section 304-B IPC, the prosecution must establish, inter alia, that soon before her death the deceased was subjected to cruelty or harassment for, or in connection with, a demand for dowry. Though the death occurred within seven years of marriage, the essential requirement of a proximate and live link between the alleged dowry harassment and the death is not established. PW-1 and PW-2 give only general allegations without specifying any incident proximate to the death. PW-3 was not present at the occurrence and his allegation regarding ornaments and increasing demands is absent from his earlier version. The alleged payment of Rs.50,000/- by itself does not establish a dowry demand. Consequently, the foundational facts for invoking the presumption under Section 113-B of the Evidence Act are absent.

21] As regards Section 306 IPC, there is no evidence of any proximate act of instigation, intentional aid or encouragement by either accused. Mere presence of accused No.1 in the house cannot amount to abetment. There is an even greater absence of evidence against accused No.2. The prosecution has thus failed to establish the essential ingredients of Section 306 IPC. The evidence of PW-1 and PW-3 regarding the deceased's treatment for depression provides an alternative circumstance concerning the cause of the unfortunate death. Though this

circumstance by itself does not establish the cause of suicide, the prosecution was required to prove a clear causal nexus between the accused's conduct and the suicide, which it has failed to do. Similarly, the offences under Sections 3 and 4 of the Dowry Prohibition Act are not proved. The alleged payment of Rs.50,000/- is unsupported by specific particulars or independent evidence, and the alleged demand lacks sufficient proof of its connection with dowry.

22] Thus, on cumulative appreciation of the evidence, the prosecution has failed to prove cruelty under Section 498-A, abetment of suicide under Section 306, dowry death under Section 304-B IPC, or the offences under Sections 3 and 4 of the Dowry Prohibition Act. The evidence raises, at the highest, suspicion, which cannot substitute proof beyond reasonable doubt.

23] In view of the above, I hold that the prosecution has failed to prove the charges against the accused, beyond reasonable doubt and therefore, the accused is entitled to acquittal. Accordingly, I answer Points No. 1 to 5 as not proved and in answer to Point No. 6 proceed to pass following order:

ORDER

1. Accused Tulsidas Ashokrao Fulmali and Ashokrao Sambhaji Fulmali are acquitted of the offences punishable under Sections 498-A, 306, 304B R/W 34 of the Indian

Penal Code and under sections 3 and 4 of Dowry Prohibition Act, 1961 vide Section 235(1) of the Code of Criminal Procedure, 1973.

2. The bail bonds of accused stand cancelled.
3. The accused shall comply with the provisions of Section 437-A of the Code of Criminal Procedure, 1973 by furnishing a personal recognizance bond and surety bond in the sum of ₹15,000/- each for their appearance before the Hon'ble Appellate Court, in the event of an appeal being preferred against this judgment.

Dictated and pronounced in open Court on this 21st day of August, 2026.

Date: 21.08.2026

(Vishal A. Sathe)

Additional Sessions Judge,
Wardha.

C E R T I F I C A T E

I hereby affirm that the contents of this PDF file are a true and verbatim reproduction of the original order.

Sd/-

(Vinod M. Mandade)

Stenographer (Grade-I)

