

Reserved On : 27/03/2026
Pronounced On : 08/04/2026

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL APPEAL NO. 904 of 2013

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STATE OF GUJARAT

Versus

DUDHABHAI JASABHAI BARAIYA & ORS.

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Appearance:

MR PRANAV DHAGAT, APP for the Appellant(s) No. 1

MR MB PARIKH(576) for the Opponent(s)/Respondent(s) No. 1,2,3

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CORAM: HONOURABLE MR.JUSTICE SANJEEV J.THAKER

CAV JUDGMENT

1. Feeling aggrieved by and dissatisfied with the judgment and order of acquittal dated 26.03.2013, passed by the learned Sessions Judge, Amreli, in Sessions Case No.21 of 2011, for the offences punishable under Sections 498(A), 306 and 114 of the Indian Penal Code, the appellant – State of Gujarat has preferred this appeal under Section 378 of the Code of Criminal Procedure, 1973 (for short, “**the Code**”).

2. The prosecution case as unfolded during the trial before the Sessions Court, in a nutshell, is that the complainant – Rambhai Mulabhai Sondarava filed a complaint to the effect that the marriage of his daughter viz., Shilpaben (deceased) was solemnized with accused No.2 - Mehulkumar Dudabhai Baraiya on 12.12.2008; accused No.1 -

Dudabhai Jasabhai Baraiya was a father-in-law of the deceased and accused No.3 - Hansaben @ Harshaben w/o. Dudhabhai Jasabhai Baraiya was a mother-in-law of the deceased; that after the marriage, the deceased was residing in joint family for about six months and during that period, the accused persons caused physical and mental harassment to her by demanding dowry and sent her to the parental home where she stayed for six months; during that period, accused No.2 - Mehulkumar - husband of the deceased demanded divorce and accused Nos.1 and 3 also went to the house of Virjibhai, who was a cousin brother (Uncle's son) of the complainant and demanded divorce; thereafter, a settlement was arrived at and the complainant sent her daughter - deceased Shilpaben at her matrimonial home and after few days, i.e. on 09.10.2010, the complainant came to know from said Virjibhai (his cousin brother) that his daughter - Shilpaben committed suicide by jumping into the well. Therefore, a complaint is lodged by the complainant.

3. After investigation, sufficient *prima facie* evidence was found against the accused person/s and therefore charge-sheet was filed in the competent criminal Court. Since the offence alleged against the accused person/s was exclusively triable by the Court of Sessions, the learned Magistrate committed the case to the Sessions Court where it came to

be registered as Sessions Case No.21 of 2011. The charge was framed against the accused person/s. The accused pleaded not guilty and came to be tried.

4.1 In order to bring home the charge, the prosecution has examined 13 witnesses before the trial Court, which are described in the impugned judgment, which are as under :

Sr. No.	Particulars	Exh. No.
1.	Dr.Akhileshkumar Jamadarsing	12
2.	Complainant - Rambhai Mulabhai Sondarva	17
3.	Panch - Bhagwanbhai Jivanbhai Khimsuriya	21
4.	Panch - Manojbhai Bhupatbhai	23
5.	Witness - Baliben Dhirubhai Vizuda	25
6.	Panch - Virjibhai Madhabhai Sondarva	26
7.	Witness - Ajitsinh Himatsinh Padhiyar	27
8.	H.C. - Balvant Kalubhai Mehta	28
9.	Witness - Kailashbhai Govindbhai Bheda	31
10.	Witness - Najabhai Govindbhai Bagda	32
11.	P.S.I. - Jagdishkumar Bhavsinhji Rathod	34
12.	P.S.I. - Kishorelal shamjibhai Titiya	38
13.	Kantibhai Virabhai Katara	42

4.2 The prosecution has produced 13 documentary evidence before the trial Court, which are described in the impugned judgment, which are as under :

