2025:AHC:189406-DB

A.F.R.

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL U/S 413 BNSS No. - 600 of 2025

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s)	:	Brij Bhushan Upadhyay
Counsel for Respondent(s)	:	G.A.

Court No. - 47

HON'BLE RAJEEV MISRA, J.
HON'BLE DR. AJAY KUMAR-II, J.

(Dictated by Hon. Dr. Ajay Kumar-II, J.)

1. Heard Mr. Brij Bhushan Upadhyay, the learned counsel for appellant and the learned A.G.A. for State respondent 1.

2. Challenge in this criminal appeal is to the judgment dated 17.09.2025 passed by Additional District & Sessions Judge, Court no. 10, Agra in Sessions Trial No. 1127 of 2024 (State Vs. Ravi Kant) arising out of Case Crime No. 37 of 2024, under Sections 498-A, 304-B IPC and Section 4 of the Dowry Prohibition Act, Police Station- Barhan, District Agra, whereby court below has acquitted the accused opposite party 2 of the charges framed against him.

3. Brief facts of the case are that marriage of , daughter of informant- appellant was solemnized with opposite party 2 on 26.04.2021 according to Hindu Rites and Customs. In the marriage, he had given entire domestic articles etc. and Rs. 5,50,000/- cash, but accused- opposite party 2 was not happy with the gift and dowry given at the time of marriage. He kept on harassing, beating and torturing his daughter for bringing more money. When he came to know about this fact, he got sent jewellary of about Rs. 3-4 lakh, but his hunger for dowry did not end. On 18.02.2024 he got information that the accused – opposite party 2 tried to kill his daughter by poisoning her. On inquiry from doctors, he came to know that poison had spread throughout her body due to which she died.

4. In view of above, appellant submitted a written report (Ext. Ka-1) at P.S. Barhan, District Agra alleging therein that the accused- opposite party 2 has committed dowry death of his daughter. On the aforementioned written information of the appellant, an FIR was registered on 19.02.2024 as Case Crime No. 37 of 2024, under Sections 498-A, 304-B IPC and Section 4 of Dowry Prohibition Act, Police Station- Barhan, District Agra.

5. After completion of investigation, charge-sheet was submitted against opposite party no. 2. Thereafter cognizance was taken upon same and the case was committed to the Court of Sessions. After hearing both the parties, charges were framed under Section 498A, 304-B, 323 IPC and Section 4 of Dowry Prohibition Act against opposite party no. 2.

6. In order to prove it's case, the prosecution adduced PW-1 Ved Prakash (informant and father of deceased), PW-2 Amit Kumar Tyagi (cousin of deceased), PW-3 Dr. Vinit Rai, PW-4 Dr. Arinjay Jain, PW-5 Constable Anuj Kumar, PW-6 Dr. Devendra Kumar and PW-7 I.O. Sukanya Sharma. The witnesses adduced by the prosecution have given their respective oral evidence and also proved 16 prosecution papers, which were marked as exhibits. The same is mentioned herein below:-

Sl. No.	**Name**	**Nature of evidence**	**Documents proved**
PW-1	Ved Prakash	Informant & Witness of fact	Tehrir as Ext. Ka-1, Panchayatnama as Ext. Ka-2
PW-2	Amit Kumar Tyagi	Cousin brother of the deceased and witness of fact regarding demand of dowry & harassment to the deceased	
PW-3	Dr. Vinit Rai	Autopsy Surgeon	Post Mortem Report as Ext. Ka-3, Police Letter No. 33 as Ext. Ka-4, Hospital

			Parcha as Ext. Ka-5, Letter to R.I. as Ext. Ka-6, Letter to CMO report as Ext. Ka-7, Challan Nas as Ext. Ka-8, Photo Nas as Ext. Ka-9
PW-4	Dr. Arinjay Jain	Hospital Surgeon	Hospital admission and discharge record as Ext. Ka-10, Death summary as Ext. Ka-11
PW-5	Const. Anuj Kumar	Formal witness, who prepared Chik FIR & Kayami G.D.	FIR as Ext. Ka-12 & G.D. No. 33 as Ext. Ka-13
PW-6	Dr. Devendra Kumar	Surgeon, who examined deceased -Ankita.	Medical examination report as Ext. Ka-14
PW-7	Sukanya Sharma	I.O., who proved investigation	Site Plan as Ext. Ka-15, Charge-sheet as Ext. Ka-16

1.

