

2024:PHHC:164928



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

108

CRA-AS-148-2023

Date of decision: 05.12.2024

Ramphal

....Appellant

V/s

State of Haryana and another

....Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Mukesh Yadav, Advocate for the appellant.

SUMEET GOEL, J. (Oral)

1. Present appeal is directed against the judgment dated 16.12.2022 passed by the learned Additional Sessions Judge, Rewari, whereby respondent No.2 (herein) were acquitted from the charges under Sections 498-A and 306 of the IPC by granting them the benefit of doubt.
2. In the present appeal, the pertinent facts for adjudication are that the FIR No.144, dated 14.05.2019, was lodged against the accused-respondent No. 2 namely Tanender S/o Rattan Lal, resident of village Chillhar, Police Station Kasola, Rewari, under Sections 498-A and 306 of the Indian Penal Code (for brevity the 'IPC') at Police Station Kasola, District Rewari. The matter proceeded to trial before the Court of learned Additional Sessions Judge, Rewari, which concluded its proceedings and, vide judgment dated 16.12.2022, acquitted the accused (respondent No.2 herein) of all the charges. The Court below held that the evidence brought on record by the prosecution does not meet the necessary standards laid-down under Sections 498-A and 306 of the IPC; given the insufficiency of credible evidence, there is significant doubt regarding the involvement of the accused

in the alleged offence & hence he ought to be acquitted by giving him the benefit of doubt.

3. The appellant, aggrieved by the findings of the Court below, has now invoked the appellate jurisdiction of this Court, seeking re-examination of the findings as the same are based on alleged mis-appreciation of evidence and procedural irregularities. However, it is well-settled law that the scope in appeal against acquittal is limited and does not entail a re-appreciation of evidence unless there is a manifest illegality or a serious miscarriage of justice.

4. In brief, the case of the prosecution, as detailed in the FIR, is that on 14.05.2019, a telephonic call was received at Police Station from the Sarpanch of Village Chirahara that Anita (deceased) had committed suicide by hanging herself. On reaching the spot, ASI Parvinder found the dead body of deceased Anita lying on the floor in a room. Meanwhile, Dr. Basant Kumar also reached there and inspected the spot. After arranging a private vehicle, the dead body was sent for post-mortem at CHC Bawal. Thereafter, the father of the deceased namely Ramphal (complainant) submitted a complaint at the concerned Police Station to the effect that there was matrimonial dispute going on between his daughter and her husband (respondent no.2 herein) on account of which she was being harassed. It was alleged that the accused Tanender (husband of the deceased) had an illicit relation with another woman on account of which there had been quarrels between the accused and his wife (deceased). It was, thus, suspected that the accused (husband of the deceased) had abetted the deceased to commit suicide. Based on these set of allegations, law was set into motion and the instant FIR was registered. During the course of investigation, a suicide note was found. Statements of the witnesses under

Section 161 of Cr.P.C. were recorded. Inquest proceedings under Section 174 of Cr.P.C. were held and the dead body was sent for post-mortem examination, which was got conducted at the Medical Board at CHC, Bawal. On 15.05.2019, accused (respondent No.2 herein) was arrested. After completion of investigation, the accused respondent No.2 (herein) was sent up for trial before the Court of competent jurisdiction, wherein after the committal of the case to the Court of Additional Sessions Judge, charges were framed under Sections 498-A and 306 of the IPC.

5. Learned counsel for the appellant has iterated that the Court below has erred in acquitting the accused-respondent No.2 and the impugned order is contrary to law, facts and evidence on record. Learned counsel has further iterated that the trial Court did not give sufficient consideration to prosecution witnesses, which have sufficiently proved the guilt of the accused beyond reasonable doubt. According to the learned counsel, the story put forth by the prosecution stands sufficiently proved by cogent and unimpeachable evidence led on behalf of the prosecution and hence the accused ought to have been convicted. It has been further argued that on the basis of minor discrepancies/contradictions in the testimonies of various prosecution witness, the trial Court has proceeded without application of the judicial mind and disbelieved the story put forth by the prosecution in *toto*. Learned counsel has further iterated that the Court below has erred in failing to properly consider key evidence, including the testimonies of PW-9 (Ramphal) and PW-10 (Ombir), father and brother of the deceased, as well as the investigating officer (PW-13). It has been submitted that the consistent and credible testimonies of PW-9 and PW-10 are aligning with the FIR and established a clear link between the action of the accused and the death of the deceased and, thus, fulfilling the element of Section 107 of

