

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

Case No.: CrI LP No. 65/2019
CrLM No. 976/2019
c/w
CrIA (AS) No. 20/2019

Date of Pronouncement: - 30.01.2026
Uploaded on: 02.02.2026

State of J&K.

.... Appellant/Petitioner(s)

Through: - Mr. Bhanu Jastoria, GA.

V/s

Mohd. Aslam and others,

.... Respondent(s)

Through: - Mr. Ch. Mohd. Shabir, Advocate.

CORAM: HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE

ORDER

1. This acquittal appeal is directed against the judgment dated 31.10.2018 passed by the learned Principal Sessions Judge, Rajouri (for short, "*the trial Court*"), whereby the respondents, who were facing trial for the offence punishable under Section 306 RPC in FIR No. 38/2007 of Police Station Kalakote, came to be acquitted.
2. The appellant has assailed the impugned judgment on the ground that the trial Court failed to appreciate the prosecution evidence in its proper perspective and that the material on record was sufficient to establish the guilt of the respondents for the offence of abetment of suicide.
3. *Per contra*, learned counsel for the respondents submitted that despite a protracted trial of more than ten years, the prosecution failed to connect the respondents with the alleged offence and that

the findings returned by the trial Court were based on proper appreciation of evidence and did not warrant interference. It was further contended that leave to appeal could be granted only on showing perversity or patent illegality in the impugned judgment.

4. Before advertng to the merits, the delay of 170 days in filing the appeal was considered and having regard to the administrative exigencies in Government litigation, the same stood condoned.
5. On consideration of the record, it emerges that the deceased and her husband were residing separately from the other family members in the house of Mohd. Mushtaq. In such circumstances, the allegation that the in-laws were subjecting the deceased to such continuous harassment as to drive her to commit suicide becomes highly improbable.
6. The prosecution witnesses, who are close relatives of the deceased have made only vague and generalized statements regarding cruelty and harassment. No specific incident, date, time or act of instigation has been narrated so as to establish any direct or proximate act of the accused which could amount to abetment of suicide.
7. Insofar as respondent No. 4 is concerned, the only material against her is a solitary statement of PW-7 based on what she was allegedly told by her, which is purely hearsay and devoid of evidentiary value.
8. With regard to respondent No. 3, only PW-3 alleged that she used to beat the deceased, whereas other material witnesses, including the mother and brother of the deceased, have not supported this

allegation. Such isolated and uncorroborated assertions, without particulars, cannot constitute proof of instigation.

9. As per the prosecution case itself, no dowry demand was made at the time of marriage and whatever articles were given were out of the free will of the parents of the deceased. Further, the evidence of some witnesses shows that the shifting of dowry articles to another house was done by the husband himself due to domestic discord. This substantially dilutes the prosecution version of dowry-related harassment by the in-laws.
10. Once it stands admitted that the deceased and her husband were living separately, the role of the other accused in allegedly abetting the suicide becomes doubtful and remote. The trial Court has rightly noted that the testimonies of PW-2, PW-3, PW-4 and PW-7 are generalized in nature and do not delineate any definite instance of cruelty or instigation.
11. The essential ingredients of Section 306 RPC require clear proof of instigation or intentional aiding of the commission of suicide. On cumulative evaluation of the prosecution evidence, no such element of active or intentional abetment is made out against any of the respondents.
12. It is a settled principle of law that once an accused stands acquitted after a full-fledged trial; the presumption of innocence gets further strengthened. Interference in an appeal against acquittal is warranted only when the findings of the trial Court are perverse or result in miscarriage of justice.

13. Having independently examined the impugned judgment and the evidence on record, this Court finds no perversity, illegality or error apparent on the face of the record. The appreciation of evidence by the trial Court is reasonable and in accordance with law. The prosecution has failed to establish the charge under Section 306 RPC beyond reasonable doubt.
14. Learned counsel for the appellant has not been able to demonstrate any material on the basis of which a contrary view could be taken or that the findings of the trial Court are manifestly erroneous.
15. In view of the foregoing discussion, no ground is made out for grant of leave to appeal. The application seeking leave to appeal is *dismissed* at the admission stage. Consequently, the connected criminal appeal also stands *dismissed*.

JAMMU
30.01.2026
Ram Krishan

(SANJAY PARIHAR)
JUDGE