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* **IN THE HIGH COURT OF DELHI AT NEW DELHI***Date of decision: 12th August, 2026**Uploaded on: 17th August, 2026*# **CNR No. DLHC011622762012**+ **CRL.A. 1253/2012**

MITHAI LAL

.....Appellant

Through: Mr. P. Sureshan, Adv.

versus

ANIL KUMAR VERMA & ORS

.....Respondents

Through: Mr. Ritesh Kumar Bahri, APP for
State with Mr. Randeep Kr, Mr.
Rishabh , Mr. Lalit Luthra and Mr.
Rajender Pal, Adv. with SI Sachin
PS. R.K. Puram.**CORAM:****JUSTICE PRATHIBA M. SINGH****JUSTICE VIKAS MAHAJAN****VIKAS MAHAJAN, J. (Oral)**

1. This hearing has been done through hybrid mode.
2. The present appeal has been preferred by the father of the deceased namely, Mithai Lal challenging the judgment dated 28th July, 2012 passed by the Court of Additional Sessions Judge-03, South District, Saket Courts, New Delhi whereby all the four respondents-accused persons were acquitted of the charges under Sections 498-A/304-B/34 IPC.
3. The case of the prosecution is that on 09th June, 2009 at 06:30 p.m., DD No. 32A was received at P.S. R.K. Puram regarding death by hanging of



a woman at S-146, 184 Sector-1, R.K. Puram, New Delhi. Basis this information, SI R.K. Meena proceeded to the spot and after necessary formalities, sent the body of the deceased to the mortuary.

4. On 10th June, 2009, the Executive Magistrate reached Safdarjung Hospital Mortuary where he recorded the statement of Mithai Lal, father of the deceased Ms. Sunita. On the basis of this statement, the Executive Magistrate directed the SHO to register the FIR and investigate the matter. This led to the registration of FIR No. 241/2009 under Sections 304-B/498-A/34 IPC at P.S. R.K. Puram on 10.06.2009.

5. Two persons namely, Anil Kumar Verma, husband of the deceased, his father, Ram Niwas, were arrested. Subsequently, another accused Sunil Kumar, brother of Anil Kumar Verma, was also arrested on 10.07.2009. The mother-in-law of the deceased, Leelawati, was declared as a proclaimed offender (PO).

6. After completion of investigation, charge sheet was filed against the three arrested accused and the charges were framed against them under Sections 498-A/304-B/34 IPC, to which they pleaded not guilty and claimed trial.

7. Subsequently, Leelawati was arrested on 08th March, 2010 and a supplementary charge sheet was filed against her and the charges were framed under Sections 498-A/304-B/34 IPC against her as well to which she also pleaded not guilty and claimed trial.

8. As per the post-mortem report, the cause of death of deceased Sunita was opined to be on account of Asphyxia due to ligature hanging.

9. The prosecution examined 15 witnesses, of which following four were the public witnesses:



- (i) PW-1 Mithai Lal (father of deceased);
- (ii) PW-3 Ganga Prasad (uncle of deceased);
- (iii) PW-4 Rupmati (mother of deceased); and
- (iv) PW-5 Asha (aunt of deceased).

10. On the basis of the evidence that had come on record, the learned Trial Court acquitted the accused persons of the charges under section 498-A/304-B IPC.

11. We have heard the learned counsel for the appellant, as well as, the learned APP for the State and have gone through the impugned judgment, as well as, the records of the case.

12. Before proceeding further, we may note that the present is an appeal against acquittal. The principles governing the exercise of appellate jurisdiction while dealing with an appeal against acquittal under Section 378, CrPC have been succinctly summarized by the Hon'ble Supreme Court in ***HD Sundara and Ors. vs. State of Karnataka, (2023) 9 SCC 581***, in the following terms:

“8.....

8.1. The acquittal of the accused further strengthens the presumption of innocence;

8.2. The appellate court, while hearing an appeal against acquittal, is entitled to reappraise the oral and documentary evidence;

8.3. The appellate court, while deciding an appeal against acquittal, after reappraising the evidence, is required to consider whether the view taken by the trial court is a possible view which could have been taken on the basis of the evidence on record;

8.4. If the view taken is a possible view, the appellate court cannot overturn the order of acquittal on the ground that another view was also possible; and



8.5. The appellate court can interfere with the order of acquittal only if it comes to a finding that the only conclusion which can be recorded on the basis of the evidence on record was that the guilt of the accused was proved beyond a reasonable doubt and no other conclusion was possible.

