

**IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPEAL No. 699 OF 2010**

**State of Madhya Pradesh**

...Appellant(s)

versus

**Motilal and Anr.**

...Respondent(s)

**ORDER**

We have heard learned counsel for the parties at length.

This State appeal is against the judgment and order, dated 11.07.2007, passed by the High Court of Madhya Pradesh, at Jabalpur, in CRLA No. 1398 of 2004, wherein the High Court, while allowing the appeal of the accused, has set aside the order of conviction and sentence for the offence punishable under Section 304-B and 498A read with 34 of IPC, passed by the Additional Sessions Judge, Umaria in Sessions Trial No. 222/03.

It is to be noted that the evidence of P.W.-1 and P.W.-4 does not support the case of the prosecution. Moreover the prosecution has failed to prove that there was persistent demand of dowry and the deceased was subjected to cruelty soon before her death. As rightly observed by the High Court, there is no link between cruelty and harassment for demand of dowry near about the date of death of deceased. Therefore, in our considered opinion, the High Court has rightly acquitted the respondents herein of the charges under section 304-B and 498-A read with section 34 of the Indian Penal Code.

In the facts and circumstances of the case, we find no reason to

interfere with the impugned judgement. The appeal is, accordingly, dismissed.

..... J.  
**(N. V. RAMANA)**

..... J.  
**(PRAFULLA C. PANT)**

**New Delhi,  
August 09, 2017**

ITEM NO.103

COURT NO.10

SECTION II-A

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 S

Criminal Appeal No(s). 699/2010

STATE OF MADHYA PRADESH

Appellant(s)

VERSUS

MOTILAL &amp; ANR.

Respondent(s)

Date : 09-08-2017 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N.V. RAMANA  
HON'BLE MR. JUSTICE PRAFULLA C. PANT

For Appellant(s)

Mr. A.K. Shrivastava, Sr.Adv.  
Mr. Arjun Garg, Adv.  
Mr. Mishra Saurabh, AOR

For Respondent(s)

Mr. Pandit Parmanand Katara, Sr.Adv.  
Ms. Nidhi, AORUPON hearing the counsel the Court made the following  
O R D E R

This appeal is dismissed in terms of the signed order.

Pending applications, if any, stand disposed of.

(SUKHBIR PAUL KAUR)  
AR CUM PS(S. SIVARAMAKRISHNA)  
ASST.REGISTRAR

(Signed order is placed on the file)