

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr. Appeal (SJ) No. 1711 of 2003

Fuldeo Mahtha, son of Dime Mahtha, resident of Village: Rajpura,
P.S.: Madhupur, District- Deoghar

... .. **Appellant**

Versus

The State of Jharkhand

... .. **Respondent**

with

Cr. Appeal (SJ) No. 1749 of 2003

1. Dinu Mahtha, son of Late Titu Mahtha

2. Dhaneshwar Mahtha, son of Dinu Mahtha

3. Girja Devi, wife of Sri Dinu Mahtha

All residents of Village- Rajpura, P.S.: Madhupur, District-
Deoghar

... .. **Appellants**

Versus

The State of Jharkhand

... .. **Respondent**

CORAM: HON'BLE MRS. JUSTICE ANUBHA RAWAT CHOUDHARY

For the Appellants : Mr. Peeyush Krishna Choudhary, Advocate

For the Respondent : Mr. Abhay Kr. Tiwari, APP

14/17.03.2026 Heard the learned counsel appearing on behalf of the parties.

2. The learned counsel for the appellants submitted that in these two cases, the appellant in Criminal Appeal (SJ) No.1711 of 2003 is the husband of the deceased and the appellants in Cr. Appeal (SJ) No.1749 of 2003 are the father-in-law, elder brother-in-law and mother-in-law of the of the deceased respectively.

3. The learned counsel for the appellants submitted that although there is allegation that there was a demand of Rs.10,000/-, but no earlier steps were taken in connection with such demand and the allegation with respect to the demand has come up for the first time only through the F.I.R. He submitted that the victim had expired and charge was framed under Section 304B/34 of Indian Penal Code (*hereinafter referred to as the "IPC"*), but the accused persons have not been convicted with respect to the said charge and the conviction is only under Section 498A of IPC.

4. The learned counsel submitted that as per the defence evidence and also as per the evidence of the Investigating Officer, P.W. 6, the

victim had given birth to a male child on 07.08.2000 and on account of the child being dead and there was excessive bleeding the victim died on 17.08.2000 in course of treatment at hospital.

5. The learned counsel submitted that it was because of this evidence, the accused has been acquitted for the offence under Section 304B of IPC. He also submitted that the accused persons other than the husband have been directed to undergo rigorous imprisonment for two years and so far as the husband is concerned, he has been directed to undergo rigorous imprisonment for three years and fine of Rs.1,000/-.

6. The learned counsel has submitted that the fact that there was no previous complaint lodged in connection with the demand of dowry creates a serious doubt with respect to the allegation of demand of dowry and primarily the case has been lodged for the reason that the victim had died.

7. The learned counsel for the State has opposed the prayer and submitted that the informant, who is the brother of the deceased, and other prosecution witnesses including the I.O. and the family members of the victim have fully supported the prosecution case and the informant in his cross-examination has stated that no complaint was earlier lodged in connection with the demand of dowry in order to save the prestige of the family. The learned counsel submitted that the reason for not filing any complaint earlier has been duly explained by the informant, P.W.5, and there is consistent evidence on record with respect to demand of dowry, and therefore, the appellants including the husband has been rightly convicted by the learned trial court.

8. Arguments concluded.

9. Post this case tomorrow i.e. on 18.03.2026 for dictation of the judgement.

(Anubha Rawat Choudhary, J.)

Saurav/-