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CRA-8473-2024

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VIVEK AGARWAL

&

HON'BLE SHRI JUSTICE RAJENDRA KUMAR VANI

ON THE 11th OF FEBRUARY, 2026CRIMINAL APPEAL No. 8473 of 2024*DINESH KUMAR DUBEY**Versus**RACHIT MISHRA AND OTHERS*

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Appearance:

Shri Shreesh Agarwal - Amicus Curiae appears on behalf of appellant.

Shri Arvind Singh - Government Advocate for respondent No.5.

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JUDGMENT

Per. Justice Rajendra Kumar Vani

This appeal is filed by the complainant being aggrieved of Judgment dated 25.05.2024 passed by learned Tenth Additional Sessions Judge, Jabalpur in Sessions Trial No.172/2020, whereby the learned trial court has recorded a finding of acquittal against the respondents (hereinafter referred to as 'the accused persons') from charges under Sections 498-A and 304-B of the IPC.

2. Shri Shreesh Agarwal, Advocate is appointed as *Amicus Curiae* to assist the Court as nobody is appearing on behalf of the appellant (hereinafter referred to as 'the complainant'). With the assistance of Shri Shreesh Agarwal, *Amicus Curiae* and Shri Arvind Singh, Government Advocate, the case is heard finally.



3. As per prosecution story, on 31.10.2019 Amrita Mishra committed suicide by hanging herself in suspicious circumstances. After institution of marg inquiry and when the inquiry was over, FIR was registered bearing Crime No.676/2019 at Police Station Ranjhi, Jabalpur against respondents No.1 to 4 on the allegation that respondents No.1 to 4 used to demand a car, gold chain and money as dowry from the deceased due to which she commit suicide.

4. After completion of investigation, a charge-sheet had been filed been filed before the Court of Sessions under Sections 498A, 304 B, 34 of IPC against the respondents No.1 to 4.

5. The accused/respondents abjured their guilt and pleaded complete innocence and they claimed to be tried.

6. In order to bring home the charges, the prosecution has examined as many as 09 witnesses, namely, Dinesh Kumar Dubey (PW-1), Anita Dubey (PW-2), Pragya Dubey (PW-3), Mamta Rajak (PW-4), B. L. Dhurve (PW-5), Dr. Mukesh Agarwal (PW-6), R. Vikram Basediya (PW-7), Dharmendra Dixit (P.W.8), and Girish Kumar Chourasiya (P.W.9) and exhibited document (Ex.P1 to P15). In their defence the respondents examined Vineeta Tiwari (D.W.1), Asha Tiwari (D.W.2) and accused Rachit himself as D.W.3.

7. Learned trial Court after appreciating and marshalling the evidence on record acquitted the respondents from the charge under Section 498A and 304B of IPC on the ground that prosecution has failed to prove its



case beyond reasonable doubt. Against the impugned judgment of acquittal, the present appeal is filed by the appellant/ complainant.

8. Shri Shreesh Agarwal, learned amicus curiae submits that learned trial Court has failed to appreciate the statements of prosecution witnesses as well as the postmortem report (Exhibit P/9) which reveals that there were multiple injuries on the person of the deceased. The evidence of Dinesh (PW-1), Anita (PW-2), who happened to be the parents of the deceased as well as Pragya (PW-3), the sister of the deceased, have categorically supported the story of prosecution, which in turn, is sufficient to prove the offence alleged against the accused persons, but the learned trial Court has erroneously acquitted the accused persons on flimsy grounds. He prayed to allow the appeal while convicting the accused persons in the aforesaid offence and sentence them appropriately.