(emphasis supplied)

13. Additionally, the Supreme Court also underscored that in many cases the Trial Judge who eventually passes the order of acquittal has an advantage of looking at the demeanour of witnesses and observing their conduct in the Court, especially in the witness box. The relevant observation reads thus:

“10. There is one more aspect of the matter. In many cases, the learned trial Judge who eventually passes the order of acquittal has an occasion to record the oral testimony of all material witnesses. Thus, in such cases, the trial court has the additional advantage of closely observing the prosecution witnesses and their demeanour. While deciding about the reliability of the version of prosecution witnesses, their demeanour remains in the back of the mind of the learned trial Judge. As observed in the commentary by Sarkar on the Law of Evidence, the demeanour of a witness frequently furnishes a clue to the weight of his testimony. This aspect has to be borne in mind while dealing with an appeal against acquittal.”

(emphasis supplied)

14. Having noted the scope of interference by the appellate court in an appeal against acquittal, we now advert to the evidence and the judgment of the Trial Court to find out whether the view on the evidence taken by the Trial Court is a plausible view.

15. It is pertinent to note that the Trial Court, in its judgment, tabulated the relevant allegations made by the parents of the deceased, her uncle and aunt regarding the demand of dowry, which are extracted hereinbelow for



the ease of ready reference:

<i>PW-1 Mithai Lal (Father)</i>	<i>PW-3 Ganga Pd. (Uncle)</i>	<i>PW-4 Rupmati (Mother)</i>	<i>PW-5 Asha (Aunt)</i>
	<i>Mithai Lal had given sufficient dowry articles in marriage.</i>	<i>We had given dowry articles as per demand of in laws of Sunita. Had paid Rs. 1,21,000/- in cash.</i>	<i>Sufficient dowry was given.</i>
	<i>After Sunita's bidai, I recd. Call from Ram Niwas that balance amt. of dowry of Rs. 1 lakh was nor paid to him. I told that since Rs. 1,21,000/- had been paid in in cash in marriage, no further amount was payable.</i>		
	<i>I attended Reception where Ram Niwas demanded balance amount of dowry from me which led to hot talks and I left the reception without a glass of water.</i>		
<i>After 1 ½ months of marriage I</i>	<i>Later on, I came to know from</i>	<i>After 1 ½ months of marriage</i>	<i>After sometime, she came to</i>



<i>came to know from Sunita that accused persons were demanding Rs. 1 lakh from Sunita otherwise she would be thrown out of the house.</i>	<i>Mithai Lal that still demands of money were made by the in-laws of Sunita.</i>	<i>Sunita informed on phone that her in-laws were demanding Rs. 1 lakh more.</i>	<i>know from Sunita's mother about dowry demand of Rs. 1 lakh more by her-in-laws.</i>
<i>Around 15 days before the incident my daughter came and she looked sad and told me that accused persons are demanding dowry.</i>		<i>She came with Anil to our house and looked sad and informed that her in laws were demanding Rs. 1 lakh more otherwise she would not be kept in the matrimonial house.</i>	<i>Sunita met me about 15 days before he death when she cried in front of me for being harassed by her in-laws for dowry demand.</i>
		<i>Even after reaching her matrimonial home, she informed about her harassment for dowry.</i>	
<i>Around 3 days before her death, she telephoned me and told that the accused persons were harassing her for dowry.</i>			

16. Referring to the aforesaid, the Trial Court observed that the



depositions of various witnesses, who were the close relatives of the deceased were not in sync with each other.

17. PW-3 Ganga Prasad in his statement has stated that after *bidai* of Sunita, he received a telephone call of accused Ram Niwas wherein he had demanded Rs. 1 lakh, but the Trial Court found this allegation to be missing in his statement under Section 161 CrPC. In his cross-examination, the witness stated that he had told about this demand to his brother Mithai Lal, but PW-1 Mithai Lal did not state any such thing, which he, being the father of the bride, could not have missed especially when such demand was made on the very first night after *bidai*. Even the wife of Mithai Lal i.e PW-4 Rupmati did not make any deposition to that effect.

18. Similarly, PW-3 Ganga Prasad also deposed about the demand at the time of “reception” of the deceased and her husband Anil. However, no other witness deposed about any such demand. On this basis, the Trial Court held that the allegation of such demands was doubtful.

