



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.791 of 2025

(In the matter of an application under Section 415(2) of Bharatiya
Nagarik Suraksha Sanhita, 2023 corresponding to Section 374(2)
of Criminal Procedure Code, 1973).

Rukmani Jain *Appellant (s)*
-versus-

State of Odisha *Respondent (s)*

Advocates appeared in the case through Hybrid Mode:

For Appellant (s) : *Ms. Adisha Mohanty, Adv.*

For Respondent (s) : *Ms. Gayatri Patra, ASC*

CORAM:

DR. JUSTICE SANJEEB K PANIGRAHI

DATE OF HEARING:-26.03.2026

DATE OF JUDGMENT:-17.04.2026

Dr. Sanjeeb K Panigrahi, J.

1. The Petitioner has filed the instant Criminal Appeal under Section 374(2) of the Code of Criminal Procedure, 1973/ Section 415(2) of Bharatiya Nagarik Suraksha Sanhita, 2023, invoking the appellant jurisdiction of this Court. The appeal is preferred against the Judgment dated 30.06.2025 passed by the learned Additional District and Sessions Judge, Nuapada, in S.C. Case No.58/17/3 of 2004-19, arising out of P.S. Case No. 104 of 2002, whereby the appellant has been convicted for the offences punishable under Section 304-B/498A of Indian Penal Code r/w Section 4 of Dowry Prohibition Act.



2. Upon such conviction, the learned Trial Court sentenced the Appellant to undergo rigorous imprisonment for 10 years and to pay fine of Rs 5,000/- and in default of payment of fine undergo rigorous imprisonment for six months for committing the offence under Section 304-B of IPC. The Appellant was further sentenced to undergo rigorous imprisonment of 3 years and to pay fine of Rs 5,000/- and in default to undergo rigorous imprisonment for six months for committing the offence under Section 498A of IPC. Additionally, the Appellant was sentenced to undergo rigorous imprisonment of 1 year and to pay fine of Rs 5,000/- and in default of payment of fine undergo rigorous imprisonment for two months for the offence under Section 4 of Dowry Prohibition Act.

I. FACTUAL MATRIX OF THE CASE:

3. The prosecution case in brief is as follows:
 - (i) In the year 1995, the deceased got married to the brother of the Appellant. It is alleged that shortly after the marriage, within about a week, the husband started subjecting the deceased to cruelty in connection with demands for dowry. Over a period of time, the Appellant, along with other members of the matrimonial family, is stated to have joined in and actively participated in inflicting such cruelty upon the deceased in furtherance of the said dowry demands.
 - (ii) On 14.10.20002 at about 6:00 A.M., while the informant was present in his residential house, he received a telephonic call from his niece, who informed him that her husband and in-



laws were coercing her to bring a sum of Rs 2 Lakhs towards dowry as per their demand. She further alleged that since the previous day, she had been subjected to abuse and physical assault, and was also threatened with dire consequences, including danger to her life, in case the said demand was not fulfilled.

- (iii) It is further alleged that upon being so informed, the informant talked to her husband and other in-laws, to which his niece replied that they had gone out for attending the call of nature and that, taking advantage of their absence, she had made the said phone call. The informant thereupon assured her not to worry and stated that he, along with the mother of the deceased and other relatives, would proceed to Komna and, after discussion with the husband of the deceased and other family members, would endeavor to resolve the matter.
- (iv) It is further alleged that at about 7 to 9 AM., the husband of the deceased telephonically informed the informant about the incident. upon receiving the said information, the informant, along with the mother and elder mother of the deceased, immediately proceeded to Komna. On reaching there, they found that the informant's niece had already succumbed to death, and in the meantime, her father-in-law had made arrangements for her cremation.
- (v) Thereafter, the informant lodged the F.I.R. at Komna P.S. Upon registration of the case, the Investigating officer took



up the investigation, examined the witnesses, recorded their statements, and visited the place of occurrence. On completion of the investigation, the I.O. submitted chargesheet against the Appellant.

