

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Criminal Appeal No. 290/1998

State of Rajasthan

----Appellant

Versus

1. Uday Lal son of Laxman, resident of Upla Odan Police Station Nathdwara, District Rajsamand.
2. Suresh son of Uday Lal resident of Upla Odan Police Station Nathdwara District Rajsamand.
3. Smt. Kesar Bai wife of Uday Lal resident of Upal Odan Police Station Nathdwara District Rajsamand.

----Respondent

For Appellant(s)	:	Mr. SR Choudhary, AGA
For Respondent(s)	:	Mr. SK Verma

HON'BLE MR. JUSTICE FARJAND ALI

Order

DATE OF CONCLUSION OF ARGUMENTS	:	23/04/2026
DATE ON WHICH ORDER IS RESERVED	:	23/04/2026
FULL ORDER OR OPERATIVE PART	:	Full Order
DATE OF PRONOUNCEMENT	:	07/05/2026

BY THE COURT:-

1. The State had filed an application seeking leave to appeal, which was duly granted. There was a delay in the presentation of the appeal, which has been condoned. Hence, the present appeal.
2. The prosecution story in a nutshell is that based upon a written report (Ex.-P/4) lodged on 30.07.1994 at the instance of P.W.-5 (Ram Lal), a report (Ex.-P/6) came to be lodged having allegations of maltreatment meted out to his daughter - Nirmala by her husband and in-laws, who died on 26.07.1994 and it was

suspected that either she committed suicide or was murdered by her in-laws.

2.1 Prior to lodging of the report above, on 26.07.1994, an inquest report (Merg Report) Ex.-P/5 got lodged for inquiry under Sections 174 and 176 of the Cr.P.C. on which site inspection Ex.-P/3 and Panchanama of dead body (Ex.-P/5) was prepared and autopsy was conducted by the Medical Board and the body had been handed over through memo Ex.-P/2. The respondents were charge-sheeted for having committed an offence under Sections 498-A and 306 of IPC.

3. Heard the learned counsel appearing on behalf of the petitioner and learned AGA.

4. It is borne out from the record that a rift had already crept into the matrimonial relationship between the spouses. The deceased had, for a considerable period, resided at her parental home after leaving the matrimonial house, and thereafter returned to her husband's residence on 27.06.1994. Tragically, she committed suicide on 26.07.1994. Though P.W.-5 (Ram Lal, father of the deceased), P.W.-6 (Champa Lal, grandfather), and P.W.-11 (Laxmi Lal, maternal uncle) have spoken about alleged maltreatment at the hands of the in-laws, the learned trial Court has, with due circumspection and prudence, noticed several discrepancies in their testimonies and has dealt with the same in a meticulous manner. In contradistinction, the statements of P.W.-3 (Radheyshyam) and P.W.-4 (Rama) assume pivotal significance in adjudicating the controversy at hand. Particularly, P.W.-4 (Rama) has deposed that he intervened in the strained matrimonial

relationship and, along with others, endeavoured to mediate between the spouses. As per his testimony, the father of the deceased was reluctant to send her back to her matrimonial home. Notably, the assertion of this witness that P.W.-5 (Ram Lal) demanded money in his presence remains uncontroverted by the prosecution witnesses, thereby lending credence to his version.

4.1 Furthermore, this witness has categorically stated that upon inquiring about the well-being of the deceased, he received a satisfactory response. He also deposed that the practice of dowry was not prevalent in their community; rather, it was customary for the groom's side to make certain payments at the time of marriage.

4.2 Significantly, no specific incident has been brought on record to substantiate the allegation that the accused persons ever instigated or abetted the deceased to commit suicide. The prosecution has failed to establish any proximate or immediate cause which could reasonably lead to the inference that the deceased, being left with no alternative, was compelled to take the extreme step.

4.3 The learned trial Court has undertaken a comprehensive and judicious appreciation of the evidence on record, which, in the considered opinion of this Court, does not warrant any interference. It is trite that in a prosecution under Section 306 of the IPC, the burden lies heavily upon the prosecution to prove, beyond reasonable doubt, that the accused had instigated or abetted the commission of suicide. In the present case, no such cogent or convincing material has been adduced.

4.4 The aspect that P.W.-5 (Ram Lal) had received a sum of Rs. 25,000/- from Udai Lal, as well as the absence of any evidence indicating cruelty or harassment after the deceased returned to her matrimonial home, has been duly adverted to by the learned trial Court. The finding that the accused Suresh, being a student pursuing his studies, was residing separately from his wife, thereby rendering the deceased unwilling to stay at her matrimonial home, carries considerable force.

4.5 Although the immediate cause that impelled the deceased to commit suicide is not discernible from the record, it cannot be overlooked that the prosecution has failed to discharge its bounden duty of establishing the foundational facts necessary to bring home the charge of abetment. The prosecution has thus miserably failed to substantiate its case.

5. It is nigh well settled that there is a presumption of innocence in favour of an accused and the same gets further fortification after his acquittal by a reasoned judgment of a Court of competent jurisdiction. The Court of appeal should be slow and should show reluctance in making interference in a well reasoned judgment of acquittal. It should be kept in mind that until and unless it is observed that the judgment of acquittal is a product of total non-consideration of the material brought on record or it is against any provision of law or is concluded upon misappreciation of evidence; the appellate Court should not interfere in the finding reached by the trial Court. If after re-appreciation of evidence, a stage comes where two views seem possible still the Court should tend to accept the view favourable to the accused. Hon'ble the

Supreme Court in its pronouncement in the matter of **Mallappa & Ors. Versus State of Karnataka** (Criminal Appeal NO. 1162/2011 decided on 12.02.2024) had an occasion to expound common principles in respect of the issue involved in like cases while entertaining an appeal against acquittal; the relevant Para No.36 is reproduced 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 or 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.”

6. In view of the above and upon scrutiny of the record of the case, we see no reason to disturb the finding of acquittal arrived at by the learned trial Judge after anxious consideration of the material on record.

7. Accordingly, there is no force in the Criminal Appeal, the same deserves to be and is hereby dismissed. The judgment of acquittal dated 12.08.1997 passed by the learned Additional District and Sessions Judge, Rajsamand in Sessions Case No. 70/1996 is affirmed. They are acquitted of the charges.

8. The accused persons need not to surrender or appear before this Court if any process has been issued then the same be withdrawn immediately. The bail bonds furnished by the accused persons stand discharged.

9. Record of the case be sent back forthwith.

(FARJAND ALI),J