



2026:CGHC:9429-DB



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

ACQA No. 19 of 2021

State Of Chhattisgarh, Through S.H.O., Police Station Akaltara, District
- Janjgir - Champa Chhattisgarh.

... Appellant

versus

1 - Sarojkumar S/o Jagdish Prasad Aged About 22 Years

2 - Jagdish Yadav S/o Gulab, Aged About 48 Years

3 - Smt. Shakuntalabai, W/o Jagdish Yadav, Aged About 40 Years

All are R/o. Village Rogda, Police Station Akaltara, District - Janjgir -
Champa Chhattisgarh.

... Respondents

For Appellant	: Mr. Ramnarayan Sahu, Dy. GA
For Respondents	: Mr. Malay Shrivastava, Advocate.

Hon'ble Smt. Justice Rajani Dubey

Hon'ble Shri Justice Radhakishan Agrawal, JJ

Judgment on Board

(24th February, 2026)

Per Rajani Dubey, J

Challenge in this appeal is to the legality and validity of the
judgment dated 6.5.2013 passed by Additional Sessions Judge,
Janjgir, Distt. Janjgir-Champa in ST No.180/2012 acquitting the



respondents/accused of the charges under Section 304B/34 and in alternative 302/34 of IPC.

02. Case of the prosecution, in brief, is that deceased, Smt. Rinki Bai, was married in February 2012 to accused Saroj Kumar Yadav as per social customs and rites. At the time of marriage, the parents of the deceased gave household articles and gifts according to their capacity. However, a motorcycle and cash amount were not given at the time of marriage and therefore, after marriage she was subjected to physical and mental cruelty by her husband, mother-in-law, and father-in-law for bringing a motorcycle and cash amount of Rs.50,000/- from her parental home. Subsequently, the deceased poured kerosene upon herself and died. During the course of investigation, the accused persons were arrested on 23.07.2012 and sent to judicial remand. The post-mortem examination of the deceased's body was conducted. A spot map of the place of occurrence was prepared. Memorandum statements of the accused persons were recorded. Seizure proceedings were carried out and statements of witnesses were recorded. After completion of investigation, the charge-sheet u/s 304B/34 of IPC was filed before the Court of the Chief Judicial Magistrate, Janjgir.

03. Learned trial Court framed charge under Section 304B/34 of IPC and in alternate 302/34 of IPC against the accused which was abjured by them and they prayed for trial. In order to substantiate its case the



prosecution examined 07 witnesses in all. Statements of the accused were recorded under Section 313 of CrPC wherein they denied all the incriminating circumstances appearing against them in the prosecution case, pleaded innocence and false implication.

04. After hearing counsel for the respective parties and appreciation of oral and documentary evidence on record, the learned trial Court acquitted the respondents/accused of all the charges by the impugned judgment. Hence this appeal.

05. Learned counsel for the appellant/State submits that the impugned judgment is per se illegal and contrary to the material available on record. From the evidence on record it is clear that the accused persons used to pressurize the deceased for bringing motorcycle and cash of Rs.50,000/- from her parental house and on her failure to fulfill the said demand, tortured and harassed her which compelled her to commit suicide. Learned trial Court was not justified in giving too much weightage to minor omission and contradictions in the prosecution evidence. Thus, looking to the overall evidence on record coupled with conduct of the accused, the impugned judgment is liable to be set aside and the respondents/accused be held guilty of the charge leveled against them.

06. On the other hand, learned counsel for the respondents/accused supporting the impugned judgment submits that the learned trial Court



having minutely appreciated the oral and documentary evidence has rightly recorded a finding of acquittal in favour of the accused persons and there being no illegality or infirmity in it, the instant appeal is liable to be dismissed. Reliance has been placed on the judgment of the Hon'ble Supreme Court in the matter of ***Mallappa and others Vs. State of Karnataka, (2024) 3 SCC 544.***

07. Heard learned counsel for the parties and perused the material available on record.

08. It is clear from the record of learned trial court that the respondents/accused were charged under Section 304B/34 and in alternate 302/34 of IPC and after appreciation of oral and documentary evidence, learned trial Court acquitted them of both the charges by the impugned judgment.