- (vi) Thereupon, the prosecution examined 22 witnesses in support of its case. Upon conclusion of the trial, the learned Additional District and Sessions Judge, Nuapada found the Appellant guilty of the offences under Section 304B, 498A of IPC and Section 4 of Dowry Prohibition Act.

Being aggrieved by the aforesaid facts and circumstances, the Petitioner has been constrained to approach this Court by way of the present criminal appeal.

II. SUBMISSIONS ON BEHALF OF THE APPELLANT:

4. The learned counsel for the Appellant respectfully and earnestly made the following submissions in support of his contentions:
- (i) The Appellants submits that the judgment of conviction and order of sentence passed by the learned Additional District and Sessions Judge, Nuapada, whereby the appellant has been convicted and sentenced to undergo rigorous imprisonment along with imposition of fine, is wholly erroneous, unsustainable both on facts and in law and is liable to be set aside.
- (ii) The Appellants further submits that the learned Trial Court has failed to properly appreciate the materials and evidences available on record and thereby erroneously recorded the



order of conviction. It is contended that the Trial Court has not applied the cardinal principles of criminal jurisprudence and the settled principles governing the appreciation of evidence, as a result of which the impugned judgment has become legally unsustainable.

- (iii) The Appellants contend that the learned Trial Court ought to have disbelieved the entire prosecution case inasmuch as no material object in support of the prosecution case, nor seized article, was produced before the learned Trial Court for examination, and therefore the ingredients of Section 304-B, 498A of I.P.C. and Section 4 of Dowry Prohibition Act have not been duly proved.
- (iv) The Appellants further contend that basing upon the evidence of the related and interested witness the learned Trial Court has convicted the Appellant whose evidence suffers from contradiction, inherent, improbabilities, and inconsistencies and without seeking independent corroboration, whereby the learned Trial Court has arrived at a wrong conclusion.
- (v) The Appellants further contend that the earliest First Information Report has been deliberately suppressed and that the F.I.R. marked as Ext.-1 is a manufactured document. It is also contended that P.W.1, the uncle of the deceased and the informant, has deposed that on 14.10.2002 he had submitted two written reports at the police station under the



instructions of the Officer-in-Charge, who initially directed him to file a preliminary report and thereafter to submit a formal report on the following day, i.e., on 15.10.2002. It is further highlighted that the said report was allegedly written by P.W.1 in the presence of the police. On this basis, it is argued that the report, which reached the Court on 16.10.2002, was subsequently brought into existence for the purposes of the case, thereby casting serious doubt on the authenticity of the prosecution version.

- (vi) The Appellant further contends that there is no material record to establish that the deceased was subjected to torture and ill-treatment soon before her death in connection with demand of dowry. It is further submitted that, in the absence of any such cogent evidence, there is nothing to implicate the Appellant or to demonstrate that she had participated in the alleged crime or had played any role in subjecting the deceased to cruelty or harassment proximate to her death.
- (vii) The Appellant further contends that P.W.15, in his evidence has admitted that at the time of negotiation of marriage, the bridegroom Debendra was presented with a gold ring, new cloth and a *Tika* amounting to Rs. 71,000/- was given to his father. It is also submitted that such articles were provided in accordance with prevailing caste customs and not as a consequence of any unlawful demand of dowry. In view of the aforesaid material elicited during the cross examination of



the related witness, it is urged that the learned Trial Court erred in arriving at an erroneous conclusion contrary to the evidence on record.

- (viii) The Appellant further submits that she examined herself as D.W.1 and deposed that she had been employed as a Clerk at the Ordnance Factory, Badmal since the year 2000 and, following her marriage in 1998, she had been residing with her husband at Badmal. She has further stated that upon receiving information regarding the death of her bhabhuja (sister-in-law), she, along with her husband and child, reached her parental house at about 5:00 P.M on the day of the incident. It is also her evidence that prior to the said employment, she had been serving as a Junior Clerk in the office of the Sub-Collector, Nuapada since October, 1994.
- (ix) Building on the aforesaid evidence, the Appellant argues that her alleged involvement is inherently improbable. It is pointed out that she was a government employee, bound by regular office hours from 10:00 A.M. to 5:00 P.M., and was residing away from the parental home. In such circumstances, it is contended that the suggestion of her making frequent visits and participating in the alleged acts alongside the co-accused lacks plausibility. The Appellant further emphasizes that the prosecution has failed to place any clear, consistent or convincing material on record to show that she had made persistent dowry demands. In the absence



of such evidence, her implication in the case is projected as speculative and unsupported.