19. Both the parents of the deceased i.e. PW-1 and PW-4 have deposed that after 1½ months of marriage, their daughter Sunita told them that her in-laws are demanding Rs. 1 lakh. The Trial Court noted that there is no allegation of the parents that the demand was made by the respondents/accused persons directly from them. Further, the deposition of other two witnesses i.e. PW-3 and PW-5 was found to be hearsay and thus, held to be inadmissible.

20. As regards the deposition of PW-1 Mithai Lal to the effect that 15 days before her death, their deceased daughter had come, who looked sad and on being asked, she told that the accused persons were demanding dowry. In this regard the Trial Court observed that there is no detail as to the



amount demanded. PW-1 in his cross-examination, however, stated that the factum of her harassment by her husband and in-laws 15 days prior to her death was informed by his daughter to his wife; thus, the Trial Court held the testimony to that effect as hearsay.

21. The mother of the deceased i.e. PW-4 also deposed that 15 days before her death, Sunita came along with her husband Anil to her house and looked sad and on being asked, she told that her in-laws were demanding Rs. 1 lakh more but she pacified her daughter and requested her to bear for some time and sent her back. The Trial Court has found the said approach to be not normal as none of the parents of the deceased have stated that they had spoken to the husband of the deceased with regard to the said demand especially when as per PW-4, the husband of the deceased had also come along with the deceased and was available in their own house. Thus, the Trial Court held that the conduct of the parents was unnatural which raises doubt about the said demand.

22. It is also in the statement of PW-4 that she used to talk on phone with her daughter and in the last 15 days before her death, she had spoken to her on 05 to 06 occasions, but there is nothing in her deposition to suggest that her daughter had told her about any dowry demands of the accused persons during such calls; rather, it is in the testimony of PW-4 that her daughter had never complained about her husband. Accordingly, the Trial Court found that the allegations of dowry demands are not very convincing.

23. There is yet another allegation of dowry demand by the accused persons. As stated by PW-1 Mithai Lal, three days before the death of the deceased Sunita, she had telephoned PW-1 that accused persons were harassing her, but he did not divulge in his deposition as to what that



demand was, nor did he depose as to what was his response or what steps he took in respect thereof. The prosecution has also not placed on record any call detail records of the phone calls between the deceased and her father. The Trial Court thus, observed that it cannot be accepted that the parents of the deceased would not take any stern action or would not even have talked with the accused persons as to why their daughter was being harassed for dowry demands. Accordingly, it was held that the above deposition does not inspire confidence, particularly when the mother of the deceased did not testify as to any such demand three days prior to the death of her daughter.

24. The father of deceased PW-1 Mithai Lal also stated that he had not called for any *panchayat* or discussed the matter with any of his relatives with regard to the demands being made by the accused persons. Likewise, PW-4 also admitted in her cross-examination that Shyam Ji and Pyare Lal were mediators in the marriage of their daughter Sunita with Anil Kumar, but neither the said mediators nor any other person was involved to resolve compliant of dowry demand mentioned by deceased Sunita. The Trial Court, thus, recorded a finding that the allegations regarding dowry demand are vague, and none of the allegations *qua* demands deposed by the public witnesses withstand the test of even probability; leave alone beyond reasonable doubt.

25. The relevant extract from the Trial Court judgment where the aspect of dowry demand has been dealt with, is reproduced hereinbelow:

“31. The aforesaid table shows the averments made by the parents of the deceased, her Chacha and her aunt regarding dowry demand. A perusal of the various depositions show that there is no sync in them. PW-2 Ganga Prasad deposed that after bidai of Sunita, he received telephone call of accused Ram



