

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Criminal Appeal No. 176/2004

State Of Raj.

----Appellant

Versus

1. Vishan Lal S/o Sh. Kundan Lal
2. Mst. Resam W/o Sh. Kundan Lal
R/o Sirmaur, P.S. Ramgarh, District Alwar

----Accused-Respondents

For Appellant(s)	:	Mr. Amit Kumar Punia, PP
For Respondent(s)	:	None

HON'BLE MR. JUSTICE MAHENDAR KUMAR GOYAL
HON'BLE MR. JUSTICE SAMEER JAIN

Judgment

24/02/2026

(Per Hon'ble Mahendar Kumar Goyal, J.)

This criminal appeal under Section 378 Cr.P.C. is preferred by the appellant-State aggrieved by the judgment dated 29.04.2003 passed by the learned Additional District and Sessions Judge (Fast Track), District Alwar (for brevity, 'the learned trial Court') in Sessions Case No. 10/2003 (11/2003), whereby, the accused-respondents (for short, 'the respondents') have been acquitted of the charges framed under Sections 498-A, 304-B IPC and in alternative, under Section 306 of IPC.

The relevant facts in brief are that the complainant-Shri Prem Chand Jatav submitted a typed report (Ex. P11) with the Superintendent of Police, Alwar on 02.10.2002 stating therein that his two daughters namely Beena and Pinky were married on 22.11.1999 with two brothers namely Budhraj and Vishan son of

Kundan Lal wherein, he had given dowry as per his status. It was alleged that soon thereafter, both the sisters were being harassed and tortured by their in-laws with regard to demand of dowry. It was alleged that when few days ago, he and his wife had gone to Village-Sirmaur to meet his daughter Beena, the members of her in-laws demanded a Buffalo and ₹20,000/- in cash in dowry whereas, he had already given two goats, one cow and ₹5,000/-. It was averred that on 01.10.2002, he received a message that his daughter Beena has committed suicide by consuming poison and when they saw her dead body, there were injuries marks on it. It was also alleged that since the jurisdictional Station House Officer had refused to lodge the FIR being hand in gloves with the accused side, the complaint was being filed. Based thereupon, an FIR No. 253/2002 came to be registered at Police Station Ramgarh, District-Alwar for the offence under Section 498-A and 304-B IPC. The police after investigation, charge-sheeted the respondents under Section 498-A, 304-B IPC. Charges were framed against them under Sections 498-A, 304-B IPC and in alternative, under Section 306 IPC. After trial, they have been acquitted, as supra.

Assailing the impugned judgment, learned Public Prosecutor submitted that the deceased Beena has died unnatural death within three years of her marriage. Inviting attention of this Court towards the testimony of the complainant-Shri Prem Chand Jatav (PW6), mother of the deceased-Smt. Manohari (PW9) and grandmother of the deceased-Smt. Angoori (PW10), he would submit that the same established, beyond reasonable doubt, that the deceased was being subjected to cruelty soon before death

with regard to demand of dowry and in view thereof, the learned trial Court erred in recording the finding of acquittal of the respondents. He further submitted that the testimony of Smt. Pinki (PW-13)-sister of the deceased has been given undue weightage by the learned trial Court which has vitiated its findings. He, therefore, prayed that the appeal be allowed, the judgment impugned dated 29.04.2003 be quashed and set aside and the respondents be convicted of the charges framed against them.

None for the respondents.

It is established from the record that deceased-Beena met with an unnatural death within three years of her marriage. Her marriage with the respondent No.1 was solemnized on 22.11.1999 and she committed suicide on 01.10.2002 by consuming poison which was established from the Postmortem Report (Ex. P1 and P6), the testimony of Dr. Pramod Mathur (PW1) and Dr. Phool Singh Choudhary (PW4)-members of the Medical Board which conducted the autopsy and the FSL Report (Ex. P23). However, the learned trial Court has held, after appreciation of the evidence available on record, that the prosecution could not establish that the deceased was subjected to torture or cruelty with regard to demand of dowry either soon before her death or otherwise. Further, soon after the incident, the complainant-Prem Chand Jatav has submitted a typed report (Ex. P13) on 01.10.2002 at 01.05 pm to the SHO, Police Station Ramgarh, Camp-Sirmaur wherein, he has categorically denied any dispute with regard to death of his daughter-Beena and has further stated that he has no suspicion against the members of her in-laws family. During his

cross-examination as PW6, he has admitted the Ex. P13 to be in his handwriting as also its contents. Although, in the FIR as also in his examination-in-chief as PW6, he has levelled allegations against the respondents of demanding dowry; but, when confronted, during his cross-examination, with his police statement (Ex. D1), he admitted that the allegations of demand of dowry by the respondents were lacking in it. The learned trial Court has held that although, it was alleged by the complainant that the respondent demanded a buffalo as also ₹20,000/- in cash by way of dowry; but, the allegations stood demolished during his cross-examination. Rather, he has stated that he has given two goats, a cow and some cash to both of his daughters out of his free will without any demand by the members of their in-laws family. The learned trial Court has further held that although, Smt. Manohari (PW9) and Smt. Angoori (PW10)-mother and grandmother of the deceased respectively, have alleged in their examination-in-chief that the deceased was subjected to harassment for demand of dowry; but, could not withstand the scrutiny of cross-examination. The star prosecution witness namely Smt. Pinky (PW13)-sister of the deceased and married to brother of the respondent No.1, has categorically stated that the deceased-Beena committed suicide as she was feeble minded and was never subjected to any harassment by the members of her in-laws family either for demand of dowry or otherwise. Although, she has been declared hostile; but, did not support the prosecution story even during her cross-examination by the learned Additional Public Prosecutor. Upon examination of the findings recorded by the learned trial Court on the touchstone of

evidence available on record, we do not find the same to be perverse or to be suffering from any illegality or infirmity so as to warrant interference by this Court in its limited appellate jurisdiction against the findings of acquittal.

It is trite law that while dealing with an appeal against the judgment of acquittal, the appellate Court is not expected to reverse the finding even if two views are possible. As already held, we find the findings recorded by the learned trial Court to be based on appreciation of cogent evidence available on record and hence no interference is warranted.

Resultantly, this criminal appeal is dismissed.

Pending application(s), if any, also stands disposed of accordingly.

(SAMEER JAIN),J

(MAHENDAR KUMAR GOYAL),J