



2026:BNSS:1124 16-02H

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL U/S 413 BNSS No. - 253 of 2026

Sujeet Verma

.....Appellant(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Appellant(s)	:	Rahul Kumar
Counsel for Respondent(s)	:	G.A.

Court No. - 43

**HON'BLE SALIL KUMAR RAI, J.
HON'BLE DEVENDRA SINGH-I, J.**

1. Heard learned counsel for the appellant, learned AGA for the State and perused the record.
2. This criminal appeal under Section 413 BNSS has been filed against the judgment and order dated 31.3.2026 passed by Sessions Judge, Maharajganj in S.T. No.61 of 2019 (State vs. Ashok Verma and others) arising out of Case Crime No.47 of 2019, under Sections 498A, 304B, 302/34 IPC and Section 4 of the Prohibition of Dowry Act, 1961, Police Station-Kolhui, District-Maharajganj, whereby the Sessions Judge, Maharajganj has acquitted the opposite party Nos.2 to 4 in the aforesaid session trial.
3. The prosecution case in short is that Sanju Verma was married to one Ashok Verma, i.e., opposite party No.2 on 8.3.2015. It is the case in the first information report that some months after the marriage, the accused, who were husband and in-laws of Sanju Verma, started harassing and physically torturing Sanju Verma for dowry and on the failure of Sanju Verma and her parents to fulfill the demands of the accused, the accused murdered Sanju Verma on 3.11.2018. It has been stated in the first information report that three years after marriage, a son was born to Sanju Verma, who died within 12 days of birth. It has been further stated in the first information report that the accused had caused the death of the son of Sanju Verma and had also threatened Sanju Verma that she would also be killed if she complained to the police about the said incident. The first information report was registered on 19.2.2019. It comes out from the

judgment of the trial court that the first information report was registered on the orders of the Chairman, State Commission for Women, Uttar Pradesh, Lucknow and it is alleged by the first informant that the police had been bought over by the accused and was not registering the first information report. The first information report was registered at the instance of the brother of the deceased.

4. It transpires from the judgment of the trial court that immediately after the death of Sanju Verma, who shall herein after in short be referred to as 'the deceased', the police was informed about her death by the in-laws of the deceased. The inquest report does not show any injury on the body of the deceased and there were two hospital bandages on the neck and thighs of the deceased. The autopsy of the dead body was done on 5.11.2018. The autopsy report also does not note any injuries on the body of the deceased and the antemortem injuries on the body of the deceased were marks of injection, which were caused because the deceased had been admitted in the hospital for treatment because of ill-health. The viscera report disclosed consumption of aluminium-phosphide by the deceased.

5. After investigation, a charge-sheet under Sections 302/34, 304B, 498A IPC and Section 4 of the Dowry Prohibition Act, 1961 was filed. The matter was committed for trial to the sessions court and consequently, Sessions Trial No.61 of 2019 was registered under Sections 302/34, 304B, 498A IPC and Section 4 of the Dowry Prohibition Act, 1961. The accused were charged under the aforesaid provisions. The accused pleaded not guilty and demanded trial.

6. In order to prove its case, the prosecution examined 9 witnesses. PW1 is the brother of the deceased and the first informant in the case; PW2 is the mother of the deceased; PW3 is the cousin of the deceased; PW4 is the elder-sister of the deceased; PW5 is the sister-in-law of the deceased; PW6 and PW9 are police-personnel and formal witnesses; PW7 is the witness to the *panchayatnama*. The doctor, who conducted the autopsy and proved the postmortem report, was examined as PW8.

7. Considering the fact that there was no injury on the body of the deceased and the inquest as well as the postmortem report did not indicate any injury and that there was no eye-witness or any circumstantial

evidence to prove the offence under Section 302/34 IPC, the trial court acquitted the accused from the aforesaid charges. We are not able to find any fault in the aforesaid approach of the trial court.

8. So far as the charges under Sections 498A, 304B and Section 4 of Dowry Prohibition Act, 1961 are concerned, it comes out from reading of the testimony of different prosecution witnesses, which have been reproduced in detail in the judgment of the trial court, that PW3, PW4 and PW5, who were the cousin, elder-sister and sister-in-law of the deceased, were not witness to any demand of dowry from the accused and did not give any direct evidence of the deceased informing them about dowry or that the deceased was subjected to cruelty and harassment for dowry just before her death. The evidence of PW3, PW4 and PW5 falls in the category of hearsay evidence and it was not safe to convict the accused relying on the testimony of PW3 to PW5.