9. Learned Government Advocate has opposed the prayer.

10. We have heard learned counsel for the parties at length and perused the record.

11. Dinesh Kumar Dubey (P.W.1) is the father of the deceased Amrita. He stated that marriage of Amrita and accused Rachit was solemnized on 12.02.2015. They have given Rs.2 Lac cash and cheque of Rs.80,000/- along with clothes, ornaments and furniture in the marriage. After three days of wedding, he went to her in-law's place to take her back, but her father-in-law, Ravindra Mishra, refused to send her with him. About



8 to 10 days later, accused Rachit brought Amrita to his house and after 3-4 days Rachit and his father took her back. Deceased was working as Staff Nurse at the District Hospital. He further stated that accused Rachit use to snatch money and ATM Card from the deceased. About a month after marriage, deceased Amrita got pregnant and a son was born from the wedlock of the deceased and accused Rachit in November 2015 at Algin Hospital, Jabalpur. After some days of delivery, she again join duty at Sagar. She used to take care of child as well as her job at the same time.

12. Dinesh (PW-1) further stated that accused Rachit and Bhawna subjected deceased to cruelty by demanding a car and gold chain. Rachit use to commit marpeet with the deceased. In December 2015 and November 2016 also accused Rachit meted out cruelty with the deceased and snatched money from her. On 29th October, 2019 deceased came to her maternal home for Bhai Dooj. On the same day, she gone back to her in-law's house. On 31.10.2019 in the night at 10.15 P.M. Rachit had intimated him that deceased committed suicide by hanging herself. When they reached to the house of in-laws of deceased, they saw that there were various injuries on the person of the deceased. Her bangles were in broken condition. Police prepared Panchnama (Exhibit P/1) and seizure memo (Exhibit P/2). The statement of this witness is also supported by Anita Dubey (P.W.2) who is mother of the deceased and by Pragya Dubey (P.W.3) sister of the deceased. All these three witnesses are the close relatives of the deceased. Independent witness Mamta Rajak (P.W.4) has turned hostile and did not support the story of prosecution. She categorically stated that she cannot say how the



deceased has died but after the marriage, deceased used to interact with her and communicated that she is living happily and she has no complaint with her in-laws. Since the statements of P.W.1, P.W.2 and P.W.3 are not supported by the independent witness, therefore, their statements needs close and careful scrutiny.

13. From this angle when we travel through the statements of these witnesses, it is found that they exaggerated the story. Material contradictions and variations are also revealed from their statements vis-a-vis their police statements. Dinesh Kumar (P.W.1) has admitted in para 12 of his cross examination that they never lodged any complaint or FIR against the in-laws of the deceased. In para 15 he also admits that marriage of Amrita and accused Rachit was solemnized with consent of both the families and there was no dispute arose at the time of marriage. He also admitted in para 14 that on 29th October 2019, Amrita remained stayed at their home. It is also revealed from cross examination Para 18 of this witness that an Activa vehicle has been purchased by Rachit. Though it is stated by this witness that the amount for purchasing that vehicle has been received from the deceased by Rachit but he admitted categorically that such transaction did not take place in front of him. He in para 21 also admits that Amrita use to visit various places along with accused Rachit. She visited Haridwar and Badrinath in 2016, 2017 and 2018 and in-between the period, the deceased used to stay in their house for some period. He admitted in para 23 and 24 that since 2015 to 2019, they have not lodged any report against in-laws of the deceased. He cannot say that on which date such demand of dowry has



been made by the accused persons and when marpeet etc. has been committed with the deceased. He admitted in para 28 that deceased was suffering from Migraine and pain in her back bone and she was undergoing treatment for the same.

14. Had there being any cruelty meted out with the deceased, deceased being a staff nurse and educated lady of young age, could have lodge a complaint against accused persons. More so, an immediate action on behalf of parents of the deceased in this regard would have been taken in normal course.

15. Anita Dubey (P.W.2) has stated in her chief examination that there were black spots on the entire body of the deceased when they visited her in-laws house after the death of the deceased. She stated that accused persons for demand of gold chain and money has meted out cruelty with the deceased. She did not state that 'a car' has been demanded as dowry by the accused persons. She in her cross examination has stated that on the person of the deceased, there were several injuries. She cannot mention the date, month on which the demand of dowry was made and marpeet was committed by the accused persons, when the accused Rachit snatched ATM card and money and when money has got transferred by Rachit from the bank account of deceased. Had the accused Rachit has got transferred the money from the bank account of the deceased, then such transaction may be established in evidence in the Court by filing copy of the bank statements etc. But such documentary evidence though could have been available has not been filed. The fact regard several injuries on the person of deceased along with black



spots and bangles in broken condition are not find place in police statement, for which no plausible explanation has been given by this witness.

