

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

CRA No. 6/2008
CrlM No.692/2019
CrlM No.1150/2019

Reserved on: 16.07.2026
Pronounced on: 30.07.2026
Uploaded on: 30.07.2026

*Whether the operative part or
Full judgment is pronounced: **Full***

Tilak Raj S/O Balak Ram,
R/O Village Bhagot, Khalsa.

.....Appellant(s)

Through: Mr. B. R. Sharma, Adv.
Ms. Manpreet Kour, Adv.

Vs

State (now Union Territory) of J&K
through Advocate General, J&K, Jammu.

..... Respondent(s)

Through: Mr. Sumeet Bhatia, GA

CORAM: HON'BLE MR. JUSTICE MA CHOWDHARY, JUDGE

JUDGMENT

01. Appellant herein feeling aggrieved of the judgment and order dated 12.03.2008, passed by learned Additional Sessions Judge, Reasi ('Trial Court') in Sessions Case No. 20/S titled '*State Versus Swarna Devi & Ors*', whereby he has been convicted for the commission of offence punishable under Section 498-A RPC and sentenced to undergo rigorous imprisonment for one and a half years and a fine of Rs.5,000/- and in default of payment of fine, to undergo further rigorous imprisonment for a period of three months.

02. The judgment and order impugned have been assailed on the grounds that there was no reliable evidence on record to establish the guilt of the appellant with the alleged crime; that the evidence of the material prosecution witnesses was full of contradictions, exaggerations and improvements; that none of the witnesses, on whose evidence the appellant has been convicted, have ever supported the prosecution version of the story; that there was not any eye witness proving the evidence against the appellant; that the appellant was not present at the time of alleged occurrence; that that trial court has not appreciated the evidence in its correct perspective; that the witnesses produced were all hear-say witnesses and had no personal knowledge; that the allegation of dowry demand by the appellant and his family was intended only to link the appellant with the commission of offence; that the independent witnesses Jagdish Raj PW-8, as well as other witnesses have turned hostile and even the seizure memo was not proved by any witness, pertaining to the site plan; that the trial court has passed the impugned judgment on the basis of presumptions U/S 113-A of the Evidence Act only.
03. The factual matrix of the case, as per the charge sheet, FIR No.35/1998 came to be registered in the Crime Branch Jammu; that letter No.Cr/R/10556 dated 03.09.1998 was addressed to SHO PS Crime Branch Jammu by SSP C&R Jammu for registration of case U/Ss 306/498-A RPC and to hand over the investigation to Kamlesh Shoor; that the complainant Ram Dhan gave a written report to police post Pouni averring therein that about $\frac{3}{4}$ months ago, he got his daughter Sharda Devi married at Parthal Reasi; that his daughter has come to his house about two days ago and

informed him that her in-laws are demanding cooler, etc from her; that he informed his daughter that he will give it afterwards; thereafter, she went back to her matrimonial house; that on 13.09.1997, he came to know that his daughter has died; that he went on spot and has full belief that his daughter has been killed for dowry.

04. On receipt of this report, proceedings u/s 174 CrPC were initiated, statements of witnesses recorded and obtained the FSL report, as also post mortem report; that during investigation, it has come out that death has taken place due to the taunting and beating of deceased by appellant and his family and that deceased committed suicide by consuming 'Thiodine' insecticide.
05. On conclusion of the investigation, charge sheet was laid against the accused including the appellant and charges under Section 498-A/306 RPC were framed against them. All the accused denied the charges and claimed trial. The trial court after conducting trial vide impugned judgment and order acquitted the sister-in-law and brother of the appellant of the charges under Sections 306/498-A RPC. The appellant, however, was acquitted of the charge U/S 306 RPC but was convicted for the commission of offence punishable under Section 498-A RPC and sentenced to undergo rigorous imprisonment for a period of one and a half years and a fine of Rs.5,000/- and in default of payment of fine, to undergo further rigorous imprisonment for a period of three months.
06. Heard learned counsel for both the sides, perused the impugned judgment and order and considered.

07. Learned counsel for the appellant argued that this is a case where the appellant and his family were falsely implicated in the case; that the appellant has been convicted on no evidence at all; that I.O. in the case has not been examined and due to non examination of I.O., site plan, seizure memo and other documents have remained unproved; that there are lot of contradictions in the statements of witnesses who have been examined. In support of his contentions, learned counsel has placed reliance on the decisions of the Supreme Court in ‘Munna Lal V. State of Uttar Pradesh’ reported as **(2023) 18 SCC 661**; and the Punjab and Haryana High Court in the case of ‘Gagandeep Singh V. State of Punjab’ reported as **2023 NCPHHC 163994**.
08. Learned counsel for the respondents, on the other hand, vehemently argued that the trial court has rightly convicted the appellant; that examination of the IO was not relevant for the charge under Section 498-A RPC; that the trial court meticulously scanned the evidence on record and returned findings that the appellant is guilty of the offence under Section 498-A RPC; that mere flaws in the process of investigation, according to him, would not be sufficient for dislodging the findings so returned; that the appeal being devoid of any merit, deserves dismissal the conviction and sentence recorded by the trial court, be maintained and upheld.
09. While referring to the prosecution evidence, he further argued that though there was no evidence against the mother and sister of the appellant, about the charges framed against them, they were acquitted whereas as against appellant, sufficient evidence could not be led so as to prove the charge

U/S 306 RPC (abetment to suicide) but there was sufficient evidence to prove the charge U/S 498-A CRPC (subjecting his wife to cruelty); that the Trial Court has rightly recorded his conviction; that there is no reason to interfere with the impugned judgment/order and prayed dismissal of the appeal.