Sr. No.	Particulars	Exh. No.
1.	Order of handing over the investigation by PSO Damnagar to PSI Damnagar	29
2.	Complaint of the complainant	18
3.	Inquest panchanama	16
4.	Pavti of handing over the dead body	37
5.	Panchanama of the place of offence	22
6.	Letter written by the State Bank Of India Jesar Branch to the Damnagar PSI	35
7.	Letter written by the State Bank of India Damnagar branch to PSI Damnagar	36
8.	Arrest panchanama of the accused	24
9.	P.M.note of the deceased	13
10.	Dispatch note of sending the muddammal to the FSL	39
11.	Receipt of the muddammal by the FSL	40
12.	Analysis report of the FSL	41
13.	2-B statement	15

5. After hearing both the parties and after analysis

of evidence adduced by the prosecution, the learned trial Judge acquitted the accused for the offences for which the charge was framed, by holding that the prosecution has failed to prove the case beyond reasonable doubt.

6. Learned APP for the appellant – State has pointed out the facts of the case and having taken this Court through both, oral and documentary evidence, recorded before the learned trial Court, would submit that the learned trial Court has failed to appreciate the evidence in true sense and perspective; and that the trial Court has committed error in acquitting the accused. It is submitted that the learned trial Court ought not to have given much emphasis to the contradictions and/or omissions appearing in the evidence and ought to have given weightage to the dots that connect the accused with the offence in question. It is submitted that the learned trial Court has erroneously come to the conclusion that the prosecution has failed to prove its case. It is also submitted that the learned Judge ought to have seen that the evidence produced on record is reliable and believable and it was proved beyond reasonable doubt that the accused had committed an offence in question. It is, therefore, submitted that this Court may allow this appeal by appreciating the evidence led before the learned trial Court.

7. As against that, learned advocate for the respondent/s would support the impugned judgment passed by the learned trial Court and has submitted that the learned trial Court has not committed any error in acquitting the accused. The trial Court has taken possible view as the prosecution has failed to prove its case beyond reasonable doubt. Therefore, it is prayed to dismiss the present appeal by confirming the impugned judgment and order passed by the learned trial Court.

8. In the aforesaid background, considering the oral as well as documentary evidence on record, independently and dispassionately and considering the impugned judgment and order of the trial Court, the following aspects weighed with the Court :

8.1 The prosecution has mainly relied on the complaint, which has been filed vide Exh.18 by the father of the deceased. It is the case of the prosecution that the deceased was married to accused No.2 in the month of December, 2008 and at the time of the incident, the deceased was pregnant; that only after six months from the date of marriage, accused No.2 used to physically assault the deceased by suspecting the deceased for her character and also used to state that he does not want to have any

relation with the deceased. When accused No.2 dropped the deceased at her parental house, the deceased had stayed there for around six months, at that time, as per the complainant, the deceased used to tell her mother - Savitaben about harassment that was meted out on her by the accused and said fact was also informed to the complainant.

8.2 It is also the case of the prosecution that when the deceased was staying at her parental home on being upset from her matrimonial home, accused Nos.1 and 3 had come and demanded divorce and had stated that they are ready to give Rs.2 lacs for the divorce and thereafter, when accused No.2 came to the parental home of the deceased to take the deceased to the matrimonial home, accused No.3 had threatened accused No.2 of dire consequences if she was brought to the matrimonial home. It is stated that on 09.10.2010, because of the physical and mental harassment of the accused, the deceased had committed suicide by jumping into the well.

8.3 The prosecution has examined Dr.Akhileshkumar Jamadarsing as P.W.1, vide Exh.12, who have conducted the postmortem. The P.M. report is produced vide Exh.13. As per the said P.M. report, the cause of death is asphyxia due to drowning which leads to cardio-respiratory failure; and that

at the time of the incident, the deceased was 32-34 weeks pregnant.

8.4 The prosecution has, thereafter, examined the complainant i.e. the father of the deceased viz., Rambhai Mulabhai Sondarava as P.W.2, vide Exh.17. In his deposition, he has stated that there was no harassment by the father-in-law of the deceased i.e. accused No.1; and that there was a settlement between the accused and the complainant with respect to the fact that the accused had taken in writing that the family members of the deceased shall never come to the matrimonial home of the deceased. However, the prosecution has failed to produce any such document in its cross-examination. Further, the said complainant has stated that the deceased had never complained anything about accused No.1 i.e. father-in-law nor had given any complaint with respect to the allegation of accused No.1 harassing the deceased.