- (x) The Appellant further contends that the testimony of P.W.7 does not inspire confidence. While in his examination-in-chief P.W.7 stated that about six years prior to the occurrence he had visited Bongamunda and attempted to dissuade the Appellant from subjecting the deceased to dowry-related harassment, his cross-examination reveals significant inconsistencies. He admitted that he had visited the house of the deceased only once and was unable to recall the exact day, date, month or even the year of such visit. In light of these material discrepancies and the absence of specific particulars, it is argued that the evidence of P.W.7 is vague, uncertain and unreliable, and therefore ought not to have been relied upon by the learned Trial Court in reaching its conclusions.
- (xi) The Appellant further points to what are described as material contradictions in the prosecution's narrative regarding the alleged subsequent demand for dowry. It is highlighted that P.W.1, in his deposition, stated that a demand of ₹2,00,000/- was made three to four days after the marriage of the deceased. At the same time, he asserted that all the accused persons had made such a demand, while also admitting that no dowry demand was raised at the time of the marriage itself. These shifting and internally inconsistent



statements casts a serious shadow over the prosecution's version and undermine the credibility of the allegation of dowry demand. It is further contended that the evidence on record clearly establishes that there existed a cordial and harmonious relationship between the deceased and her husband prior to her death. It is submitted that P.W.4, 5 and 6 have stated that the deceased used to attend family functions and stayed with them for considerable periods, which reflects normal matrimonial relations.

- (xii) The Appellant further submits that the evidence of independent witnesses does not support the prosecution's case. It is pointed out that P.Ws. 12, 13, 14 and 16 have all stated that the deceased and her husband were leading a peaceful and harmonious marital life. Particular emphasis is placed on the testimony of P.W.16, a neighbour, who categorically deposed that he had never witnessed any instance of torture or ill-treatment being inflicted upon the deceased by any of the accused, including the present Appellant. In light of such consistent and independent testimony suggesting normalcy in the marital relationship, it is contended that the learned Trial Court erred in discarding their evidence and in arriving at a contrary finding.
- (xiii) The Appellant further advances the plea that the death of the deceased was suicidal in nature. It is pointed out that P.W.17, the doctor who conducted the post-mortem examination,



stated in his cross-examination that where a person attempts suicide by using a ligature such as a dupatta and is rescued within a short span of time, the possibility of injuries of the nature noted in Ext.-11 cannot be ruled out. Additionally, reliance is placed on the evidence of P.W.22, the doctor at Mission Hospital who first examined the deceased, who deposed that no external injuries were found on her person at the time of examination. On the strength of this medical evidence, it is contended that the prosecution has failed to establish that the deceased was subjected to cruelty or assault by her in-laws soon before her death, and that the circumstances, on the contrary, indicate a case of suicide rather than homicidal violence.

- (xiv) The Appellant submits that the investigation conducted in the present case is biased and perfunctory in nature. It is contended that P.W.21, the I.O., has admitted that he recorded the statements of the relatives of the deceased after translating their mixed language; however, no endorsement or certification to that effect has been made by him. It is further submitted that such statements were not forwarded to the Court along with the accused at the time of production.
- (xv) The Appellant further contends that the investigation suffers from significant omissions, inasmuch as the Investigating Officer failed to seize or produce the telephone numbers and call detail records of the accused persons as well as of the



parents and relatives of the deceased. According to the Appellant, such evidence was crucial to ascertain whether the deceased had made any telephonic communication on the alleged date of occurrence or at any time prior thereto. It is additionally pointed out that the prosecution witnesses have given conflicting accounts regarding the receipt of calls from the deceased. In light of these investigative lapses and material inconsistencies, it is urged that the prosecution case is rendered doubtful and cannot be safely relied upon

(xvi) The Appellants further submit that even the judgment of the learned Trial Court acknowledges the absence of direct evidence and notes the presence of material contradictions in relation to the allegations forming the basis of the offences. Despite recording such findings, the Trial Court is stated to have erroneously observed that the Appellant, in her defence, had offered nothing beyond bald denials. According to the Appellants, this observation runs contrary to the evidence on record, particularly the testimony of D.W.1, and reflects a clear misappreciation of the defence case by the learned Trial Court.

