

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL No.934 OF 2014

THE STATE OF UTTARAKHAND

... APPELLANT

Versus

UMA JOSHI

... RESPONDENT

O R D E R

1. The State of Uttarakhand is in appeal against the judgment dated 18.10.2012, passed by a Division Bench of the High Court of Uttarakhand at Nainital, whereby Criminal Appeal Nos.151/2005 and 154/2005, were allowed and the respondents, who are mother-in-law and husband of the deceased, have been acquitted under Sections 304B and 498A IPC.

2. The respondent-Uma Joshi is the mother-in-law of the deceased. Rajesh Joshi was the husband of the deceased. Unfortunately, Rajesh Joshi has died during the pendency of these proceedings and his name has, accordingly, been deleted from the array of parties.

3. As regard to the respondent - Uma Joshi (mother-in-law), the High Court has found, as a matter of fact, that no evidence was led to establish the allegation of cruelty or harassment for dowry soon before the death of the victim. There is also no evidence of demand for payment, refusal to oblige payment, or receipt of any payment in connection with the marriage which could be termed as dowry demand.

4. The High Court has further elaborated that the only instance narrated by the father of the victim (P.W. - 1) was that four days before the death of the victim, she along with her husband came to him and requested for payment of a sum of Rs.25,000/- (Rupees Twenty Five Thousand) as they wanted to purchase a new car. According to the witness, he supported the decision of his deceased daughter and her husband and promised to give the amount on 05.03.2003 or 06.03.2003. The High Court has held, and rightly so, that this was not a demand in connection with the marriage so as to bring the unfortunate incident within the ambit of Section 304-B IPC.

5. The respondent was acquitted way back on 18.10.2012. Her son, who was the husband of the deceased, has unfortunately passed away.

6. Taking into consideration the totality of the circumstances and the well-known parameters required to be followed in a case of reversing an acquittal, we are satisfied that no case to interfere with the impugned judgment is made out.

7. The appeal is, accordingly, dismissed.

.....J.
(SURYA KANT)

.....J.
(NONGMEIKAPAM KOTISWAR SINGH)

NEW DELHI;
JANUARY 09, 2025.

ITEM NO.106

COURT NO.3

SECTION II-B

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G SCriminal Appeal No(s).934/2014

THE STATE OF UTTARAKHAND

Appellant(s)

VERSUS

UMA JOSHI

Respondent(s)

Date : 09-01-2025 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT

HON'BLE MR. JUSTICE NONGMEIKAPAM KOTISWAR SINGH

For Appellant(s) Mr. Piyush Hans, D.A.G.
Mr. Akshat Kumar, AORFor Respondent(s) Mr. D.N. Goburdhan, Sr.Adv.
Ms. Nidhi, AORUPON hearing the counsel the Court made the following
O R D E R

The appeal is dismissed in terms of the signed order.

(SATISH KUMAR YADAV)
ADDITIONAL REGISTRAR(PREETHI T.C.)
ASSISTANT REGISTRAR

(Signed order is placed on the file)