In cross-examination, the said witness has also stated that at the police station, the lawyer had given details of the complaint and as per the complaint written by the lawyer, he had signed the same. He has also admitted that when he reached the spot on 09.10.2010, everybody informed that the deceased had fallen into the well accidentally.

Further, he has also admitted in his cross-

examination that in his community, there is no custom of giving any item to the daughter at the time of marriage, even though he had given many items at the time of marriage, as per his wish. He has also admitted that whenever the deceased used to come to her parental house, she would not talk to the complainant about any incident and would talk to her mother - Savitaben. The prosecution has failed to examine said Savitaben to prove its case.

The fact also remains that there is no complaint and/or notice of any harassment by the accused to the deceased during the lifetime of the deceased.

8.5 The prosecution has produced the panchanama of place of offence vide Exh.22 and panch witness - Bhagwanbhai Jivanbhai Khimsuriya has been examined as P.W.3, vide Exh.21. In his deposition, he has admitted that the bucket was attached to the string in the well and there was water in the well.

8.6 The sister of the deceased viz., Baliben Dhirubhai Vinzuda has been examined as P.W.5, vide Exh.25. In her deposition, she has stated that the dispute between the deceased and the accused was that the accused wanted a gold chain. However, the father of the deceased - the complainant, in his deposition, has not stated the said fact.

The fact about the letter, that has been stated to have been signed by the family members of the deceased that they will have no communication with the deceased in future and they will not come to the matrimonial home of the deceased, is not a part of the facts stated in the complaint, but the same has been stated by the complainant in his deposition (Exh.17) and by the sister of the deceased i.e. Baliben (P.W.5) in her deposition (Exh.25).

8.7 The prosecution has examined Ajitsinh Himmatsinh Padhiyar, the Police Officer, who has taken the dead-body out of the well and had prepared the inquest panchanama, as P.W.7, vide Exh.27.

The Head Constable - Balvantbhai Kalubhai Mehta, who has taken the complaint (Exh.18), has been examined as P.W.8, vide Exh.28.

The PSO - Jamnagar Police Station- Kailashbhai Govindbhai Bagda has been examined as P.W.9, vide Exh.31, who had registered the accidental death.

The prosecution has thereafter examined Najabhai Govindbhai Bagda - the Police Officer, as P.W.10, vide Exh.32. He was the P.S.O., who had taken the statements on 08.01.2011, of Arjanbhai Madhabhai, Nathiben Nanjibhai, Devayatbhai Madhabhai, Gigabhai Mulabhai, Nanjibhai Mulabhai, who are residents of Village : Malaknes.

The P.S.I. - Kishanlal Shamjibhai Titiya has been examined as P.W.12, vide Exh.38. He has placed on record the FSL report vide Exhs.39, 40 and 41, wherein it has been found that there was no poisonous substance found in the body of the deceased.

8.8 The learned Sessions Court, has taken into consideration the fact that the main witness to whom it has been alleged that the deceased used to inform about the harassment and cruelty i.e. Savitaben - mother of the deceased, has not been examined by the prosecution.

If the evidence of the father of the deceased i.e. the complainant (P.W.2) herein is taken into consideration, the complainant, in his deposition, has not stated that there was any demand of dowry and because of the alleged demand, the deceased was harassed. There are lot of contradictions in the deposition of the complainant – Rambhai (P.W.2), his daughter – Baliben (P.W.5) and witness – Virjibhai (P.W.6). The prosecution has also not proved that the deceased was harassed during the proximity of the offence. The letter written by the officials of the bank when accused No.2 as working at the relevant time, produced vide Exh.35, shows that accused No.2 was at the bank at the time of the alleged offence and the letter written by accused No.1, produced vide Exh.36, shows that at the time of

offence, accused No.1 was at the bank and therefore, at the time of offence, accused Nos.1 and 2 were not present and the prosecution has also not proved the fact that accused No.3 was present at the time of the incident.