09. It is not in dispute before the learned trial Court that deceased Rinki Bai was married to accused Saroj Kumar and she died after three months of her marriage due to burn injuries on 12.5.2012.

10. PW-1 Dr. GR Armor conducted postmortem of the deceased and opined that the mode of death is asphyxia and cause of death is burn. His report is Ex.P/1. He admitted the suggestion of the defence that if a person standing on the ground pours kerosene or any other inflammable substance on himself/herself and then sets himself/herself on fire, in such a situation, it is possible for such burn injuries to be



sustained. It is evident from the statement of the doctor and report of Ex.P/1 that he did not opine regarding nature of death whether it is homicidal or suicidal or accidental.

11. PW-2 Gendram Yadav, father of the deceased, states that the deceased told him that the accused persons demand motorcycle and cash of Rs.50000/-. After about three months of marriage, accused Saroj telephonically informed him about death of his daughter due to burning. He admits his signature on the inquest memo Ex.P/2 from A to A part. In cross-examination he admits that as per custom in their community, after marriage there is *Chouthiya* (post-wedding ritual performed on the fourth night after the marriage) and after *Chouthiya*, the bride is immediately taken back to her parental house. He also admits that the accused persons did not make any demand prior to marriage and uptill marriage. He admits that after *Gauna* and before the incident, his wife or himself had no dispute with the accused persons and during this period, the accused persons did not make any complaint about his daughter. He states that when his daughter came to his house, she informed him about demand of cash and motorcycle by the accused persons and that 10-15 days thereafter he went to drop her at her matrimonial home. He admits that when he went to her matrimonial home for dropping her there, the accused persons did not demand anything. He denied the suggestion that the accused persons complained to him that the deceased does not want to live at her



matrimonial home. He admitted the suggestion that at the time of death of deceased, she was pregnant but denied the suggestion that she had conceived prior to *Gauna*.

12. PW-3 Bundram Yadav, uncle of the deceased, supporting the statement of Gendram Yadav states that the deceased had informed him about demand of motorcycle and cash of Rs.50000/- by the accused persons. However, in cross-examination he states that he never made any statement to the police that the deceased told him about demand of Rs.50000/- and motorcycle by the accused persons. He states that he is making such statement for the first time before the Court. He denied the suggestion that she had conceived even prior to marriage. Similar is the statement of PW-4 Anandram Yadav, uncle of the deceased. He admits that he is making statement that the deceased told him about demand of motorcycle and cash of Rs.50000/- by the accused, for the first time before the Court. He never disclosed about this either to the police or any person in the village.

13. Learned trial Court minutely appreciated the oral and documentary evidence and found that defence of the accused appears to be probable. It is established from the oral as well as medical evidence that the deceased was carrying pregnancy of three months. In the postmortem report, PW-1 Dr. GR Armor found 10-12 weeks pregnancy carried by the deceased. As regards demand of dowry,



father and uncle of the deceased have made only general and omnibus allegations in this regard.

14. The Hon'ble Supreme Court in its ***judgment dated 31st January, 2025*** in ***Criminal Appeal No.1076/2014*** in the matter of ***Karan Singh Vs. State of Haryana*** held in paras 8 and 17 of its judgment as under:

"8. In this case, there is no dispute that the death of the appellant's wife occurred within seven years of the marriage. Section 113-B of the Evidence Act reads thus:"

113-B. Presumption as to dowry death.-When the question is whether a person has committed the dowry death of a woman and it is shown that soon before her death such woman had been subjected by such person to cruelty or harassment for, or in connection with, any demand for dowry, the Court shall presume that such person had caused the dowry death.

Explanation.-For the purposes of this section, "dowry death" shall have the same meaning as in Section 304-B of Indian Penal Code (45 of 1860)."