7. In statement recorded under Section 313 Cr.P.C., the accused/opposite party 2 denied the prosecution version and commission of alleged incident. He further stated that he has been falsely implicated. Defence also adduced D.W. 1 Dr. Shaumya Singhal to prove innocence of the accused.

8. By the impugned judgment dated 17.09.2025, court below acquitted the accused of the charges under Sections 498-A and 304-B IPC and Section 4 of Dowry Prohibition Act. Feeling aggrieved by the said judgement, present appeal has been preferred by the first informant-appellant.

9. Mr. Brij Bhushan Upadhyay, the learned counsel for appellant submits that the impugned judgment is manifestly illegal and erroneous and, therefore, liable to be set aside by this Court.

10. It has been argued by the learned counsel for appellant that the prosecution has been able to prove that informant's/ appellant's daughter died on account of poisoning within 07 years of her marriage. It is established from record that the death of the deceased was unnatural. Appellant himself as PW-1 and Amit Kumar Tyagi as PW-2, in their respective testimonies, have proved the factum of demand of dowry by accused- opposite party 2. It has also been proved in their evidence that the accused – opposite party 2 was not happy with the dowry given at the time of marriage and was harassing the deceased on account of non fulfillment of additional demand of dowry. It has been proved in evidence that the deceased was subjected to harassment in connection with said demand of dowry by her husband, that too, soon before her death, as a result, the prosecution was able to establish all the ingredients of dowry death. All the circumstances proved by the prosecution clearly established the guilt of accused. However, the trial court failed to appreciate the oral as well as documentary evidence available on record. He, therefore, strenuously, urged that in view of above, the trial court has erred in acquitting the accused, as such, the impugned judgment is liable to be set aside by this Court.

11. Learned A.G.A. for the State has vehemently opposed the present appeal. He submits that the impugned judgment passed by the trial court does not suffer from any illegality of law or fact much less a legal error so as to warrant interference by this Court. Court below has examined prosecution case in the light of evidence on record threadbare, without leaving any aspect of the matter untouched. In view of the findings / reasons recorded by court below on each of the points of determination which arose for determination, court below has rightly arrived at the conclusion that the prosecution has failed to prove the very story, which, it set out to prove. The prosecution story is based solely on the allegation that the deceased was harassed on account of non fulfillment of additional demand of dowry, but after appreciation of evidence of PW-1 and PW-2, the trial court found that the prosecution has not been able to prove that the alleged amount / jewellary was sent as part of dowry and no specific instance regarding cruelty coupled with persistent harassment was brought on record, therefore, the trial court rightly came to the conclusion that the prosecution has failed to prove the essential ingredients of Section

498-A, 304-B IPC and Section 4 of D.P. Act. The trial court has also come to the conclusion that there was no harassment of the deceased on account of non fulfillment of additional demand of dowry soon before death and prosecution has failed to prove the essential ingredients of Section 304-B IPC, therefore, the trial court has rightly acquitted the accused. Lastly, it has been urged that no ground for interference with the impugned judgment and order is made out. Learned A.G.A. thus urged for dismissal of the present appeal.