8.9 Further, as per the document produced vide Exh.29, which is the order of handing over the investigation by the P.S.O. Damnagar to P.S.I., Damnagar, the complaint was recorded at 10:00 p.m. on 09.10.2010. However, the complainant - Rambhai has stated in his deposition that by the time he reached, the postmortem has already been conducted and the dead body was handed over to the in-laws for the last rites.

8.10 The deposition of the doctor (Exh.12), who had conducted the postmortem and the postmortem note (Exh.13) clearly state that the postmortem was completed at 11:25 a.m. The complainant has further admitted in his deposition that the police has handed over the dead body of the deceased to him after 2-3 hours, which would be around 1:30 p.m., after which the last rites were performed; and that the dispute arose with in-laws after the last rites. Therefore, the complaint could have been lodged only thereafter, but the complaint is lodged at 10:00 p.m. on the same day, therefore, it does not inspire confidence. Even, there are lot of

contradictions and discrepancies in the deposition of the witness – Baliben (Exh.5) with regard to the date of her police statement.

8.11 Further, the panchanama records that the steel tiffin box was found at the spot, which indicates that the deceased - Shilpaben had gone to the field for work carrying her meal; she appears to have gone to the well to fetch water and her slippers were also found near the well; that there was a bucket attached to the string and there was water in the well and therefore, the accidental falling of the deceased into the well while fetching water cannot be ruled out.

In view of the entire evidence and the contradictions and discrepancies found therein, the learned Sessions Court had acquitted the accused, which in the opinion of this Court, is not required to be interfered with.

9.1 The evidence on record and the glaring omission on the prosecution as pointed out above leaves no room of doubt that the order passed by the trial Court is as per law. The trial Court has rightly held that there was no positive evidence on record to prove that the accused by way of the conduct or spoken words, overtly or covertly, actually aided

and abetted or instigated the deceased in such a manner that it leaves no other option for the deceased but to commit suicide. In the present case, the prosecution has also not been able to prove the clear motive of the accused to commit offence of abatement. There is also no close connection between the accused's action and the deceased's choice to commit suicide. In view of the said fact, the prosecution has not been able to prove that the accused have stimulated the deceased to commit suicide.

9.2 The prosecution has not proved that there was a clear motive to commit the offence of abatement. The prosecution has also not proved that the accused proceeded to encourage and/or irritate the deceased through words or insults and that the accused intended to urge the deceased to end it all by committing suicide. The prosecution has also not been able to prove the direct connection between the incitement and committal of suicide. The prosecution has also not been able to prove direct or indirect act of incitement to the commitment of suicide. The prosecution has also not been able to prove by accusation of harassment without any positive action on the part of the accused close to the time of occurrence that led and forced the deceased to commit suicide.

9.3 The present matter turns on whether the conduct attributed to the accused satisfies the legal threshold of abetment of suicide. Therefore, read as a whole, it can be said that mere occurrence of a suicide does not automatically trigger rigours of the Section. The penal consequences under Section 306 of the Indian Penal Code arise when the prosecution is able to establish that the accused abetted and had a role in provoking or facilitating that suicide. Therefore, this twin test distinction is required to be borne in mind.

9.4 Abetment, as understood in criminal jurisprudence, is not a broad moral expression but a term of precise statutory meaning. Section 107 IPC delineates its contours: instigation, conspiracy, or intentional aiding. Each of these modes presupposes active involvement. The law does not punish omission except in some cases, it punishes intentional encouragement or positive facilitation of a prohibited act.

9.5 It is therefore not sufficient to show that the deceased was unhappy, distressed, or subjected to unpleasant treatment. The jurisprudence developed by the Hon'ble Supreme Court has consistently underscored that routine domestic disagreements, suspicion between spouses, or episodes of harassment do not ipso facto amount to instigation. Rigours of this Section intervene only where there

is clear evidence of mens rea and a direct causal link between the accused's conduct and the decision of the deceased to commit suicide.