III. SUBMISSIONS ON BEHALF OF THE RESPONDENT:

5. *Per contra*, the learned counsel for the Respondent earnestly made the submission that the present CRLA deserves to be rejected in limine.



- (i) The Respondent submits that, the learned Trial Court, upon proper appreciation of the oral and documentary evidence available on record, has rightly passed the impugned judgment of conviction and order of sentence against the Appellant. The findings recorded by the learned Trial Court are well-reasoned, based on cogent and credible evidence. Therefore, it is prayed that the judgment of conviction and sentence passed by the learned Trial Court be upheld and the appeal preferred by the Appellant be dismissed.
- (ii) It is vehemently contented on behalf of the Respondent that the prosecution has successfully established the commission of the offence under Section 498-A, 304B and 34 of IPC read with Section 4 of the Dowry Prohibition Act by adducing cogent and reliable evidences, thereby proving the case beyond all reasonable doubts.
- (iii) It is further submitted that the P.W.1, the uncle of the deceased as well as the informant of this case, has deposed that at about 06:00 A.M., he received a telephonic message from the deceased that the accused persons were assaulting her and demanding dowry of Rs 2 Lakhs. It is further stated that he, along with his wife, immediately proceeded to Komna; however, by the time they reached, the deceased had already expired.
- (iv) The Respondent further contends that the accused person in the present case is heartless, and upon seeing the deceased



lying dead, it was stated that *“Marigala Bhala Hela Pilamanaku Sangare Neithile Bhala Hoithanta”*. Which, according to the defence, indicate the culpable intent and participation in the alleged offence.

- (v) The Respondent further contends that black marks were found on the neck of the deceased. It is further submitted that, upon being questioned, the co-accused Debendra Jain stated that in the early morning the deceased had attempted to commit suicide by means of a Dupatta, and that he had intervened and saved her. It is also contended that there was no visible sign of grief or sorrow on the faces of the accused persons, as alleged.
- (vi) Hence, the Respondent contend that the aforesaid circumstances clearly indicate that the death of the deceased occurred due to the alleged offences, resulting in her death. It is therefore submitted that the learned Trial Court, upon proper appreciation of the circumstantial evidences available on record, has rightly held that the accused persons guilty and convicted them in accordance with law.

IV. FINDINGS OF THE ADDITIONAL DISTRICT AND SESSIONS JUDGE, NUAPADA:

- 6. The learned Trial Court framed charges under Section 498A/304B and 34 of the Indian Penal Code read with Section 4 of the Dowry Prohibition Act, alleging that they had instigated and caused the death of the deceased. Upon conclusion of the trial and



appreciation of the evidence adduced by the prosecution, it was found that the accused guilty and accordingly convicted them under Section 498A/304B and 34 of the Indian Penal Code read with Section 4 of the Dowry Prohibition Act.

7. Upon appreciation of the oral and documentary evidence available on record, the learned Trial Court held that sufficient materials were available to substantiate the charges framed against the accused. On a careful evaluation of the testimonies of the victim, the medical officers and the Investigating Officers, the learned Trial Court arrived at the conclusions there was torture and cruelty was done to the deceased. Accordingly, the Trial Court held that the charges under Section 498A/304B and 34 of the Indian Penal Code read with Section 4 of the Dowry Prohibition Act stood proved.
8. In order to bring home the charge under Section 304B of IPC, the materials shows that soon before her death victim was subjected to cruelty or harassment and it would depend upon circumstances of each case and no strait-jacket formula can be laid down and in the link of facts of the case there was cruelty in connection with the demand of dowry and the death.
9. And in order to bring the charges under Section 498A of I.P.C. that the deceased was subject to cruelty and harassment by the accused persons who are husband and relatives of her husband in connection with the demand of dowry.
10. In the instant matter so, far as, Section 4 of the Dory Prohibition Act is concerned, the consistent evidence come out that just after the



