



acquitting the Respondents/original accused nos.1 to 4 of the offences punishable under Sections 304B, 306 and 498A read with Section 34 of Indian Penal Code.

2. We have heard the learned APP for State and perused depositions of six witnesses examined in the case. The learned trial Court acquitted the accused mainly on the ground that the evidence brought on record is contradictory and cannot be relied upon. The State being aggrieved by the Judgment and Order of acquittal, came up in the present Appeal.

3. So far as the prosecution witnesses are concerned, PW 1 Kalavati is the mother of deceased Sangita. Kalavati's husband died before about 20 years. Accused No.1 Nandu is the husband of deceased Sangita. Their marriage was performed before 3 years of the incident. The other accused are the relatives of accused no.1.

4. According to PW 1 Kalavati, Sangita used to visit her maternal place and disclosed to her that accused nos.1 to 4 were ill-treating her on the demand of gold ring and a piece of land. It is the prosecution case that at the time of marriage of Sangita with accused no.1 Nandu, Kalavati agreed to give half tola gold ring in the marriage but she could not and so accused used to harass Sangita. Regarding piece of land, it is stated that Kalavati purchased half guntha land in Keshav Nagar. When accused no.1 came to know, he insisted Sangita to ask her mother to purchase the land in the name of her daughter. Since

Kalavati did not accede to the demand, accused started ill-treating Sangita on that ground too. If the evidence of Kalavati is minutely looked into, it is apparent that she did not disclose to anyone about the alleged ill-treatment to Sangita. She could not assign any reason for this vital omission in her police statement. It was thus sufficient for the trial Court to discard the testimony of Kalavati on the alleged ill-treatment to Sangita on the demand of gold ring and the land.

5. PW 2 Laxmibai, PW 4 Surekha and PW 5 Dilip are neighbours. It is elicited in the cross-examination of PW 2 Laxmibai that she was not in good terms with the accused. Her son is a plumber. Accused no.1 is also a plumber and on many occasions, there were quarrels between the accused and Laxmibai. As she had a reason to grind an axe against the accused, her testimony was also not relied upon by the trial Court.

6. PW 4 Surekha has not narrated about the alleged ill-treatment to Sangita in her police statement. As she improved her version in the Court, her testimony was found to be afterthought and unreliable.

7. The evidence of PW 5 Dilip is helpful to the accused as he clearly admitted in the cross-examination that relations between accused and Sangita were normal. His evidence also shows that Sangita was suffering from some disease. Accused were taking her care. He stated that there were no quarrels between Sangita and the accused.

8. The prosecution made a futile attempt to prove its case through the evidence of PW 3 Raju who is the brother of deceased Sangita. He lodged F.I.R.-Ex.24. In the cross-examination, there is an unequivocal admission by this witness that in F.I.R. it is not stated that there was offer of ½ tola gold ring at the time of marriage of Sangita with accused no.1. It can be further seen from the evidence of PW 3 Raju that there are major omissions and contradictions. He too admits that Sangita was suffering from typhoid.

9. We have examined very carefully depositions of witnesses as well as the evidence recorded by the learned trial Court. We do not notice any perversity in the reasoning of the learned trial Court to warrant interference in an Appeal against acquittal. Consequently, the present Appeal against acquittal being devoid of merit and substance, stands dismissed.

10. We quantify legal fees to be paid by the High Court Legal Services Committee to the appointed Advocate Smt. Sarojini Upadhyay at Rs.5,000/-.

(SMT. I. K. JAIN, J.)

(SMT. V. K. TAHILRAMANI, J)