16. Pragya (P.W.3) in her cross examination has admitted that after the marriage of her sister (deceased), deceased and her husband visited various tourist and pilgrim spots. They have not lodged any complaint or FIR in respect of demand of dowry by the accused persons. She also admits that deceased had some problem in her back and she was also suffering from migraine. In para 9 various contradictions and omissions have been revealed vis a vis her police statement. She also admits that accused Rachit was a Salesman in Godrej company.

17. Dr. Mukesh Agarwar (P.W.6) who has conducted postmortem of the deceased has stated that while examining the dead body of the deceased, he has found following injuries on her body :-

- (1) A blue contusion measuring 5 x 2 cm was present on the dorsal part of the left forearm.*
- (2) A contusion measuring 5 x 2 cm was present on the outer aspect of the left thigh.*
- (3) Two contusions each measuring 5 x 2 cm were present on the left leg.*

He opined that deceased was died within 24 hours of examination and the cause of death is asphyxia due to ante mortem hanging. The injuries were ante mortem and could be caused by hard and blunt object. He in cross examination has admitted that if there is a small room full of furniture and other material, the legs could get injured by hitting. If someone hangs himself/herself and the blades of fan break causing his/her to fall, they could get injuries from the fall. He also admits that people sometimes commit



suicide due to unbearable pain or incurable illness.

18. It is pertinent to mention here that as per the statement of R. Vikram Basediya (P.W.7) who had taken the photographs of place of occurrence, has admitted that photographs (Article 6) revealed that there was Chunni fastened with the neck of the deceased while the other end of Chunni was tightened with blade of fan. He has not taken the photograph of the furniture/material placed in the room. He could not depose about the size of the room. Dharmesh Dixit (P.W.8) who has conducted the investigation in this case, has categorically mentioned that place of incident is a room of 10 x 12 sq. ft. Having regard to the size of room in which deceased committed suicide the opinion given by Dr. Mukesh Agrawal (P.W.6) in his cross examination seems to be plausible.

19. Dileep Kumar Chourasia (P.W.9) who has prepared dead body panchnama (Exhibit D-3) and who had examined the dead body of the deceased has categorically stated in chief examination that there was no visible external injury on the person of the deceased. He has examined the body by shuffling it but there was no injury on the person of deceased. The statement of this witness assumes importance vis a vis the statements of Dinesh Kumar Dubey (PW.1), Anita Dubey (P.W.2) and Pragya Dubey (P.W.3) who have stated that they have seen injuries on the person of deceased.

20. The accused persons in their defence have examined Vineeta Tiwari (D.W.1) who is Incharge Tahsildar. She stated in her chief examination that deceased was posted as Nurse in Government Hospital, Sihora and she used to visit her house for changing her attire. Since there



was double duty of deceased, therefore, she use to stay in her house. Deceased use to share everything with her about her in-laws and family. Deceased told her that her father is demanding Rs.20-30 Lac from her in-laws for her sisters' marriage. She also stated that deceased was suffering from a spinal issue and migraine, which troubled her a lot. She also deposed that father of deceased has also objected changing her surname. Similar is the statement of Asha Tiwari (D.W.2) who was Anganwadi Karyakarta. She stated that she knows the accused persons and deceased. Her house is in front of the house of accused Rachit. Since the deceased and Rachit were residing in front of her house, therefore, she was in close contact with them and she often used to visit their house. She stated that Amrita and Rachit had good relations. They use to visit various places together. Deceased has intimated her that she has pain in her waist and also head migrane and that her parents use to pressurize her for money for her sisters' marriage.

21. Accused Rachit has also examined himself as D.W.3 and supported the aforesaid version stated by the defence witnesses. He also deposed that he was doing job in Godrej company in respect of which copy of appointment order is Exhibit D/4. The deceased was suffering from pain in waist and migraine and she was getting treatment by Dr. Ashish Tondon. The related file is Ex. D/5. Deceased told him that her father is demanding money for marriage of her sisters. After registration of this case, he had give a registered letter to CSP, Police Station Ranjhi for fair and transparent inquiry. The defence witnesses remained intact on their statements and in their cross examination.