12. The trial court, while acquitting the accused, has recorded the following findings:-

> (1) The marriage of the deceased was solemnized with accused- opposite party 2 on 26.04.2021 and at the time of marriage, entire domestic articles and Rs. 5,50,000/- cash were given.
>
> (2) As per written report (Ext. Ka-1) the informant sent jewellery worth Rs. 3-4 lakhs after the marriage on account of additional demand of dowry by accused- opposite party 2. However, in his statement recorded before the trial court, he stated that he had sent Rs. 05 lakhs and jewellery within 02 months of marriage. Whereas Amit Kumar Tyagi- PW-2 in his deposition has stated that he delivered some cash in pursuance of the demand of additional dowry made by the accused Ravi, but he has not stated the exact amount. Therefore, material contradictions and embellishments were found in the testimonies of above witnesses. Whereas the prosecution has not examined the mother of the deceased for the reason best known to it.
>
> (3) Not a single allegation was made by the informant-appellant in his testimony as PW-1 regarding harassment or torture of the deceased by accused- opposite party 2, rather only a general allegation against in-laws of the deceased was leveled regarding demand of dowry/ additional dowry.
>
> (4) No visible ante mortem injury was found on the body of the deceased as per ocular and documentary medical

evidence. The deceased died as a result of poisoning by the use of Aluminium phosphide.

(5) The prosecution failed to prove that the deceased was harassed soon before her death on account of demand of dowry.

(6) The prosecution also failed to prove that the deceased was being continuously harassed mentally as well as physically on account of additional demand of dowry. The prosecution has not proved any particular act of cruelty or harassment by the accused. The prosecution has failed to prove that deceased was subjected to cruelty or harassment connected with demand of dowry soon before her death.

(7) The prosecution has failed to prove beyond reasonable doubt the basic and essential ingredients of Section 498-A, 304-B IPC and Section 4 of D.P. Act.

14. After recording the above findings, the trial court has granted benefit of doubt to the accused and thus acquitted him.

15. While considering the scope of interference in an appeal against acquittal, it has been held by the Supreme Court that if two views are possible, one supporting the acquittal and other indicating conviction, the High Court should not, in such a situation, reverse the order of acquittal recorded by the trial court except for well accepted reasons in this regard. Reference be made to the judgment of Supreme Court **Bharwad Jakshibhai Nagjibhai and others vs. State of Gujarat, (1995) 5 SCC 602** paragraph 9 of the above report is relevant for the case in hand. The same is accordingly extracted herein-below:-

"Law is now well settled that though the CrPC does not make any distinction between the powers of the Appellate Court while dealing with an order of conviction or of acquittal, normally the Appellate Court does not disturb an order of acquittal in a case where two views of the evidence are reasonably possible. But the above principle of is not applicable where the approach of the trial judge in dealing with the evidence is manifestly erroneous and the conclusions drawn are wholly unreasonable and perverse. In the instant case we find

that the High Court was fully conscious, and did not transgress the bounds, of its appellate powers while dealing and reversing the order of acquittal"

16. While dealing with an appeal against acquittal the Supreme Court in **Babu Sahebagouda Rudragoudar Vs. State of Karnataka, 2024 SCC OnLine SC 561,** has observed as under:-

> **"39. Thus, it is beyond the pale of doubt that the scope of interference by an appellate Court for reversing the judgment of acquittal recorded by the trial Court in favour of the accused has to be exercised within the four corners of the following principles:-**
>
> **(a) That the judgment of acquittal suffers from patent perversity;**
>
> **(b) That the same is based on a misreading/omission to consider material evidence on record;**
>
> **(c) That no two reasonable views are possible and only the view consistent with the guilt of the accused is possible from the evidence available on record.**
>
> **40. The appellate Court, in order to interfere with the judgment of acquittal would have to record pertinent findings on the above factors if it is inclined to reverse the judgment of acquittal rendered by the trial Court."**

17. It has also been observed in above-mentioned judgment that an appellate court, however, must bear in mind that in case of acquittal, there is double presumption in favour of the accused. Firstly, the presumption of innocence is available to him under the fundamental principle of criminal jurisprudence that every person shall be presumed to be innocent unless he is proved guilty by a competent court of law. Secondly, the accused having secured his acquittal, the presumption of his innocence is further reinforced, reaffirmed and strengthened by the trial court. It has also been observed that the appellate court can interfere with the order of acquittal only if it comes to a finding that the only conclusion which can be recorded on the basis of the evidence on record was that the guilt of the accused was proved beyond a reasonable doubt and no other conclusion was possible.

