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CRA-9939-2022

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VIVEK AGARWAL

&

HON'BLE SHRI JUSTICE B. P. SHARMA

ON THE 14th OF JANUARY, 2026CRIMINAL APPEAL No. 9939 of 2022*THE STATE OF MADHYA PRADESH**Versus**MANOHAR AND OTHERS*

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Appearance:

*Shri Ajay Shukla - Govt. Advocate for appellant/State.**Shri Satyam Agarwal - Advocate for respondent/accused.*
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ORDER

Per. Justice Vivek Agarwal

Heard on IA No. 21111/2022, an application for condonation of delay of 53 days in preferring the appeal.

For the reasons stated in paragraph Nos. 2 and 3 of the application, IA No. 21111/22 is allowed. Delay is hereby condoned.

This appeal is filed by the State being aggrieved of judgment dt 09.06.2022 passed by First Additional Sessions Judge, Asta District Sehore (M.P.) in ST No. 61/2019, whereby the respondents have been acquitted for the offences punishable u/s 304(B), 498-A of IPC and Section 4 of Dowry Prohibition Act, 1961.

2. Learned counsel for the State submits that they are aggrieved of the said judgment wherein the learned trial Court has acquitted 5 accused persons from charges under Sections 304(B)/34, 498-A of IPC and Sections



3/4 of Dowry Prohibition Act, 1961.

3. It is submitted that marriage of victim Anita was performed with Manohar on 12-02-2013. Thereafter, she consumed poison on 25-12-2018 and because of such consumption, she died when merg. Ex.P/6 was recorded. According to viscera report Ex.P/19, Anita died because of consumption of aluminium phosphide, which was found in her vital parts. It is submitted that FIR (Ex.P/9) was lodged on 14-01-2019 but despite the fact that prosecution witnesses supported the prosecution case wholeheartedly, the trial Court had arbitrarily recorded a finding of acquittal, which calls for interference in the appellate jurisdiction of this Court.

4. Shri Satyam Agarwal, learned counsel for the accused persons submits that prosecution had examined in as much as 12 witnesses and none of them could prove the ingredients of Section 304-B or Sections 3/4 of Dowry Prohibition Act calling for indulgence of this Court.

5. After hearing learned counsel for the parties and going through the record, Mor Singh (PW-1) stated that Anita was his daughter. He has three daughters and one son. After having stated that there was demand of dowry and accused party demanded two lakhs and was threatening Anita and used to beat her. He admitted in cross- examination that on receiving intimation about death of Anita, he along with his wife, brother Hemraj Singh had visited hospital at Ashta and then had gone to village Shambhukhedi and participated in last rites of the victim. On the same day, they had returned back to their village Molukhedi. It is admitted that after few days, statements of he himself, his wife Teju kuwar Bai, Hemraj and also



daughter Vinita were recorded and for the first time, they had stated about demand of dowry in those statements.

6. In paragraph-14 of his cross-examination, Mor Singh admitted that marriage of Anita and Vinita were performed together as per social customs. At the time of marriage, there was no demand of dowry. He also admits that after marriage everything was fine and it is also true that Anita was studying after marriage and was visiting her parents regularly. She was also working and everything was well. He also admits that his daughter was pregnant and her treatment was going on by Dr. Soni madam. He also admits in paragraph-16 that demand of dowry was never reported at any police station nor any panchayat was called. For the first time, they informed about the demand of dowry after death of Anita. In paragraph-17, this witness admits that he is owning only 3 acres of land whereas Manohar was working at Petrol Pump and accused party is middle class and were well fed whereas this witness claims himself to be a poor person. In paragraph-23, this witness admits that no demand of dowry were put forth by them. Police has not seized their phone etc.

7. Tejubai (PW-2), mother of the victim also stated on the same lines as statements were given by her husband (PW-1). She had also admitted that accused party had taken Anita for treatment to Dr. Soni and she was informed that Anita was strangulated. This evidence is contrary to medical evidence available on record.

8. Vinita (PW-3) is sister of deceased Anita. She stated that Anita was kept well by her in-laws. On 23-12-2018, under the influence of alcohol,



Manohar Singh had kicked Anita in her stomach, as a result of which, she had fallen down, at that time she was carrying pregnancy of about 3-4 months. In cross-examination, this witness admits that Anita was working at a Sainik School. She had studied upto B.Sc. In paragraph-8 of her cross-examination, she admits that she was present at the time of last rites of Anita and she also admits that statement in regard to demand of dowry was made at the time of recording of police statement. She also admits that Anita was pregnant at the time of her death.