the IPC. Furthermore, PW-2 Dr. Rahul Yadav, testified that on 15.05.2019, a Medical Board, including himself, has conducted the post-mortem examination of the deceased at the request of the Police and as per the opinion of the Medical Board, the cause of death was asphyxia due to hanging, which was ante-mortem in nature. However, this crucial fact has not been properly considered by the Court below while acquitting the accused. It has been further argued that the Court below ought to have considered the incriminating circumstances, however, the Court below has failed to properly appreciate them and acquitted the accused on flimsy grounds. It has been further argued that the prosecution has brought sufficient and cogent evidence on record to prove that the deceased was being maltreated by the accused prior to her death. Learned counsel asserts that the Court below has dealt the matter in superficial manner without proper consideration of the evidence. Learned counsel has further canvassed that the Court below has wrongly acquitted the accused, despite there being sufficient evidence on record to establish his guilt and hence his acquittal is not justified in light of the evidence presented.

6. At the outset, it is pertinent to mention herein that in adjudicating an appeal against an order of acquittal, the appellate Court operates within a narrowly circumscribed framework. It is a settled legal principle that acquittal by a trial court carries a presumption of innocence, further strengthened by the trial court's findings. The appellate Court is precluded from engaging in a wholesale re-appreciation or reassessment of evidence unless the conclusions drawn by the trial court are patently perverse, unreasonable, or unsupported by the record. The principles governing the scope of interference by the High Court in an appeal against the judgment of acquittal, have been laid down by the Hon'ble Supreme

Court in the judgment passed in the case titled as ***Babu Sahebagoada Rudragoudar and others versus State of Karnataka, 2024 INSC 320 = 2024(2) Law Herald (SC) 928*** held as under:

“39. Thus, it is beyond the pale of doubt that the scope of interference by an Appellate Court for reversing the judgment of acquittal recorded by the trial Court in favour of the accused has to be exercised within the four corners of the following principles:-

- (a) That the judgment of acquittal suffers from patent perversity;*
- (b) That the same is based on a misreading/omission to consider material evidence on record;*
- (c) That no two reasonable views are possible and only the view consistent with the guilt of the accused is possible from the evidence available on record.”*

Thus, the present appeal must be examined in context and after drawing guidance from the aforementioned principles.

7. The allegations in the present case relate to subjecting the victim to cruelty on account of dowry demand as defined under Section 498-A and abetment of suicide as defined under Section 306 IPC.

Section 498-A of the IPC reads as under:-

“498-A. Husband or relative of husband of a woman subjecting her to cruelty.- *Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.*

Explanation. For the purposes of this section, "cruelty" means-
(a) any wilful conduct which is of such a nature as 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) of the woman; or

(b) harassment of the 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.”

To secure a conviction under Section 498-A of the Indian Penal Code (IPC), the prosecution must establish specific ingredients of the offence beyond a reasonable doubt. This provision criminalizes cruelty by the husband or his relatives against a woman, necessitating the prosecution

to demonstrate the following elements. Firstly, it must be proved that the accused is either the husband of the woman or a relative of the husband. Section 498-A exclusively applies to persons in a marital relationship or those connected to the husband. Secondly, the prosecution must establish the occurrence of "cruelty," as defined under this section. The term "cruelty" includes two broad categories. The first involves wilful conduct by the accused that is likely to drive the woman to commit suicide or cause grave injury or danger to her life, limb, or physical or mental health. Evidence of repeated physical assault, severe mental harassment, or any degrading treatment that endangers her well-being must be presented. The second category includes harassment of the woman or her relatives with a view to coercing them to meet unlawful demands for property or valuable security, commonly associated with dowry demands. Clear evidence of such coercive demands and the corresponding harassment must be brought to the court's notice. The prosecution must further establish the nexus between the accused person's acts and the harm suffered by the woman, showing that the cruelty inflicted directly endangered her mental or physical health or pushed her towards suicidal tendencies. Eyewitness testimony, corroborative medical or psychological evidence, and documented proof of harassment are crucial for substantiating the charge. Lastly, the prosecution must prove the accused person's wilful intent or knowledge of the consequences of their acts, ensuring that the case is firmly grounded in the facts and circumstances. A comprehensive presentation of evidence satisfying these requirements is indispensable to sustain a charge under Section 498A.

7.1 Section 306 of the IPC reads as under:-

“306 .Abetment of suicide. —If any person commits suicide, whoever abets the commission of such suicide, shall be punished with imprisonment

of either description for a term which may extend to ten years, and shall also be liable to fine.”