18. The Supreme Court in **Gamini Bala Koteswara Rao vs. State of Andra Pradesh, (2009) 10 SCC 636**, has observed that interference in an appeal against acquittal should be rare and in exceptional circumstance. It was further held that it is open to the High Court to reappraise the

evidence and conclusions arrived at by the trial court. However, it is limited to those cases where the judgment of the trial court was perverse. This Court went on to declare that the word "perverse", as understood in law, has been understood to mean, "against the weight of evidence". If there are two views and the trial court has taken one of the views merely because another view is plausible, the appellate court will not be justified in interfering with the verdict of acquittal.

19. Perusal of the impugned judgment in the light of above noted well settled legal position reveals that present case relates to dowry death of the deceased Ankita. It is an admitted fact that the marriage of Ankita was solemnized with accused- opposite party 2 on 26.4.2021 and she died on 18.2.2024 i.e. within 07 years of her marriage. It is also an admitted fact that the death of the deceased was unnatural. The deceased died on account of use of aluminium phosphide, therefore, death of the deceased within 07 years of her marriage on that account is also a proved fact. However, to bring home a charge under section 304-B IPC, the prosecution is required to prove that the deceased was subjected to cruelty or harassment by her husband in connection with demand of dowry and such demand of dowry was made soon before death. The prosecution must prove firstly demand of dowry. Cruelty or harassment of a lady by husband in connection with any demand for any property or valuable security as a demand for dowry or in connection thereof are the common constituents of both the offences under Sections 498-A and 304-B IPC respectively.

20. PW-1, Ved Prakash, father of the deceased/ appellant in his examination in chief has stated that the marriage of his daughter Ankita was solemnized with accused- opposite party 2 on 26.4.2021 and at the time of marriage, he had given Rs. 5,50,000/- in cash alongwith all domestic articles, jewellery etc. However, within 02 months of her marriage, he further sent Rs. 05 lakhs cash and jewellery through Amit as in-laws of her daughter were demanding additional dowry. They were still not satisfied with the same. In the written report/ Tehrir (Ext. Ka-1), he had alleged that he sent jewellery worth Rs. 3-4 lakhs through his nephew Amit, after finding that the accused Ravi was not happy with the dowry given at the time of marriage and was harassing his daughter on this ground. Therefore, a material contradiction regarding giving of Rs. 05

lakhs cash and jewellery after the marriage, has crept in his examination in chief, to what he had written in report regarding sending of only jewellery worth Rs. 3-4 lakh. In his examination in chief, he has leveled a general allegation of demand of dowry against in-laws of his daughter and he has not narrated any specific instance of cruelty or harassment of her daughter at the hands of accused- opposite party 2. During his cross examination, this witness has fairly conceded that no complaint was made to police for alleged demand of additional dowry at any point of time.

21. PW-1, Ved Prakash, has also fairly conceded in his cross examination that last rites of his daughter were performed in the village of accused-opposite party 2 and this witness and his family members were not present at the time of performance of last rites of her daughter.

22. PW-1, Ved Prakash, has clearly stated that he had sent one Amit with jewellery within 02 months of the marriage of his daughter Ankita and thus it is clear that no complaint whatsoever regarding demand of additional dowry and/ or harassment of his daughter Ankita was ever made to him after lapse of 02 months of marriage till the day, when his daughter died.

23. PW-1, Ved Prakash, has also stated that accused- opposite party 2 was standing outside G.G. Nursing Home where his daughter was admitted and was getting treatment.

24. A perusal of cross examination of PW-1 Ved Prakash reveals that accused- opposite party 2 was with Ankita in G.G. Nursing Home and he had not run away. Rather the said accused had even performed the last rites of his wife Ankita which clearly indicates the bonafide conduct of accused- opposite party 2. PW-1 Ved Prakash in his entire examination in chief and cross examination, has not mentioned a single instance of cruelty and / or harassment by accused – opposite party 2.