9.6 The concept of instigation demands something more than mere reproach or accusation. It connotes an active suggestion, an incitement, or conduct of such intensity that it operates upon the mind of the victim and pushes him or her toward this drastic and unfortunate step. The prosecution therefore, must demonstrate either a deliberate intention to drive the deceased to suicide or knowledge that the conduct in question was likely to produce that consequence. Equally indispensable is the requirement of proximity. The law insists on a live and immediate nexus between the acts complained of and the suicide. A remote or generalized allegation is insufficient. There must be evidence showing that the accused engaged in conduct so closely connected in time and effect with the suicide that it can reasonably be said to have triggered the fatal act.

9.7 No material has been brought on record demonstrating any proximate act immediately preceding the suicide which could be construed as instigation. Nor is there evidence of a positive act amounting to intentional aid. The essential ingredients of abetment -namely, culpable mental

state coupled with active or proximate conduct-are not established.

9.8 On an overall assessment of the evidence, the prosecution has failed to demonstrate the existence of the foundational elements necessary to sustain a conviction under Section 306 IPC.

10. In the case of **Mahendra K.C. v. State of Karnataka and another**, [(2022) 2 SCC 129], it has been held by the Hon'ble Supreme Court that the essence of abetment lies in instigating a person to do a thing or the intentional doing of that thing by an act or illegal omission. Instigation is to goad, urge forward, provoke, incite or encourage to do "an act". To satisfy the requirement of instigation though it is not necessary that actual words must be used to that effect or what constitutes instigation must necessarily and specifically be suggestive of the consequence. Yet a reasonable certainty to incite the consequence must be capable of being spelt out. A word uttered in the fit of anger or emotion without intending the consequences to actually follow cannot be said to be instigation.

10.1 In the case of **Mahendra Awase v. State of Madhya Pradesh**, 2025 (1) Crimes 347 (SC), the observations

are made with regard to abetment of suicide. It has been held that in order to bring a case within purview of Section 306 IPC, there must be a case of suicide and in commission of said offence, person who is said to have abetted commission of suicide must have played active role by act of instigation or by doing certain act to facilitate commission of suicide. It has been further observed that the act of abetment by person charged with said offence must be proved and established by prosecution before he could be convicted under Section 306 IPC. It is further observed that to satisfy requirement of instigation, accused by his act or omission or by a continued course of conduct should have created such circumstances that deceased was left with no other option, except to commit suicide.

10.2 In the case of **Amalendu Pal alias Jhantu versus State of West Bengal, (2010) 1 SCC 707**, it has been held that in a case of alleged abetment of suicide, there must be proof of direct or indirect act(s) of incitement to the commission of suicide. Merely on the allegation of harassment without there being any positive action proximate to the time of occurrence on the part of the accused which led or compelled the deceased to commit suicide, conviction in terms of Section 306 IPC would not be sustainable.

10.3 In the case of **Rajesh v. State of Haryana, (2020) 15 SCC 359**, after considering the provisions of Sections 306 and 107 of IPC, the Court held that conviction under Section 306 IPC is not sustainable on the allegation of harassment without there being any positive action proximate to the time of occurrence on the part of the accused which led or compelled the person to commit suicide.

10.4 In the case of **Amudha v. State, 2024 INSC 244**, it was held that there has to be an act of incitement on the part of the accused proximate to the date on which the deceased committed suicide. The act attributed should not only be proximate to the time of suicide but should also be of such a nature that the deceased was left with no alternative but to take the drastic step of committing suicide.

11. Further, learned APP is not in a position to show any evidence to take a contrary view in the matter or that the approach of the Court below is vitiated by some manifest illegality or that the decision is perverse or that the Court below has ignored the material evidence on record. In above view of the matter, this Court is of the considered opinion that the Court below was completely justified in passing impugned judgment and order.

12. Considering the impugned judgment, the trial Court has recorded that there was no direct evidence connecting the accused with the incident and there are contradictions in the depositions of the prosecution witnesses. In absence of the direct evidence, it cannot be proved that the accused are involved in the offence. Further, the motive of the accused behind the incident is not established. The trial Court has rightly considered all the evidence on record and passed the impugned judgment. The trial Court has rightly evaluated the facts and the evidence on record.

