

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

**CrI LP No. 80/2019
CrIM No. 1299/2019
c/w
CrIA (AS) No. 28/2019**

**STATE OF JAMMU & KASHMIR
THROUGH SHO, POLICE STATION,
BHADERWAH**

...Petitioner/Appellant(s)

Through: None

Vs.

**SHAHID HUSSAIN
S/o MOHD. SHAFI
R/o SHERAKHI, TEHSIL
BHADERWAH DISTRICT DODA**

...Respondent(s)

Through: None

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

**ORDER
30.01.2026**

1. Nemo for the appellant.
2. Earlier also, there was no representation on behalf of the appellant. Even when the matter was taken up in the first half, no one appeared for the appellant. It appears that the appellant is not interested in pursuing the matter, so much so that no effective steps have been taken for service of the respondent. The appellant has challenged the judgment of acquittal dated 30.04.2019 passed by the Court of Sessions Judge, Bhaderwah, arising out of FIR No. 142/2014 for offences under Sections 304-B and 498-A RPC. The appeal is stated to be barred by a delay of more than 55 days, for which condonation has been sought through CrLM No. 1299/2019, and leave to file the appeal against acquittal has been sought through CrI (AS) No. 28/2019.

3. Since the appellant has neither taken any steps nor appeared in the matter despite the petitions having been filed in the year 2019, no urgency is reflected. Even otherwise, on merits, this Court has gone through the judgment of the Trial Court. It is noticed that although the respondent was accused of offences under Sections 304-B read with 498-A RPC and the deceased had died within five months of her marriage, the father of the deceased (PW-1) categorically stated that no demand of dowry was ever raised by the respondent. The Investigating Officer, Ravi Kumar, also clearly stated that not a single witness had alleged harassment of the deceased by the accused for demand of dowry. The Trial Court further noted that the deceased and the respondent were residing in a locality surrounded by the houses of Shokat Ali, Abdul Qayoom, Ghulam Nabi and Mohd. Shafi; however, none of them deposed about any discord between the couple and rather stated that their relations were cordial. It was further brought on record that the deceased died after consuming some poisonous substance, and PW Mohd. Latief, who conducted the inquiry under Section 174 Cr.P.C., disclosed that on the basis of statements of the aforesaid persons, nothing incriminating was found against the respondent. The only allegation was that the respondent used to beat the deceased, but no witness specifically narrated any such incident. The Trial Court also examined the presumption under Section 114-C of the Evidence Act and held that such presumption could be invoked only if the prosecution succeeded in establishing cruelty, which it failed to do. Reliance was placed on the judgment of this Court in ***Gopal Dass v. State (2008 Vol. II SLJ 724)***, and it was observed that the allegations were based merely on hearsay. The prosecution witnesses admitted that they had not personally seen or heard any act of cruelty or beating. The Trial Court also considered whether, on the nature of evidence available, the respondent could be held guilty under Section 306 RPC; however, it concluded that even that offence was not made out.
4. On a cumulative assessment of the evidence and the judgment rendered by the Trial Court, this Court finds no reason to take a view different from that of the Trial Court. There is no material on record to

suggest that the findings suffer from any perversity. Consequently, neither sufficient grounds are made out for condonation of delay nor has the appellant been able to establish a case for grant of leave to file an appeal against acquittal. Even on merits, no case is made out. Accordingly, all the petitions are ***dismissed*** at the admission stage and consigned to records.

(SANJAY PARIHAR)
JUDGE

JAMMU:
30.01.2026
Akhil Dev

Whether the order is speaking?	Yes
Whether the order is reportable?	No