25. The prosecution has examined Amit, cousin brother of deceased Ankita, in support of demand of additional dowry and harassment thereof as PW-2. This witness in his examination in chief, has supported the prosecution story regarding giving of Rs. 5,50,000/- cash and all domestic articles as dowry at the time of marriage. However, this witness has further stated that accused- opposite party 2 was not satisfied with the aforesaid dowry given at the time of marriage and was demanding cash in

additional dowry. His uncle (informant) has sent some cash through this witness, which was delivered by him to accused- opposite party 2 in presence of Ankita. This witness has however not stated as to what amount was handed over by him to accused- opposite party 2 Ravi. According to this witness, the accused was not satisfied with the same and after sometime, again started harassing and torturing his sister for additional dowry. In his cross examination, this witness has stated that demand of additional dowry started within 02 months of marriage. In his testimony, he has not stated regarding when accused – opposite party 2 lastly harassed Ankita for additional demand of dowry. No specific act of cruelty and / or harassment by accused- opposite party 2 has been narrated by this witness. This witness has also fairly conceded that the marriage of Ankita with accused- opposite party 2 was solemnized in a very warm and cordial atmosphere. Thus from the deposition of this witness, it is clear that there was no demand of dowry at the time of marriage. This witness has also fairly conceded that the last rites of deceased Ankita were performed by her in-laws.

26. PW-6, Dr. Devendra Kumar is the Doctor who had first attended the victim (deceased). This witness in his deposition has stated that the deceased was admitted by her husband and sister-in-law (Jethani). Deceased’s husband told at the time of admission that the deceased had taken some pesticide, therefore, from the evidence of PW-6 Dr. Devendra Kumar it is clear that it was accused- opposite party 2 Ravi who got admitted Ankita (deceased) at G.G. Nursing Home.

27. PW-4, Dr. Arinjay Jain is the doctor who had treated the deceased. Dr. Arinjay Jain has also deposed in his cross examination that the deceased was admitted by her husband and it was her husband who had cleared all the bills of hospital regarding treatment of the deceased.

28. From the statement of PW-1 Ved Prakash and Amit PW-2 it is also clear that the accused – opposite party 2 Ravi was present at G.G. Nursing Hospital and the last rites of the deceased were also performed by him. The aforesaid facts clearly indicate bonafide intention of the accused-opposite party 2 Ravi, as he had not run away even after admitting his wife Ankita at G.G. Nursing Hospital till performance of her last rites.

29. While dealing with an appeal against conviction for dowry death, the

Supreme Court in **Karan Singh vs. State of Haryana, 2025 SCC OnLine 214,** has observed as under:-

"**5.** Sections 498-A and 304-B read thus:

> "**498-A. Husband or relative of husband of a woman subjecting her to cruelty**.—Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.
>
> *Explanation*.—For the purposes of this section, "cruelty" means—
>
> (*a*) any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or
>
> (*b*) harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand."

> "**304-B. Dowry death**.—(1) Where the death of a woman is caused by any burns or bodily injury or occurs otherwise than under normal circumstances within seven years of her marriage and it is shown that soon before her death she was subjected to cruelty or harassment by her husband or any relative of her husband for, or in connection with, any demand for dowry, such death shall be called "dowry death", and such husband or relative shall be deemed to have caused her death.
>
> *Explanation*.—For the purpose of this sub-section, "dowry" shall have the same meaning as in Section 2 of the Dowry Prohibition Act, 1961 (28 of 1961).
>
> (2) Whoever commits dowry death shall be punished with imprisonment for a term which shall not be less than seven years but which may extend to imprisonment for life."

6. The following are the essential ingredients of Section 304-B:

a) The death of a woman must have been caused by any burns or bodily injury, or must have occurred otherwise than under normal circumstances;

b) The death must have been caused within seven years of her marriage;

c) Soon before her death, she must have been subjected to cruelty or harassment by the husband or any relative of her husband; and

d) Cruelty or harassment must be for, or in connection with, any demand for

dowry.

