

**HIGH COURT OF TRIPURA  
AGARTALA**

**Crl. Petn. No.28 of 2025**

1.**Shri Manimay Nath**, S/o Late Hari Krishna Nath, Resident of Subhash Nagar, Pin- 799270, Po- Kanchanpur, North Tripura District.

2.**Smt. Mamata Nath**, W/o Late Hari Krishna Nath, Resident of Subhash Nagar, Pin- 799270, Po- kanchanpur, District- North Tripura.

3.**Shri Pradeep Debnath**, S/o Late Deependra Kumar Debnath, R/o Kanchanpur, PWD Water Complex at Subhash Nagar, PO- Kanchanpur, District- North Tripura.

4.**Smt. Shampa Nath**, W/o Shri Pradeep Debnath, D/o Late Hari Krishna Nath, Resident of Kanchanpur PWD Water Complex at Subhash Nagar, PO- Kanchanpur, North Tripura, District.

**....Petitioner(s)**

**Versus**

1.**State of Tripura** represented by the Public Prosecutor of the High Court of Tripura, Agartala.

2.**Smt. Debosmita Nath**, W/o Shri Manimay Nath, D/o Shri Rajan Nath, Resident of Subhash Nagar, PO- Kanchanpur, District- North Tripura, Pin-799720.

**....Respondent(s)**

For Petitioner(s) : Mr. Keneth L.Debbarna, Advocate.  
Mr. Dalit Kalai, Advocate.

For Respondent(s) : Mr. R.Saha, Addl.PP.  
Mr. Saugat Dutta, Advocate.  
Ms. S.Nandy, Advocate.

Date of hearing and  
delivery of Judgment : **13.11.2025**  
& Order

Whethr fit  
for Reporting

|     |    |
|-----|----|
| Yes | No |
|     | ✓  |

**HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA**

**Judgment & Order(Oral)**

Heard Ld. Counsel of both sides.

**[2]** This criminal petition is filed challenging the order dated 05.02.2025 passed by the Ld. Sessions Judge, North Tripura, Dharmanagar in Criminal Revision No.15 of 2023.

**[3]** Initially one complaint was lodged in the Court of Ld. SDJM, Kanchanpur by the complainant, Smt. Debosmita Nath (Respondent No.2) alleging mental as well physical torture, demand of rupees one lakh as dowry etc. by the present petitioners.

**[4]** Ld. Magistrate sent the said complaint to the Kanchanpur Police Station for necessary investigation and thereupon one FIR bearing Kanchanpur P.S. Case No.5 of 2023 was registered against them under Section 498A, 506, 307, 34 IPC which ultimately culminated into submission of a Charge sheet against all the 4 petitioners under Section 498A/506/34 IPC and also under Section 4 of Dowry Prohibition Act, 1961.

**[5]** In course of the proceeding, Ld. Trial Court framed charges against all the petitioners under Section 4 of Dowry Prohibition Act, u/s 498A/34 IPC and under Section

506 /34 IPC. The petitioners, being aggrieved thereby, challenged the fact of framing of charges against them before the Ld. Sessions Judge, North Tripura in Crl. Rev. No. 15 of 2023 which was also dismissed by the Ld. Sessions Judge on 05.02.2025 with the observation that the Investigating Officer, during the investigation, examined a good number of witnesses and the statements of these witnesses prima facie revealed the materials under Section 498A/ 506 and 34, IPC as well as under Section 4 of Dowry Prohibition Act.

**[6]** Being again aggrieved thereby, the present petition has been preferred by all the said petitioners.

**[7]** Ld. Counsel Mr. K. L. Debbarma of the petitioner submits that there is no prima facie case made out against the petitioners under Section 498A and 506 IPC and also under Section 4 of the Dowry Prohibition Act in the investigation, but despite the same, erroneously Ld. Magistrate framed charges against all the petitioners and Ld. Sessions Judge has also affirmed the same in the revision.

**[8]** Ld. Counsel also submits that so far the charge framed under Section 4 of Dowry Prohibition Act is concerned, there is no specific assertion made by any of the witnesses that the so called demand of rupees one lakh by them was in connection with the marriage of the parties and

therefore, the charge under said head, in no way, can be sustained.