marriage of the deceased with the accused person, the accused persons along with his relatives demanded further dowry of Rs. 2 Lakhs. As the parents could not able to meet such demand, the accused person started to torture and ill-treat her.

11. On the basis of the aforesaid findings, the learned Trial Court concluded that the prosecution had successfully established the offence under Section 304B/ 498-A of IPC read with Section 4 of the Dowry Prohibition Act. Consequently, the accused was convicted and sentenced to undergo rigorous imprisonment for a period of 10 years and pay fine of Rs 5,000/- in default whereof he shall undergo rigorous imprisonment for a period of six months for committing the offence under Section 304B of the IPC. The Appellant is also sentenced to undergo rigorous imprisonment for a period of 3 years and pay fine of Rs 5,000/- in default whereof he shall undergo rigorous imprisonment for a period of six months for committing the offence under Section 498A of the IPC. Further, the Appellant is sentenced to undergo rigorous imprisonment for a period of 1 year and pay fine of Rs 5,000/- in default whereof he shall undergo rigorous imprisonment for a period of two months for committing the offence under Section 4 of the Dowry Prohibition Act. And the substantive sentences shall run concurrently.

V. COURT'S REASONING AND ANALYSIS:

12. Heard Learned Counsel for the parties and perused the documents placed before this Court.



13. The provision embodied under Section 498A of the Indian Penal Code places “cruelty” at the very core of the offence, making it the foundational element upon which the entire charge rests. The Legislature, in its considered wisdom, has not left the expression to the uncertainties of judicial interpretation; instead, it has provided a clear and structured definition, reflecting both precision and a purposive legislative intent to delineate the contours of the offence with certainty.
14. It is well settled that not every instance of matrimonial discord or ordinary domestic friction would, ipso facto, attract the rigours of Section 498A IPC. The “cruelty” contemplated under the provision must attain a degree of gravity and intensity such that it is likely to drive the woman to commit suicide or to cause grave injury or imminent danger to her life, limb, or health. The statutory conception of cruelty thus extends beyond mere physical harm and squarely encompasses sustained mental and emotional abuse affecting the psychological well-being of the woman.
15. The provision, in its second limb, extends its protective sweep to a distinct form of cruelty that is coercive and instrumental in character. The Legislature, in its manifest wisdom, has criminalised the harassment of a married woman where such conduct is intended to coerce her, or any person related to her, into meeting an unlawful demand for property or valuable security made by the husband or his relatives. The legislative design thus acknowledges that matrimonial cruelty is not confined to overt physical violence;



it may, with equal severity, manifest through sustained psychological pressure, calculated intimidation, and persistent coercion directed at the woman or her family members.

16. It is a settled principle of criminal jurisprudence that allegations under Section 498-A IPC must be specific, distinct and supported by cogent material, particularly when they are directed against the relatives of the husband. Mere omnibus or bald allegations, unaccompanied by clear attribution of individual acts or overt conduct, fall short of the threshold necessary to sustain a criminal prosecution. In the present case, the accusations levelled against the sister-in-law are general and sweeping in nature, bereft of any delineation of her independent role or specific involvement in the alleged acts of cruelty. In the absence of such particularized allegations, it is contended that convicting the petitioner would amount to an abuse of the process of law.
17. It is a cardinal principle of criminal jurisprudence, firmly embedded in our legal system, that criminal liability cannot be fastened upon an accused merely on the basis of her presence in the matrimonial home at any given point of time. Mere presence, standing alone and unaccompanied by any overt act or culpable conduct, is neither indicative of guilt nor a substitute for proof of intention or participation. In the absence of clear evidence demonstrating active involvement or a defined role in the alleged offence, such presence remains legally insufficient to sustain a finding of criminal liability.