7. If the aforesaid four ingredients are established, the death can be called a dowry death, and the husband and/or husband's relative, as the case may be, shall be deemed to have caused the dowry death. Section 2 of the Dowry Prohibition Act, 1961 provides that dowry means any property or valuable security given or agreed to be given either directly or indirectly by one party to a marriage to the other party to the marriage or by the parents of either party to a marriage or by any other person, to the other party to the marriage or to any other person. The dowry must be given or agreed to be given at or before or any time after the marriage in connection with the marriage of the said parties. The term valuable security used in Section 2 of the Dowry Prohibition Act, 1961 has the same meaning as in Section 30 of IPC."

30. While setting aside the judgment of conviction, it has also been observed in the above mentioned judgment that the presumption under Section 113-B of Indian Evidence Act, will apply when it is established that soon before her death, the woman has been subjected by the accused to cruelty or harassment for, or in connection with, any demand for dowry. Therefore, even for attracting Section 113-B, the prosecution must establish that the deceased was subjected by the accused to cruelty or harassment for or in connection with any demand of dowry soon before her death. Unless the said burden is completely discharged, the presumption under Section 113-B of the Evidence Act cannot be invoked.

31. When the prosecution case is tested on the anvil of above-noted well settled parameters, we are of the considered opinion that the prosecution has failed to prove beyond reasonable doubt that cruelty or harassment to the deceased was committed in connection with any demand for dowry as contemplated in the two provisions of the India Penal Code, under which, the accused has been charged. Admittedly, no demand of dowry arose at the time of marriage. However, within 02 months of solemnization of marriage, demand for additional dowry is alleged to have been raised and the informant- appellant sent some amount of cash and jewellery through Amit- PW-2, but there are contradictions regarding what amount and / or jewellery which was sent through Amit. The alleged demand of dowry as projected by the prosecution, even if for the sake of arguments, is accepted to be true, had lingered for almost about 32 months. Yet admittedly, no complaint was made thereof to anyone. Although, it is true

that the deceased died on 18.2.2024, which was within 07 years of her marriage. It is equally true that her death was due to poisoning. Therefore, the factum of unnatural death in the matrimonial home, that too, within 07 years of the marriage, is proved by the prosecution, but the same ipso-facto is not sufficient to bring home the charge under Section 304-B and 498-A IPC of the Code against the accused. As a logical consequence of above analysis we are, therefore, of the opinion that the findings returned by the court below regarding material contradictions in the testimonies of PW-1 and PW-2 and failure of the prosecution to prove any particular act of cruelty or harassment by accused- opposite party 2 in connection with demand of additional dowry soon before her death are based upon due appreciation of the depositions of PW-1 and PW-2.

32. In our considered opinion, the prosecution has rather failed to prove that the deceased was harassed/ subjected to cruelty on account of demand of additional dowry. It is also not clear as to whether death of the deceased is suicidal or homicidal. As the prosecution has failed to prove the crucial ingredients of cruelty and harassment by direct and cogent evidence, therefore, statutory presumption available under Section 113-B of Indian Evidence Act gets clearly rebutted as the death of deceased is prima facie not a dowry death. The analysis of evidence by the trial court, in our view, has been in the proper perspective i.e. factual and legal and thus the findings recorded by it are correct and cogent findings.

33. Upon evaluation of evidence so led in the matter, we do not find any perversity in the judgment so as to interfere with the findings returned by court below. The conclusion drawn by Court below is the outcome of due appreciation of evidence on record. No misreading or omission could be pointed out by the learned counsel for appellant. Being the last court of fact, we have ourselves evaluated the evidence on record to find out whether there is any perversity in the impugned judgment or court below has misconstrued any material evidence. It thus cannot be said that only the view consistent with the guilt of accused is possible from the evidence on record. We, thus do not find any good ground to entertain the present appeal filed under Section 413 BNSS, which consequently fails and is, accordingly, **dismissed**.