Niwas wherein he demanded Rs. 1 lakh. However, such a statement is found missing from the statement of this witness recorded under Section 161 Cr.P.C. and is thus an improvement. In his cross examination this witness has stated that he had told about this demand to his brother Mithal Lal. However, Mithal Lal PW-1 did not state any such thing. If any such demand is made by the father-in-law of the deceased on the very first night after "bidai" of a bride, no father, rich or poor, can take the situation lightly and forget the same so as not to depose about it in Court. Not only this, even his wife PW-4 Rupmati does not depose about it. PW-3 Ganga Prasad also deposed about it. PW-3 Ganga Prasad also deposed about the demand on 'Reception' on the deceased and accused Anil. Again, no other witness deposes about going to 'Reception' or of such an incident. It cannot be believed that the parents of the deceased would sit silently even after knowing such demands, in such quick succession after marriage. The only inference that can be drawn is that such a demand becomes doubtful. Both the parents of the deceased have then deposed that after 1 ½ months of marriage, in-laws of the deceased demanded Rs. 1 lakh from Sunita. The deposition of other two witnesses in this regard are hear-say, hence not admissible, it is not the case of the prosecution that the said demand was made by the accused persons from the parents of the deceased. The father of the deceased has also deposed that 15 days before her death, her daughter came and looked sad and on being asked she told that accused persons are demanding dowry. He does not say what was the amount demanded. In his cross-examination, he stated that his wife had told him about that demand and therefore the deposition to this effect becomes hearsay. His wife deposed that 15 days before her death, her daughter came along with her husband Anil to her house and looked sad and on being asked she told that her in-laws were demanding Rs. 1 lakh more and she pacified her daughter to bear and she sent her back. This deposition, if tested, on the touched stone of normal circumstances, does not pass such test. It is but natural for the parents for the deceased of the deceased to have talked about this demand with the husband of the deceased but none of the



witnesses had deposed to this effect that they ever talked about it with the husband of the deceased. This conduct of the parents of the deceased in not talking about the demand of the accused with the husband of the deceased, who was available in their own house, is unnatural and raises about doubt, about such demand. She also stated in her cross-examination that she used to talk on phone with her daughter and in the last 15 days before her death, she had talked about 5-6 times with her daughter. There is no deposition that her daughter had told her mother about the dowry demands of the accused on the telephones calls made by her. PW-4 also stated in her cross-examination that her daughter had never complained to her against her husband. Thus, the allegations of dowry demands are not very convincing. The next instance of dowry demand of the accused persons as stated by PW-1 Mithai Lal is said to be 3 days before the death of the deceased when the deceased Sunita is said to have telephoned her father that accused persons were harassing her. Even this deposition does not inspire confidence in as much as no such deposition is made by the mother of the deceased. Apart from it, what was that demand, has not been stated by the father of the deceased. Mithai Lal has not deposed as to what he did after receiving the said call from his daughter. The prosecution has also not placed on record any call detail records of the phones of the deceased and her father. It cannot be accepted that the parents of the deceased would not take any stern action or would not even talk with the accused persons as to why their daughter was being harassed for dowry demands. It was accepted by PW-1 that he did not hold any Pachayat or meeting against the accused persons for their dowry demands to make them understand that they should not make such demand. PW-4 Roopmati had accepted that neither she nor any other persons not the mediator was sent by them to the house of her daughter Sunita to look into the complaint of dowry demand by her husband and her in-laws. She had also stated in her cross-examination that her daughter was free to talk to her parents at any time and she was never stopped from visiting her parents by her in-laws. The allegations regarding dowry demand are thus vague. Thus, none of the alleged demands deposed by the



public witnesses against the accused persons stand on the test of even probability what to speak of 'beyond reasonable doubt'. Even the amount of more than Rs. 5 lacs stated to have been spent by the father of the deceased in the marriage of Sunita and Anil does not appear to be truthful keeping in view the financial condition of the father of the deceased, who used to live in a Jhuggi and had only Rs. 60,000/- to Rs. 65,000/- in his bank account at the time of marriage of Sunita. It is hard to accept that a person who was earning Rs. 500-600/- per month 15 years ago, would be able to give dowry of more than 135 gms of gold and silver jeweller of 500-600 gms to her daughter in her marriage. PW-4 had admitted in her cross-examination that no list of Shagun given to her daughter at the time of her marriage was maintained in any Register. PW-1 & PW-3 had admitted that no list of dowry articles were prepared at the time of marriage and the same was given to the Police on their asking. Taking the entire deposition of the public witnesses as a whole into consideration, conscience of this Court is not satisfied that there were dowry demands made by the accused persons."

(emphasis supplied)

26. The law is well settled that one of the essential ingredients of dowry death under Section 304-B IPC is that the accused must have subjected the woman to cruelty in connection with demand for dowry soon before her death and this ingredient has to be proved by the prosecution beyond reasonable doubt. It is only then that the Court will presume under Section 113-B of the Indian Evidence Act that the accused has committed the offence of dowry death.¹ Mere making demand of dowry is not sufficient to constitute the offence under Section 304-B IPC.