18. In the present case, it is of significance that the Appellant is the daughter of the deceased's in-laws. The ties of blood and the enduring obligations of filial piety confer upon a daughter not only the right, but a natural and socially recognized duty to visit her parental home and to care for her parents with affection and concern. Such visits are but a normal expression of familial bonds, long regarded as both natural and commendable. To transmute these innocent and customary associations into a basis for criminal culpability would be to impose an unwarranted burden upon the Appellant and would undermine the very foundation of familial relationships as understood in law and society.
19. The timeless Latin maxim *actus non facit reum nisi mens sit rea* stands as a sentinel of individual liberty within criminal jurisprudence. Its import is clear that an act does not render a person guilty unless it is accompanied by a guilty mind. Criminal liability, therefore, attaches only to conduct that is intentional and informed by a conscious, blameworthy state of mind. Mere passive association or the fact of being related as to whether as a sister, daughter, or otherwise can never, under any tenable construction of law, constitute the actus reus necessary to sustain a conviction. The law does not punish mere association or proximity; it insists upon proof of a positive overt act coupled with the requisite culpable intention.
20. A scrutiny of the record before this Court reveals a conspicuous and telling lacuna in the case set up by the prosecution. In so far as



the sister-in-law of the deceased, referred to in the vernacular as *Bhauja*, is concerned, the evidence adduced is wholly devoid of any specific over act, any identified date or occasion, any delineated instance of misconduct, any particular conversation of a threatening or coercive character, or any independent conduct attributable to her in furtherance of any alleged criminal enterprise.

21. The prosecution has, in effect, sought to rope in the Appellant upon the strength of a bare omnibus allegation, a course that this Court is duty-bound to reject with firmness. It is settled law, affirmed by a long and unbroken line of judicial authority, that vague, general and sweeping allegations, unsupported by particulars, cannot sustain a conviction. If this we permit such a course would be to reduce criminal adjudication to a mere instrument of familial vendetta and to render the constitutional guarantee of personal liberty illusory.
22. The similar sentiments have been echoed by the Supreme Court in the case of *Mamidid Anil Kumar Reddy v. State of A.P.*¹, the Court observed that:

“14.....A bare perusal of the complaint, statements of witnesses’ and the charge-sheet shows that the allegations against the Appellants are wholly general and omnibus in nature; even if they are taken in their entirety, they do not prima facie make out a case against the Appellants. The material on record neither discloses any particulars of the offences alleged nor discloses the

¹ 2024 SCC Online SC 127



specific role/ allegations assigned to any of the Appellants in the commission of the offences.

15. The phenomenon of false implication by way of general omnibus allegations in the course of matrimonial disputes is not unknown to this Court. In Kahkashan Kausar alias Sonam v. State of Bihar, this Court dealt with a similar case wherein the allegations made by the complainant-wife against her in-laws under section 498-A and others were vague and general, lacking any specific role and particulars. The court proceeded to quash the FIR against the accused persons and noted that such a situation, if left unchecked, would result in the abuse of the process of law."

23. In the considered view of this Court, the implication of the Appellant, the sister-in-law of the deceased, in the absence of any specific, cogent, and credible allegation of an overact on her part is legally untenable and factually unsustainable. Criminal liability cannot be inferred from the mere accident of relationship or the innocent fact of visitation to a parental home. The Appellant cannot be made to bear the burden of a criminal conviction upon the altar of conjecture and surmise, where the prosecution has conspicuously failed to particularise any act, instance, or conduct that would implicate her in the commission of the alleged offence.
24. This Court finds that, in the facts of the present case, the allegations on record do not satisfy the essential ingredients to constitute an offence under Section 498-A IPC. Insofar as the sister-in-law is concerned, the evidence reveals that she has been employed at the



Ordinance Factory, Badmal since the year 2000 and has been residing with her husband ever since her marriage in 1988. The said factory is about 150 Km from the place of occurrence. These circumstances clearly indicate that she was living separately from the matrimonial home of the deceased and has no direct or proximate connection with the alleged occurrences. In the absence of any material establishing a nexus between her conduct and the death of the deceased, the allegations against her cannot be sustained in the eye of law.