13. It is also a settled legal position that in acquittal appeal, the appellate court is not required to re-write the judgment or to give fresh reasoning, when the reasons assigned by the Court below are found to be just and proper. Such principle is down by the Apex Court in the case of **State of Karnataka Vs. Hemareddy**, reported in **AIR 1981 SC 1417** wherein it is held as under :

“... This court has observed in Girija Nandini Devi V. Bigendra Nandini Chaudhary (1967)1 SCR 93: (AIR 1967 SC 1124) that it is not the duty of the appellate court when it agrees with the view of the trial court on the evidence to repeat the narration of the evidence or to

reiterate the reasons given by the trial court expression of general agreement with the reasons given by the Court the decision of which is under appeal, will ordinarily suffice.”

14. Thus, in case the appellate court agrees with the reasons and the opinion given by the lower court, then the discussion of evidence at length is not necessary.

15. In the case of ***Ram Kumar v. State of Haryana***, reported in ***AIR 1995 SC 280***, Supreme Court has held as under :

“The powers of the High Court in an appeal from order of acquittal to reassess the evidence and reach its own conclusions under Sections 378 and 379, Cr.P.C. are as extensive as in any appeal against the order of conviction. But as a rule of prudence, it is desirable that the High Court should give proper weight and consideration to the view of the Trial Court with regard to the credibility of the witness, the presumption of innocence in favour of the accused, the right of the accused to the benefit of any doubt and the slowness of appellate Court in

justifying a finding of fact arrived at by a Judge who had the advantage of seeing the witness. It is settled law that if the main grounds on which the lower Court has based its order acquitting the accused are reasonable and plausible, and the same cannot entirely and effectively be dislodged or demolished, the High Court should not disturb the order of acquittal."

16. As observed by the Hon'ble Supreme Court in the case of ***Rajesh Singh & Others vs. State of Uttar Pradesh*** reported in ***(2011) 11 SCC 444*** and in the case of ***Bhaiyamiyan Alias Jardar Khan and Another vs. State of Madhya Pradesh*** reported in ***(2011) 6 SCC 394***, while dealing with the judgment of acquittal, unless reasoning by the trial Court is found to be perverse, the acquittal cannot be upset. It is further observed that High Court's interference in such appeal is somewhat circumscribed and if the view taken by the trial Court is possible on the evidence, the High Court should stay its hands and not interfere in the matter in the belief that if it had been the trial Court, it might have taken a different view.

17. In the case of **Chandrappa v. State of Karnataka**,

reported in (2007) 4 SCC 415, the Hon'ble Apex Court has observed as under:

“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, reappreciate 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.”

18. The Hon’ble Apex Court, in a recent decision, in the case of ***Constable 907 Surendra Singh and Another V/s State of Uttarakhand reported in (2025) 5 SCC 433***, has held in paragraph 24 as under:

“24. It could thus be seen that it is a settled legal position that the interference with the finding of acquittal recorded by the learned trial Judge would be warranted by the High Court only if the judgment of acquittal suffers from patent perversity; that the same is based on a misreading/omission to consider material evidence on record; and 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.”

19. Considering the aforesaid facts and circumstances of the case and law laid down by the Hon'ble Supreme Court while considering the scope of appeal under Section 378 of the Code of Criminal Procedure, 1973 no case is made out to interfere with the impugned judgment and order of acquittal.

20. In view of above facts and circumstances of the case, on my careful re-appreciation of the entire evidence, I found that there is no infirmity or irregularity in the findings of fact recorded by learned trial Court and under the circumstances, the learned trial Court has rightly acquitted the respondent/s - accused for the elaborate reasons

stated in the impugned judgment and I also endorse the view/finding of the learned trial Court leading to the acquittal.

21. In view of the above and for the reasons stated above, the present Criminal Appeal fails and the same deserves to be dismissed and is ***dismissed***, accordingly. Record & Proceedings be remitted to the concerned trial Court forthwith.

SRILATHA

(SANJEEV J.THAKER,J)