The presumption under Section 113-B will apply when it is established that soon before her death, the woman has been subjected by the accused to cruelty or harassment for, or in connection with, any demand for dowry. Therefore, even for attracting Section 113-B, the prosecution must establish that the deceased was subjected by the appellant to cruelty or harassment for or in connection with any demand of dowry soon before her death. Unless these facts are proved, the presumptions under Section 113-B of the Evidence Act cannot be invoked.



17. ... Therefore, the prosecution did not prove the material ingredients of the offence punishable under Section 304-B. Not a single incident of cruelty covered by Section 498-A was proved by the prosecution. Section 304-B of the IPC was brought on the statute book in 1986. This Court has repeatedly laid down and explained the ingredients of the offence under Section 304-B. But, the Trial Courts are committing the same mistakes repeatedly.”

15. In light of above, if the facts and evidence emerging in the present case are appreciated it is crystal clear that the father and the uncle of the deceased have made only general allegation regarding demand of dowry. Their overall evidence suggests that these allegations after an afterthought. They have admitted that they are making such statement for the first time before the Court. They did not make any complaint to the police or disclose about this to anyone in the village or society.

In order to constitute offence under Section 304B of IPC, the prosecution must establish that the death of the woman must be by burns, bodily injury, or otherwise than under normal circumstances, it occurred within seven years of marriage and that soon before her death she was subjected to cruelty or harassment by her husband or her husband's relatives in connection with demand of dowry. If these conditions are met, the law presumes the death to be a dowry death. However, in this case, the prosecution though succeeded in proving that the deceased suffered unnatural death within seven years of



marriage but utterly failed to prove that soon before her death she was subjected to cruelty by the accused for or in connection with demand of dowry. Rather the evidence goes to show that there was no demand ever made by the accused. Further, in this case, the prosecution has also failed to prove the nature of death of the deceased whether it was homicidal, suicidal or accidental. In these circumstances, this Court is of the opinion that the finding of acquittal recorded by the learned trial court is based on proper appreciation of the oral and documentary evidence on record.

16. The Hon'ble Apex Court in the matter of **Mallappa and others** (supra) has held in para 36 as under:-

“36. Our criminal jurisprudence is essentially based on the promise that no innocent shall be condemned as guilty. All the safeguards and the jurisprudential values of criminal law, are intended to prevent any failure of justice. The principles which come into play while deciding an appeal from acquittal could be summarized as:-

“(i) Appreciation of evidence is the core element of a criminal trial and such appreciation must be comprehensive--inclusive of all evidence, oral and documentary;

(ii) Partial or selective appreciation of evidence may result in a miscarriage of justice and is in itself a ground of challenge;

(iii) If the Court, after appreciation of evidence, finds that two views are possible, the one in favour of the accused shall ordinarily be followed;

(iv) If the view of the Trial Court is a legally plausible



view, mere possibility of a contrary view shall not justify the reversal of acquittal;

(v) If the appellate Court is inclined to reverse the acquittal in appeal on a re-appreciation of evidence, it must specifically address all the reasons given by the Trial Court for acquittal and must cover all the facts;

(vi) In a case of reversal from acquittal to conviction, the appellate Court must demonstrate an illegality, perversity or error of law or fact in the decision of the Trial Court.”

17. Keeping in view the aforesaid judgment, considering the oral and documentary evidence on record, we find that the prosecution has failed to prove the charges under Sections 304B/34 or 302/34 IPC beyond reasonable doubt. The evidence on record raises serious doubts and does not form a complete or unbroken chain pointing exclusively to the guilt of the accused. Accordingly, the findings of the learned trial court are sound, reasoned, and in consonance with settled principles of law. No ground is made out for interference in the acquittal. Resultantly, the appeal being devoid of any substance is hereby dismissed.

**Sd/
(Rajani Dubey)
Judge**

**Sd/
(Radhakishan Agrawal)
Judge**