25. It further appears from the materials on record that the Appellant had no proximate involvement in the alleged occurrence. On the contrary, the evidence discloses that upon receiving information regarding the incident involving her bhauja (sister-in-law), she promptly rushed to the matrimonial home out of concern for the well-being of the deceased. Such conduct, viewed in its proper perspective, is consistent with natural human response and does not, in any manner, evince any element of cruelty or harassment. Consequently, the same does not bring her conduct within the ambit of Section 498-A of IPC.
26. The cumulative effect of the inconsistencies and discrepancies in the prosecution case casts a serious doubt on its veracity and reliability. Such infirmities create a cloud over the prosecution's version, rendering it unsafe to place implicit reliance upon the same. This Court, therefore, takes the considered view that the evidence on record falls short of establishing the essential



ingredients required to attract the offence under Section 498A of IPC against the Appellant, beyond all reasonable doubt.

27. It is a well-settled proposition of law, affirmed and reiterated by the Supreme Court in a long and unbroken series of pronouncements, that in order to bring home the charge of dowry death under Section 304-B of IPC, the prosecution is obliged to establish, beyond reasonable doubt, the concurrent presence of the following essential ingredients. These conditions are cumulative and conjunctive in nature; the absence of even one shall be fatal to the charge.

- (i) *Death of a woman must have been caused by nay burns or bodily injury or it must have occurred otherwise than under normal circumstances;*
- (ii) *Such death must have occurred within seven years of marriage.*
- (iii) *Soon before such death, she must have been subjected to cruelty or harassment by her husband or any relative of her husband; and*
- (iv) *Such cruelty or harassment must be in connection with nay demand for dowry.*

This Court is bound to remind itself that the four ingredients enumerated above must each be independently established and must coexist simultaneously. A failure to prove any one of them shall inexorably result in the collapse of the charge under Section 304-B of IPC, howsoever grave the suspicions that may linger against the accused. The presumption under Section 113-B of the



Indian Evidence Act shall be triggered only upon proof of these foundational facts, and it is upon that bedrock of established fact alone that the presumptions of dowry may be lawfully be raised and the burden shifted upon the accused to rebut it.

28. Upon careful appraisal of the evidence on record, this Court finds that the testimonies do not disclose any instance of demand of dowry by the Appellant, either prior to or at the time of the marriage of the deceased with her brother. There is a conspicuous absence of any material to suggest that the Appellant had, at any point of time, directly or indirectly raised a demand of dowry from the deceased. Furthermore, no independent witness from the locality has come forward to substantiate the allegation of dowry demand insofar as the present Appellant is concerned. In such circumstances, this Court is constrained to hold that one of the foundational ingredients of the offence of dowry death, namely the existence of a demand dowry, has not been established beyond reasonable doubt.
29. This Court placed reliance in the judgment in the case of *Charanjit Singh v. State of Uttarakhand*², wherein the Court noted that the relation to Section 113B of Indian Evidence Act and Section 304B of IPC and it was held that:

“21. It is only certain oral averments regarding demand of motorcycle and land which is also much prior to the incident. the aforesaid evidence led by the prosecution does not fulfill the pre-requisites to invoke

² 2023 INSC 404



presumption under Section 304B IPC or Section 113B of the Indian Evidence Act.....

23. On a collective appreciation of the evidence led by the prosecution, we are of the considered view that the prerequisites to raise presumption under Section 304B of IPC and Section 113B of Indian Evidence Act having not being fulfilled, the conviction of the appellant cannot be justified. Mere death of the deceased being unnatural in the matrimonial home within seven years of marriage will not be sufficient to convict the accused under Section 304B and Section 498A of IPC”.