**[9]** To buttress his submission, Ld. Counsel relies on a decision of the Hon'ble Supreme Court rendered in ***Appasaheb and Another Vs. State of Maharashtra [(2007) 9 SCC 721]***, and the relevant paragraph Nos. 10 and 11, as referred by Ld. Counsel, are extracted hereunder:

**"10. Section 2 of Dowry Prohibition Act reads as under:-**

**"2. Definition of "dowry" - In this Act "dowry" means any property or valuable security given or agreed to be given either directly or indirectly-**

**(a) by one party to a marriage to the other party to the marriage; or**

**(b) by the parent of either party to a marriage or by any other person, to either party to the marriage or to any other person, at or before or any time after the marriage in connection with the marriage of the said parties, but does not include dowry or mahr in the case of persons to whom the Muslim Personal Law (shariat) applies.**

**11. In view of the aforesaid definition of the word "dowry" any property or valuable security should be given or agreed to be given either directly or indirectly at or before or any time after the marriage and in connection with the marriage of the said parties. Therefore, the giving or taking of property or valuable security must have some connection with the marriage of the parties and a correlation between the giving or taking of property or valuable security with the marriage of the parties is essential. Being a penal provision it has to be strictly construed. Dowry is a fairly well known social custom or practice in India. It is well settled principle of interpretation of Statute that if the Act is passed with reference to a particular trade, business or transaction and words are used which everybody conversant with that trade, business or transaction knows or understands to have a particular meaning in it, then the words are to be construed as having that particular meaning. (See Union of India v. Garware Nylons Ltd., AIR (1996) SC 3509 and Chemicals and Fibres of**

**India v. Union of India, AIR (1997) SC 558). A demand for money on account of some financial stringency or for meeting some urgent domestic expenses of for purchasing manure cannot be termed as a demand for dowry as the said word is normally understood. The evidence adduced by the prosecution does not, therefore, show that any demand for "dowry" as defined in Section 2 of the Dowry Prohibition Act was made by the appellants as what was allegedly asked for was some money for meeting domestic expenses and for purchasing manure. Since an essential ingredient of Section 304-B IPC viz. demand for dowry is not established, the conviction of the appellants cannot be sustained."**

**[10]** Ld. Addl. PP. Mr. R. Saha, however, fairly submits that prima facie there is no material came out during the investigation to frame charge u/s 506 IPC. But there are sufficient materials both in connection with commission of offences under Section 498A IPC and Section 4 of Dowry Prohibition Act.

**[11]** Ld. Addl. PP also submits that any demand, as per the definition of dowry as given in Section 2 of Dowry Prohibition Act, covers even the demands made after marriage without citing any reason, if it is made in relation to or as consideration for the marriage and in the present case such materials are there, though not in specific term that it was made in connection with marriage.

**[12]** Ld. Addl. PP also relies on a decision of Hon'ble Supreme Court in case of **S. Gopal Reddy Vs. State of AP [(1996)4 SCC 596]** wherein, at paragraph 18, it was observed by the Apex Court that while interpreting the

expression 'dowry and' 'demand' in the context of the scheme of the Act, any 'demand' of 'dowry' made before, at or after the marriage where such demand is made as a consideration for marriage would attract the provisions of Section 4 of the Act.

**[13]** Ld. Counsel, Smt. S. Nandy for respondent No.2, however, submits that there are also even materials to frame charge under section 506 IPC in the record and therefore, Ld. Trial Court was completely justified in framing the charges under above said offences against all the petitioners.

**[14]** This Court has considered the submissions of all the sides and has also gone through the materials placed in the record. On perusal of the record of investigation, it appears that there are prima facie materials to frame charge against all the petitioners under Section 498A IPC. Though in so many words, none of the witnesses has clarified that the demand of rupees one lakh was in relation to or as a consideration for the marriage. However, the victim in her statement has stated that the said demand was a dowry demand without further explaining as to how it was a dowry demand. Anyway, at this stage, the micro level scrutiny is not possible to examine whether such statement will coverup the application of Section 4 of Dowry Prohibition Act or not, rather appropriate time for such scrutiny would be after the

recording of evidence is complete and parties are finally heard on merit of the case.

**[15]** In view of the above discussions, the criminal petition is partly allowed.

**[16]** The charge framed under Section 506/34 IPC by Ld. Trial Court against all the petitioners is quashed. However, the Trial Court will proceed with the trial of the case for charges under Section 4 of Dowry Prohibition Act, 1961 and Section 498A IPC in accordance with law.

**[17]** The impugned order passed by Ld. Sessions Judge is accordingly partly set aside.

**[18]** Reconsign the records of Ld. Courts below with copies of this judgment.

**[19]** The Crl. Petn. is accordingly disposed of.

Pending application(s), if any, shall also stand disposed of.

**JUDGE**