10. The prosecution case, as was set up, was that on 13.09.1997, deceased, on getting mentally disturbed, because of taunts made by appellant and his mother for not bringing fridge, cooler, quilt covers, etc. in marriage, due to demand of Rs.50,000/- from her father and because of pressure put by brother of appellant for marriage with her younger sister, committed suicide by consuming poisonous substance. Appellant and his mother were thus charged and prosecuted before the Trial Court for the commission of offences punishable under Sections 498-A and 306 RPC. Both of them were however, acquitted of the charge of offence under Section 306 RPC, nonetheless mother was acquitted of offence U/S 498-A RPC and appellant was convicted of this charge and sentenced to imprisonment and fine.

11. Section 498-A RPC reads as under:

“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 purpose of this section ‘cruelty’ means:-

(a) any wilful conduct which is of such 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; and

(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.”

12. PW-1 Kanchan Kumari, who is sister-in-law of the deceased stated that deceased used to tell her that her mother-in-law and husband were making dowry demands of fridge, cooler and quilt covers and beat her also; that appellant used to tell the deceased to get Rs.50,000/- from her parents as his vehicle met with an accident; that on 12th when she went on spot, she saw blood stained clothes of the deceased. PW-2 Naresh Pal, brother of the deceased stated that for one month after marriage, everything was alright between deceased and appellant, thereafter appellant, his mother and brother used to taunt deceased and to get fridge, cooler, etc; that appellant asked deceased to get Rs.50,000/- from her parents for repairing the vehicle; that deceased informed him that she was hit in the face. PW-3 Shallo Devi, friend of the deceased stated that prior to incident, deceased, with her mother-in-law, met her in a matador and informed her that her mother-in-law and other in-laws taunt her for not bringing cooler and fridge and her husband used to abuse her and beat her up when she asked to accompany him to Jammu for living; that the deceased told her that perhaps they would never meet again.
13. To appreciate the rival submissions in the context of grounds of challenge, this court would have to revert to the prosecution evidence brought on record. Prosecution has examined as many as 14 witnesses, namely, PW-1

Kanchan Kumari, PW-2 Naresh Pal, PW-3 Shallo Devi, PW-4 Kamla Devi, PW-5 Inspector Khalil-ur-Rehman, PW-6 Ram Dhan, PW-7 SI Gurdial Sangra, PW-8 Jagdish Raj, PW-9 Krishan Lal, PW-10 Om Parkash, PW-11 Kewal Krishan, PW-12 Sita Ram, OPW-13 Vakil Singh and PW-14 Dr. Raghubir Singh.

14. PW-4 Kamla Devi, mother of deceased stated that deceased used to cry and say that her in-laws used to taunt her for not bringing fridge and cooler in dowry; that accused had told deceased to get Rs.50,000/- from her parental house; that appellant beat the deceased on one or two occasion and on asking the reason, he told that the deceased persistently insists to take her along with him to Jammu, whereupon the appellant got infuriated and hit on her face with the shoe. PW-6, Ram Dhan, father of the deceased, stated that his daughter got married with the appellant on 03.05.1997; that 15/20 days after the marriage, his daughter complained to him that her mother-in-law and husband trouble her for not bringing fridge and cooler in marriage though the appellant had not demanded anything from him personally; that appellant used to beat deceased and demanded Rs.50,000/-; that Pawan Kumar used to tell the deceased that she should get her younger sister married with him but deceased did not agree to it; that he through Ram Lal, father-in-law of Jagdish Lal informed the accused not to trouble his daughter for cooler and fridge. Rest of the prosecution witnesses are of formal nature to have witnessed the documentation in the case.

15. From the statements of prosecution witnesses, particularly, the parents of the deceased-Ram Dhan and Kamala Devi, and her friend-Shallo Devi,

brother-Naresh Pal and sister-in-law Kanchan Kumari, it has been proved that the appellant as husband had demanded certain dowry items like refrigerator, cooler, quilts besides an amount of Rs.50,000/- for repair of his vehicle, which had met with an accident. In this case, the evidence as adduced by the prosecution clearly establishes that deceased Sharda Devi was subjected to abuse, humiliation and mental torture from the very beginning of her marriage; that allegations of demanding of dowry were sufficiently proved against the appellant by the prosecution. The harassment to which the deceased as wife was subjected by the appellant has been proved by the prosecution evidence which comes within the definition of cruelty punishable under Section 498-A RPC.

16. For the foregoing reasons and observations made hereinabove, it is found that the Trial Court has recorded conviction of the appellant under Section 498-A RPC after recording acquittal under Section 306 RPC, along with his mother, has been passed perfectly in consonance with law and the judgment impugned suffers from no infirmity, much less, any illegality, so as to warrant any interference by this court invoking appellate jurisdiction.
17. Viewed thus, the appeal is found to be without any merit and substance and is dismissed. The impugned order recording conviction of the appellant under Section 498-A RPC and the order, whereby, he was sentenced is upheld. The bail bonds executed by the appellant are cancelled with a direction to surrender before the Trial Court within a period of 15 days from the date of this judgment, for undergoing sentence, failing which Trial Court shall procure his presence.

18. A copy of this order shall be forwarded to the Trial Court for information and record.
19. The appeal is accordingly **dismissed**, along with connected applications.

(MA CHOWDHARY)
JUDGE

JAMMU
30.07.2026
Raj Kumar

Whether the order is reportable: Yes/No