9. So far as PW1 and PW2 are concerned, in his evidence, PW1 has stated that there was no dispute or any altercation between the in-laws of the deceased and the parents of the deceased regarding any dowry during the marriage. The witness has also deposed that the deceased used to happily come to her maternal home and was also taken by the husband of the deceased to her matrimonial home with her consent. Even though in their deposition, PW1 and PW2 have deposed to the fact that a demand of Rs.2 lakhs was made by the in-laws of the deceased, but the trial court after reading the evidence of the witness in entirety has disbelieved the same as the said deposition was found to be contradictory and inconsistent with the other statements given by the said witnesses either in their cross-examinations or in chief examination, itself.

10. It also transpires from the judgment of the trial court that the deceased was under treatment and had been admitted in the hospital by the husband of the deceased. It was proved in the trial court that the husband of the deceased had made all efforts to get proper medical-treatment to the deceased. No grounds have been raised in the memorandum of appeal challenging the said findings of the trial court. The in-laws of the deceased had not absconded after her death and had also done the last-rites of the deceased. The in-laws of the deceased also informed the police regarding the death of the deceased as would be evident from the entries

in the inquest. The in-laws of the deceased had also informed the first informant, who, consequently, along with his mother, was present at the home of the accused at the time of inquest. The husband of the deceased and her brother-in-law, i.e., *dewar*, had accompanied the dead body of the deceased to the civil hospital, where the autopsy was done.

11. Considering the aforesaid circumstances and after reading the prosecution and defense evidence in entirety, the trial court found that the prosecution had not been able to prove beyond reasonable doubt that the deceased was subjected to physical or mental cruelty or harassment soon before her death and acquitted the accused. We do not find any perversity in the approach of the trial court.

12. It was argued by the learned counsel for the appellant that from the viscera report, it was evident that the deceased had consumed poison, therefore, the accused were liable to be convicted. The fact that the deceased had consumed poison was a reason to register a case under Section 304B IPC and to raise a presumption regarding dowry-death. However, the presumption of Section 304B IPC has been effectively rebutted by the defense. In her testimony, PW4, who is the elder-sister of the deceased, stated that she had no knowledge of any dowry demand from the in-laws of the deceased or that the deceased was ever subjected to cruelty and harassment for dowry soon before her death. It is unbelievable that the elder-sister of the deceased would have been ignorant of any demand as claimed by the prosecution. In fact, in her deposition, PW4 had stated that there was no dispute between the parties regarding dowry and it was the first informant, who told the witness on phone, that the deceased had been killed by poisoning.

13. It is also notable that the cousin of the deceased was examined by the defense as DW1 and in his testimony, the defense witness denied that there was any demand of dowry from the in-laws of the deceased or that the deceased was subjected to cruelty and physical harassment for dowry soon before her death. The witness has also proved that it was the in-laws of the deceased, who were continuously getting the deceased treated for different health problems.

14. It is also noticeable that in his testimony and in the first information

report, PW1 had claimed that the call-recordings regarding the demand for dowry and which would show that there was altercation between the parents of the deceased and in-laws of the deceased regarding dowry, were available with him, but no such call-records were given by the first informant to the investigating-officer and no such call-records were produced by the prosecution as evidence before the trial court. The omission on the part of the prosecution to produce the said evidence also raises a presumption against the prosecution.

15. We do not find any perversity or any other illegality in the assessment of evidence by the trial court. The view taken by the trial court is a plausible view and is based on evidence. No grounds either of fact or law or regarding assessment of evidence by the trial court arise in the present appeal.

16. For all the aforesaid reasons, we do not consider it a case to re-assess the evidence at the instance of the appellant after summoning the records of the case.

17. The appeal is **dismissed** summarily.

18. Let the file be consigned to records after certifying a copy of the present judgment to the trial court.

(Devendra Singh-I,J.) (Salil Kumar Rai,J.)

May 5, 2026
LN Tripathi