34. As per Rule-7 of General Rules Criminal Hindi written in Devnagari

script is the language of all criminal courts subordinate to High Court. The circular G.L. No. 8/X-e-5, dated 11th August, 1951 and C.E. No. 125/X-e-5, dated 2nd Dec., 1972, were already issued in this regard by the High Court on administrative side. However, as per the order dated 25.4.2011 passed in Criminal Misc. Case No. 1220 of 2002, bilingual system of writing judgments in Trial Courts of Uttar Pradesh is in existence and is still continuing. The Presiding Officers of the trial courts are at liberty to write their judgments either in Hindi or in English. But the present system of writing judgments cannot be construed to write a judgment partially in English and partially in Hindi. The State of Uttar Pradesh is a Hindi speaking State and majority of the population is Hindi speaking. Therefore, the very objective of writing judgments in Hindi in State of Uttar Pradesh is that ordinary litigant can understand the judgment written by the court and also the reasons assigned by the court for either allowing or rejecting his/her claim.

35. When a judgment is partially written in English and partially in Hindi, the very objective of writing down judgment in Hindi, in a Hindi speaking State would frustrate, as an ordinary person only knowing Hindi language, will not be able to decipher the reasons and logic given by the trial Judge in a judgement written in English. Certainly, there is an exception to it. If a judgment is written in Hindi and Judicial Officer is relying upon certain specific part and/ or excerpt of the judgment of High Court or Apex Court, then certainly, he is at liberty to quote such portion of the judgment of High Court and Apex Court in English. Similar is the analogy, if a judgment is written in English and a dying declaration recorded in Hindi is there, certainly, such dying declaration can be quoted in the body of judgment ad-verbatim and Presiding Officer is also at liberty to quote some very important and relevant portion of evidence of witness recorded in Hindi. In both the circumstances noted above, the concerned Presiding Officer is however under an obligation to translate the same from Hindi to English or English to Hindi, as the case may be.

36. Although, we have dismissed this appeal on merits, but judgment written by the Trial Judge is a classic example of writing judgment which is partially English and partially Hindi. The judgment is running in 54 pages with total of 199 paragraphs. 63 paragraphs are in English and 125 paragraphs are in Hindi and the rest 11 paragraphs are in both languages.

In 11 paragraphs, in which, both Hindi and English, languages have been used, surprisingly, there are certain lines, which are half in Hindi and half in English. It is for this reason that we have referred to this judgment as a classic case of writing judgment. For reference, following paragraphs of the impugned judgment dated 17.09.2025 are reproduced herein-below:-