22. Having regard to the facts as discussed aforesaid and keeping in



view the defence version as well as the fact that independent witness Mamta (P.W.4) did not support the story of prosecution, rather she supported the defence of accused persons that deceased was happily living with the in-laws and the fact that deceased was suffering from back pain and having complaints of migraine coupled with the fact that the room where the deceased has committed suicide by hanging herself was a small room full of furniture and material which reveal a possibility that the injuries which have been found by Dr. Mukesh (P.W.6) might have been caused by hitting with said material or by falling due to breaking of blade of fan.

23. In these circumstances, evidence of Dinesh Kumar Dubey (PW.1), Anita Dubey (P.W.2) and Pragya Dubey (P.W.3) do not inspire confidence of this Court inasmuch as cogent and reliable evidence. No error has been committed by the learned trial Court in acquitting the accused persons.

24. In the case of *State of Gujarat v. Jayrajbhai Punjabhai Varu, (2016) 14 SCC 151* the Hon'ble Apex Court has held that prosecution has to prove the guilt of the accused beyond all reasonable doubt. It is also the rule of justice in criminal law that if two views are possible on the evidence adduced in the case, one pointing to the guilt of the accused and the other towards his innocence, the view which is favourable to the accused should be adopted. In case of *Nikhil Chandra Mondal v. State of W.B., (2023) 6 SCC 605* Hon'ble Apex Court has observed that it is a settled principle of law that however strong a suspicion may be, it cannot take place of a proof beyond reasonable doubt. Unless finding of the trial Court is found to be perverse or



illegal/impossible, it is not permissible for the appellate Court to interfere with the same.

25. Recently in case of *Mallappa & others v. State of Karnataka, (2024) 3 SCC 544*, the Hon'ble Apex Court has again summarized the principles while deciding the appeal against acquittal which are as follows :-

"42. Our criminal jurisprudence is essentially based on the promise that no innocent shall be condemned as guilty. All the safeguards and the jurisprudential values of criminal law, are intended to prevent any failure of justice. The principles which come into play while deciding an appeal from acquittal could be summarised as :

(i) Appreciation of evidence is the core element of a criminal trial and such appreciation must be comprehensive — inclusive of all evidence, oral or documentary;

(ii) Partial or selective appreciation of evidence may result in a miscarriage of justice and is in itself a ground of challenge;

(iii) If the court, after appreciation of evidence, finds that two views are possible, the one in favour of the accused shall ordinarily be followed;

(iv) If the view of the trial court is a legally plausible view, mere possibility of a contrary view shall not justify the reversal of acquittal;

(v) If the appellate court is inclined to reverse the acquittal in appeal on a reappraisal of evidence, it must specifically address all the reasons given by the trial court for acquittal and must cover all the facts;

(vi) In a case of reversal from acquittal to conviction, the appellate



court must demonstrate an illegality, perversity or error of law or fact in the decision of the trial court."...

26. *Ex consequenti*, in the light of the aforesaid discussion and the ratio of law laid down by Hon'ble Apex Court in aforesaid cases, on careful analysis of the evidence, the observations made by the learned trial Court in the impugned judgment are not found to be faulty. The learned trial Court on proper appreciation of evidence available on record has rightly acquitted the accused/respondents. There is no ground for interference with the findings of the trial Court.

27. Therefore, while affirming the findings of acquittal of present accused/respondents by trial Court, the appeal being sans merit, is hereby dismissed.

28. Before parting with the judgment, we would like to place on record our appreciation for the valuable assistance rendered by Shri Shreesh Agarwal, learned *Amicus Curiae*, in the present matter. He shall be entitled to receive his professional fee from the High Court Legal Services Committee, upon furnishing a certified copy of this judgment, as per the rules.

(VIVEK AGARWAL)
JUDGE

(RAJENDRA KUMAR VANI)
JUDGE