27. Likewise, the offence under Section 498-A, IPC is made out against the husband or his relative if the woman has been subjected to cruelty. The

¹ *Rajeev Kumar vs. State of Haryana*, (2013) 16 SCC 640.



“cruelty” as expounded in the Explanation to the said Section means:

- (i) Any wilful conduct which is of such nature and 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); or
- (ii) Harassment of 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.

28. Clearly, the ‘cruelty’ or ‘harassment’ of the woman by her husband or his relative for or in connection with either ‘demand of dowry’, or ‘unlawful demand for any property or valuable security’ is the common constituent of both the offences under Section 304-B and 498-A, IPC.

29. None of the witnesses have even mentioned or narrated any specific incident of cruelty or harassment. The Trial Court has also held that the element of subjecting the deceased to cruelty in connection with dowry was completely missing, as both the parents i.e. PW-1 and PW-4 had admittedly not convened any meeting or *panchayat*, nor did they involve the mediator for counselling of the accused persons when such dowry demands were made. The relevant extract from the judgment reads thus:

“32..... There is another aspect of this matter. Both Section 498-A and Section 304B IPC require that not only there should be dowry demand but there should also be cruelty or harassment meted out by the husband or his relatives of the wife of such husband. Mere making of dowry demand is not the only pre-requisite for proving an offence u/s 304-B IPC.

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*35..... In these circumstances, **cruelty for dowry demand was***



held to be proved in the cited case, which is completely for dowry demand was held to be proved in the cited case, which is completely missing in the present case, as the father of the deceased PW-1 Mithal Lal had stated that no Panchayat or any other meeting was held regarding the dowry demands of the accused persons for their counseling. To the same effect, is the deposition of PW-4 Roopmati, who had stated that neither she nor any one else not the mediator was sent to the house of the accused persons regarding their dowry demands and hence the said judgment is distinguishable on facts.”

(emphasis supplied)

30. The Trial Court further held that the evidence was completely lacking to constitute even an offence of abetment of suicide under Section 306 IPC. Further, even the presumption for abetment of suicide by a married woman as provided under Section 113A of the Evidence Act could not be drawn as the foundational facts of the deceased being subjected to cruelty or harassment at the hands of the accused persons is not proved. The relevant observation of the Trial Court in this regard reads thus:

“37. A question arises as to whether the accused persons can be convicted for the offence of abetment of suicide under Section 306 IPC. No evidence has come on record which could point out that it were the accused persons, who were instrumental in abetting the suicide of Sunita, who had died within three and half months of her marriage by hanging. Even the statutory presumption for abetment of suicide by a married woman provided under Section 113A of Evidence Act does not help the prosecution in this regard because even for drawing this presumption it was to be proved that the husband or her relative had subjected her to cruelty and it was only and then only that a presumption for abetment of suicide can be drawn against the accused persons. The evidence led on behalf of the prosecution falls too short for even drawing this presumption as there is no evidence led to the effect that the deceased had been committed with cruelties or harassment at the hands of the accused



persons.”

(emphasis supplied)

31. After having perused the evidence of the public witnesses namely, PW-1, PW-3, PW-4 and PW-5, we are convinced that the present is not a case where the only view possible is that of the guilt of the accused-respondent. As already noted, there are contradictions in the statements of the said witnesses in so far as the allegations qua dowry demands are concerned. The said allegations are bereft of sufficient details to convict the accused. No specific incidents or the manner in which the deceased was harassed or subjected to cruelty by the respondents, have been mentioned. The conduct of the parents and other close family members of the deceased do not appear to be the natural reaction which parents ought to have had, in as much as at no point of time, they either made any complaint to the police or attempted to hold any *panchayat* or meeting with the accused persons to persuade them to desist from making any such demands. The marital alliance between the deceased and her husband Anil Kumar was finalised through the mediators, who were never involved by the family of the deceased to resolve the issue by making the respondents understand. Further, it is also in the testimony of PW-4 that her daughter had never complained to her against her husband.

32. We are thus, of the considered opinion that the view on the evidence taken by the Trial Court is a possible view. The impugned judgment, therefore, does not suffer from any infirmity or perversity warranting interference in the present appeal.



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33. The Appeal is devoid of merit, and is accordingly, dismissed.

**VIKAS MAHAJAN
JUDGE**

**PRATHIBA M. SINGH
JUDGE**

AUGUST 12, 2026/dss