9. Tej Singh (PW-4) after having said in examination-in-Chief that there was demand of dowry of Rs. 2 lakhs admits in cross-examination that he had seen Anita in dead condition and he had participated in all proceedings in hospital like taking of dead body from hospital, post-mortem and he had signed on various documents. He was also present at the performance of last rites. During all these proceedings, police personnel, doctor and Tahsildar were present besides members of both the parties. He admits that he had not given his statement to Police, Doctor or Executive Magistrate immediately but, has given his statements after several days to the police personnel. This witness had admitted that Anita completed her B.Sc while staying in her in-laws house and was teaching at Hakimabad Sainik School. He further admits in paragraph-19 that when Anita used to visit his house then, she used to inform him that everything was fine at her in-laws place. In paragraph-24 this witness admits that he had not made any report in regard to demand of dowry nor had informed anybody at his village or had convened any caste panchayat. In cross-examination, this witness admits that



he has no information as to whether Anita wanted to abort her child or not?

10. Dhirap Singh (PW-5) was declared hostile. He admits in paragraph-15 of his cross-examination that there was no demand of dowry at the time of marriage. He admits that he is uncle of Anita and therefore, has come to court to give his statement. He further admitted that for the first time he stated before police on 28-01-2019 that there was demand of dowry and Anita was harassed for such demands.

11. Sohan Singh (PW-6), is co-brother of accused Manohar. He is husband of Anita. He admits in cross-examination in paragraph-10 that at the time of marriage, there was no demand of dowry. He admits that police had not given him any notice to record his statement. He had gone along with his in-laws family to record his statement. His statement was recorded after 15-20 days of the incident and for the first time, he narrated about demand of dowry.

12. Dr. Sudharshan Grewal (PW-7) opined that cause of death was heart failure. He had conducted the post- mortem and his report along co-doctor Kanti Jain is Ex.P/4. In cross-examination, this witness admitted that there was no injury mark on throat. There was no smell from the body. He further admits that along with dead body her family members i.e. family from her parental side were present and they had not made any complaint.

13. Hemraj (PW-8) father-in-law of Mor Singh was also declared hostile and had not supported the prosecution case. In cross-examination this witness admits that Anita took her education from 10th standard to graduation while residing in her in-laws house. She was teaching in a school



at Hakimabad. This witness has stated that he in front of Dhirap Singh had made Anita and Manohar to talk to each other at petrol pump. This witness admits that Manohar had informed Anita not to keep any relationship with Jagdish. Manohar had stated that relationship of Anita and Jagdish is now known to the whole village. Manohar had stated to Anita that if she is not having relations with Jagdish then, she should get her fetus examined as that will reveal as to who is the father of that fetus. It is also stated by this witness that Anita wanted to abort her fetus but, Manohar was insisting that she should not get her fetus aborted. In paragraph-9, this witness admits that Anita's family had gathered information about love relationship between Anita and Jagdish.

14. When these facts are taken into consideration as narrated by prosecution witnesses, then, it is evident that cause of death appears to be something else rather than demand of dowry as prosecution has sought to make.

15. Thus, when ingredients of Section 304-B of IPC are not made out and the cause of death is something else then, at best, it may be case of suicide but, not of demand of dowry or death due to dowry related harassment. Therefore, acquittal recorded by the trial court cannot be faulted with especially when the statements recorded by the police are delayed statements and they do not inspire confidence.

16. However, it is worthwhile to mention here that filing of this Criminal Appeal is mere wastage of time of this Court. It reflects that State has irresponsibly filed this Criminal Appeal just to appease their own ego or



somebody else to whom they claim themselves to be answerable, but at best they appear to be not answerable to the Court. Therefore, we not only dismiss the appeal affirming the judgment of the learned trial Court, but impose cost of Rs.25,000/- (Rupees Twenty Five Thousand) for such irresponsible act on the part of the State. State will be free to recover the above cost from the persons who had given opinion to file this Criminal Appeal and the same shall be deposited in the Indian Red Cross Society, Jabalpur, within thirty days from today.

17. The appeal fails and is hereby **dismissed**.

(VIVEK AGARWAL)
JUDGE

(B. P. SHARMA)
JUDGE