> " 34. मान्नीय सर्वोच्च न्यायालय द्वारा वाद दिनेश सिंह बनाम उत्तर प्रदेश राज्य 2009 (67) ए. सी.सी. सुप्रीम कोर्ट पेज 734 में यह अवधारित किया गया है कि "अभियोजन पक्ष को अपने विश्वसनीय साक्ष्य से अभियुक्तगण पर लगायें गयें आरोपों को संदेह से परे साबित करना होता है। माननीय उच्च न्यायालय द्वारा वाद जोगीदान बनाम राजस्थान राज्य 2004 सी. आर.एल.जे. पेज सं0-1726 में अवधारित किया गया है कि onus is always on the prosecution to prove affirmatively each ingredient of the offence. The Hon'ble Supreme Court in L.Mangal Lal Shukla V/s State of Gujarat, AIR 1979 SC 1012 has held that the burden of proof is always on the prosecution to establish its case beyond all reasonable doubt and the burden never shifts subject to certain statutory exceptions.
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> 38. अब यह देखा जाना है कि क्या अभियोजन पक्ष अभियुक्त के विरूद्ध लगाये गये उक्त आरोपों कोbeyond the contours of reasonable doubt साबित करने में सफल है अथवा असफल ?
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> 39. Firstly we must remember that the Hon'ble Supreme Court in Superintendent of Police, C.B.I. V/s Tapan Kr. Singh, 2003 SCC (CrL) 1305 has observed that it is well settled that a First Information Report is not an encyclopeadia which must disclose all facts and details relating to the offence reported, what is of significance is that the information given must disclose the commission of a cognizable offence and the information so lodged must provide a basis for the police officer to suspect the commission of a cognizable offence. The Hon'ble Supreme Court in जरनैल सिंह बनाम पंजाब राज्य 2006 (6) एस.सी.526 में यह अवधारित किया गया है कि प्रथम सूचना रिपोर्ट कोई विश्वकोष (encyclopaedia) नहीं है।
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> 41. अभियुक्त की ओर से यह तर्क दिया गया कि अभियोजन की ओर परीक्षित तथ्य के साक्षीगण पी०डब्ल्यू0-1 व पी०डब्ल्यू०-2 एवं विवेचक पी0डब्ल्यू0-7 की साक्ष्य में major improvement, contradictions and after thoughts है।
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> 86. In the present case there was no demand of dowry, before the marriage and at the time of marriage in connection with the marriage of the said parties as the the witness PW2 in his statement/oral testimony has stated that शादी राजी खुशी से हुई थी। शादी से लेकर सारी रीति रिवाज उसके द्वारा हुई थी। दसवीं में राजी खुशी से विदा होकर आई थी और अपने साथ डलिया मिठाई लेकर आई थी। चार पांच दसईं के वह हुंचाने गया था।
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> 112. It is also pertinent to mention here that the Prosecution's version that शादी में दिए गए दान दहेज से रवि खुश नहीं था तथा अंकिता को रुपये और लाने के लिए परेशान करता था व मारपीट करता था। तब वादी मुकदमा ने 3 से 4 लाख रुपये का जेबर भिजवा दिया था। किन्तु उसकी दहेज मांगने की भूख खत्म नहीं हुई and the oral testimony of the witness PW, that शादी के दो महीने बाद 5 लाख रुपए नकद व जेवर अमित के द्वारा भिजवाया था क्योंकि ससुरालीजन अतिरिक्त दहेज की मांग करते थे। फिर भी दहेज से संतुष्ट नहीं थे and the oral testimony of the witness PW2 that दहेज से रवि उर्फ रविकान्त संतुष्ट नहीं था। अतिरिक्त दहेज में और रुपए लाने की मांग करता था। अंकिता ने घर पर आकर उन्हें बताया कि रविकान्त उसे दहेज के लिए परेशान करता है। रवि के दहेज की मांग के अनुसार उसके चाचा ने कुछ रुपए उसके द्वारा भिजवाए थे। जिसे वह अंकिता के सामने रवि

को देकर आया था परंतु रवि की दहेज की मांग खत्म नहीं हुई। कुछ समय बाद दहेज के लिए परेशान करने लगा मारपीट करने लगा। साक्षी पी०डब्ल्यू0-2 के स्वयं के कथनानुसार उसका और उसके चाचा का मकान अलग-अलग है, खाना-पीना भी अलग-अलग है। खेतीबाड़ी भी अलग-अलग है। अर्थात् उनके बीच बंटवारा हो चुका है। जब वह अलग-अलग रहते हैं, तो तीन से चार लाख रुपये का जेवर अपने भतीजे के साथ अपने सगे परिवार के सदस्य को भी भेज सकते थे, जो कि वे एक महत्वपूर्ण साक्षी हो सकते थे। Neither the witness PW_1, nor PW_2 have testified that the alleged amount/jewellaries was sent as a part of the dowry or in connection with the marriage. Therefore, said material contradictions and improvements as mentioned above and without mentioning and stating the specific instance of cruelty, coupled with persistent harassment and the nature of injury inflicted and further not stating the amount of dowry demanded with some dates are not strong and sufficient enough to bring home the culpability of the accused with the offences charged with."

37. Bilingual system of writing judgment in Trial Courts in Uttar Pradesh is still continuing, therefore, the Presiding Officers of Trial Courts are at liberty to write their judgments either in Hindi or in English. We hope and trust that the Judicial Officers across the State of Uttar Pradesh will write down their judgments either in Hindi or in English as observed above. A copy of this judgment be circulated amongst all Judicial Officers of State of Uttar Pradesh through Registrar (compliance).

38. A copy of this judgment alongwith judgment of trial court be placed before Hon'ble the Chief Justice for taking action desirable in present case.

(Dr. Ajay Kumar-II,J.) (Rajeev Misra,J.)

October 29, 2025
Dhirendra/