30. Similarly, in the case in hand, the prosecution has failed to establish, by cogent and reliable evidence, that the deceased was subjected to cruelty or harassment by the present Appellant soon before her death in connection with any alleged demand for dowry. The evidence on record does not satisfy the essential requirements of a proximate and live link between the alleged cruelty and the death of the deceased. In the absence of such proof, this Court is of the considered opinion that the foundational ingredients necessary to attract the offence of dowry death are not made out. Accordingly, the present case does not fall within the ambit of Section 304-B of IPC and Section 4 of the Dowry Prohibition Act.
31. From the foregoing discussions, it is evident that the prosecution has failed to establish, beyond reasonable doubt, any act of harassment or cruelty at the instance of the present Appellant in connection with a demand of dowry. Be that as it may, once the essential ingredients constituting the offence of dowry death



remain unproved, the statutory presumption under Section 113-B of the Indian Evidence Act cannot be invoked in favour of the prosecution.

32. With regard to the allegations that the in-laws subjected the deceased to cruelty in connection with dowry demands, this Court finds that such assertions are vague, omnibus, and devoid of material particulars the evidence on record does not disclose any specific instance of harassment attributable to the present Appellant, who is the sister-in-law of the deceased. There is no clear or convincing material to establish either physical or mental cruelty of such a nature as would bring the case within the ambit of the penal provisions. In the absence of precise, cogent, and credible evidence, the allegations remain unsubstantiated and are wholly insufficient to sustain the charge in accordance with law.
33. Mere assertions that the deceased was often unhappy or seen weeping cannot, by themselves, lead to a conclusion beyond reasonable doubt that she was subjected to such harassment or conduct of a nature and degree as would drive her to commit suicide. It is apposite to observe that the evidence on record, as discussed hereinabove, falls short of establishing the essential ingredients of "cruelty" as contemplated under Sections 498-A and Section 304-B of IPC, as well as under Section 4 of the Dowry Prohibition Act. In the absence of cogent, reliable, and legally admissible evidence, the charges under the aforesaid provisions cannot be said to have been proved beyond reasonable doubt.



34. In the instant matter, there is no material on record to indicate that the Appellant had, in any manner, instigated the deceased to commit suicide or had engaged in any conspiracy so as to drive her, either mentally or physically, to take such an extreme step. There is also a complete absence of evidence to suggest that the Appellant had intentionally aided or facilitated the commission of suicide. On the contrary, the conduct of the Appellant, as borne out from the record, reveals that upon learning of the death of her sister-in-law (bhauja), she immediately rushed to her parental home which conduct is wholly inconsistent with the allegations levelled against her.
35. In view of the foregoing discussions, this Court finds that the findings recorded by the learned Trial Court suffers from material infirmity. The learned Trial Court has failed to properly appreciate the evidence on record and has erroneously arrived at a conclusion holding the Appellant guilty under Section 304-B, 498-A read with Section 34 of the Indian Penal Code, as well as Section 4 of the Dowry Prohibition Act. The impugned judgment of conviction, being unsustainable both in law and on facts, is hereby set aside. Consequently, the Appellant stands acquitted of all the charges levelled against her, and the conviction and sentence passed by the learned Trial Court are hereby quashed.

VI. CONCLUSION:



36. In view of the foregoing analysis and upon meticulous reading of the material facts and circumstances of the case, this Court is of the considered and firm opinion that the judgment of conviction and order of sentence passed by the learned Additional District and Sessions Judge, Nuapada, in S.C. Case No. 58/17/3 of 2004-19, suffer from manifest infirmity and thereby warranting interference by this Court.
37. The findings recorded by the learned Trial Court are not founded upon a proper and judicious appreciation of the evidence on record and are unsupported by cogent and convincing reasons. Accordingly, the present Criminal Appeal, being meritorious, deserves to be allowed. The judgment of conviction and order of sentence passed by the learned Trial Courts are hereby set-aside. Consequently, this Court is inclined to accede to the relief prayed for by the Appellant.
38. Accordingly, the CRLA stands **allowed**.
39. Interim order, if any, passed earlier stands vacated.

(Dr. Sanjeeb K Panigrahi)
Judge

*Orissa High Court, Cuttack,
Dated the 17th April, 2026/*