Thus, the basic ingredients to constitute an offence under Section 306 of the IPC are suicidal death and abetment thereof. Abetment of a thing is defined under Section 107 of the IPC as under:-

*“107. Abetment of a thing.— A person abets the doing of a thing, who—
First. — Instigates any person to do that thing; or
Secondly.— Engages with one or more other person or persons in any conspiracy for the doing of that thing, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that thing; or
Thirdly.— Intentionally aids, by any act or illegal omission, the doing of that thing.*

Explanation 1.— A person who by wilful misrepresentation, or by wilful concealment of a material fact which he is bound to disclose, voluntarily causes or procures, or attempts to cause or procure, a thing to be done, is said to instigate the doing of that thing.

Explanation 2.— Whoever, either prior to or at the time of the commission of an act, does anything in order to facilitate the commission of that act, and thereby facilitate the commission thereof, is said to aid the doing of that act.”

7.2. Abetment involves a mental process of instigating a person or intentionally aiding a person in doing of a thing. Without a positive act on the part of the accused to instigate or aid in committing suicide, conviction cannot be sustained. The intention of the legislature and the ratio of the cases decided by the Supreme Court is clear that in order to convict a person under Section 306 IPC there has to be a clear mens rea to commit the offence. It also requires an active act or direct act which led the deceased to commit suicide seeing no option and that act must have been intended to push the deceased into such a position that he committed suicide. There should be evidence capable of suggesting that the accused intended by such act to instigate the deceased to commit suicide. Unless the ingredients of instigation/abetment to commit suicide are satisfied, accused cannot be convicted under Section 306 IPC. The Hon’ble Supreme Court in ***Ude Singh***

& Others v. State of Haryana, (2019) 17 SCC 301, held that in order to convict an accused under Section 306 of the IPC, the state of mind to commit a particular crime must be visible with regard to determining the culpability. It was observed as under:-

“16. In cases of alleged abetment of suicide, there must be a proof of direct or indirect act(s) of incitement to the commission of suicide. It could hardly be disputed that the question of cause of a suicide, particularly in the context of an offence of abetment of suicide, remains a vexed one, involving multifaceted and complex attributes of human behavior and responses/reactions. In the case of accusation for abetment of suicide, the Court would be looking for cogent and convincing proof of the act(s) of incitement to the commission of suicide. In the case of suicide, mere allegation of harassment of the deceased by another person would not suffice unless there be such action on the part of the accused which compels the person to commit suicide; and such an offending action ought to be proximate to the time of occurrence. Whether a person has abetted in the commission of suicide by another or not, could only be gathered from the facts and circumstances of each case.

16.1. For the purpose of finding out if a person has abetted commission of suicide by another; the consideration would be if the accused is guilty of the act of instigation of the act of suicide. As explained and reiterated by this Court in the decisions above referred, instigation means to goad, urge forward, provoke, incite or encourage to do an act. If the persons who committed suicide had been hypersensitive and the action of accused is otherwise not ordinarily expected to induce a similarly circumstanced person to commit suicide, it may not be safe to hold the accused guilty of abetment of suicide. But, on the other hand, if the accused by his acts and by his continuous course of conduct creates a situation which leads the deceased perceiving no other option except to commit suicide, the case may fall within the four-corners of Section 306 IPC. If the accused plays an active role in tarnishing the self-esteem and self-respect of the victim, which eventually draws the victim to commit suicide, the accused may be held guilty of abetment of suicide. The question of mens rea on the part of the accused in such cases would be examined with reference to the actual acts and deeds of the accused and if the acts and deeds are only of such nature where the accused intended nothing more than harassment or snap show of anger, a particular case may fall short of the offence of abetment of suicide. However, if the accused kept on irritating or annoying the deceased by words or deeds until the deceased reacted or was provoked, a particular case may be that of abetment of suicide. Such being the matter of delicate analysis of human

behaviour, each case is required to be examined on its own facts, while taking note of all the surrounding factors having bearing on the actions and psyche of the accused and the deceased.”

7.3. Thus, it is to be borne in mind that in cases of alleged abetment of suicide, there must be proof of direct or indirect acts of incitement to the commission of suicide. Merely on the allegation of harassment without their being any positive action proximate to the time of occurrence on the part of the accused which led or compelled the person to commit suicide, conviction in terms of Section 306 IPC is not sustainable. A profitable reference in this regard can be made to a judgment passed by the Hon’ble Supreme Court in case titled as ***Nipun Aneja and others vs. State of Uttar Pradesh = Neutral Citation No.2024 INSC 767***, relevant whereof reads as under:

“21. The ingredients to constitute an offence under Section 306 of the IPC (abetment of suicide) would stand fulfilled if the suicide is committed by the deceased due to direct and alarming encouragement/incitement by the accused leaving no option but to commit suicide. Further, as the extreme action of committing suicide is also on account of great disturbance to the psychological imbalance of the deceased such incitement can be divided into two broad categories. First, where the deceased is having sentimental ties or physical relations with the accused and the second category would be where the deceased is having relations with the accused in his or her official capacity. In the case of former category sometimes a normal quarrel or the hot exchange of words may result into immediate psychological imbalance, consequently creating a situation of depression, loss of charm in life and if the person is unable to control sentiments of expectations, it may give temptations to the person to commit suicide, e.g., when there is relation of husband and wife, mother and son, brother and sister, sister and sister and other relations of such type, where sentimental tie is by blood or due to physical relations. In the case of second category the tie is on account of official relations, where the expectations would be to discharge the obligations as provided for such duty in law and to receive the considerations as provided in law. In normal circumstances, relationships by sentimental tie cannot be equated with the official relationship. The reason being different nature of conduct to maintain that relationship. The former category leaves more expectations, whereas in the latter category, by and large, the expectations and obligations are prescribed by law, rules, policies and regulations.

22. *The test that the Court should adopt in this type of cases is to make an endeavour to ascertain on the basis of the materials on record whether there is anything to indicate even prima facie that the accused intended the consequences of the act, i.e., suicide. Over a period of time, the trend of the courts is that such intention can be read into or gathered only after a full-fledged trial. The problem is that the courts just look into the factum of suicide and nothing more. We believe that such understanding on the part of the courts is wrong. It all depends on the nature of the offence & accusation. For example, whether the accused had the common intention under Section 34 of the IPC could be gathered only after a full-fledged trial on the basis of the depositions of the witnesses as regards the genesis of the occurrence, the manner of assault, the weapon used, the role played by the accused etc. However, in cases of abetment of suicide by and large the facts make things clear more particularly from the nature of the allegations itself. The Courts should know how to apply the correct principles of law governing abetment of suicide to the facts on record. It is the inability on the part of the courts to understand and apply the correct principles of law to the cases of abetment of suicide, which leads to unnecessary prosecutions. We do understand and appreciate the feelings and sentiments of the family members of the deceased and we cannot find any fault on their part if they decide to lodge a First Information Report with the police. However, it is ultimately for the police and the courts of law to look into the matter and see that the persons against whom allegations have been levelled are not unnecessarily harassed or they are not put to trial just for the sake of prosecuting them.”*

8. In the light of the above principles laid down by the Hon’ble Supreme Court, I have thoughtfully considered the arguments advanced on behalf of the appellant, perused the entire case record and the judgment passed by the learned Court below.

9. While going through the records of the case, it appears that the prosecution has failed to satisfactorily discharge its burden of proof by presenting credible and reliable evidence or witnesses. It is a well-settled principle of law that the burden rests upon the prosecution to establish the guilt of the accused through cogent and convincing evidence, and any failure to do so entitles the accused to the benefit of doubt. The case put forth by the

prosecution is riddled with material discrepancies, as discussed below, that substantially undermine its credibility and foundational strength.

10. At the outset it will be apposite to consider the main thrust of the prosecution case as revealed from the evidence on record for deciding the culpability of the accused in the incident in question. As per the case put forth by the prosecution, it was alleged that the accused subjected his wife, Anita, to cruelty and abetted her to commit suicide, which she tragically did on 14.05.2019. It is alleged that the persistent acts of harassment by the accused, including physical and emotional abuse, alongwith his extramarital affair, created an unbearable situation for the deceased and ultimately leading to her death.

10.1 Firstly, PW-1 Basant Kumar, Assistant Director, Scene of Crime, testified vide his report (Exh.P-1) that no struggle or injury marks were found on the body of the deceased or clothes during the site visit on 14.05.2019 at 5:30 p.m. Surprisingly, the prosecution did not question him about any injuries. Similarly, the inquest report (Exh.P-4) makes no mention of injuries. PW-2 Dr. Rahul Yadav had admitted that he did not specify the duration of injuries in column No.4 and acknowledged that it is not reasonably impossible that insect bites could resemble like a bruise as mentioned in column No.4. The Medical Board did not opine that these injuries were the cause of death. Furthermore, PW-13 ASI Parvinder has categorically confirmed that the accused was in Delhi on 14.05.2019 and returned only after receiving the information regarding the suicide committed by the deceased. Thus, there is no conclusive evidence to hold that the accused has caused the injuries.

10.2 As per the prosecution, the deceased, Anita Kumari, was abetted to commit suicide due to harassment caused by the accused namely

Tanender, who allegedly maintained an illicit relationship with another woman. The prosecution had relied heavily on the testimonies of PW-9 Ramphal (father of the deceased) and PW-10 Ombir (brother of the deceased) to substantiate the charge under Section 306 IPC. PW-9 (father of the deceased) had testified that the deceased was harassed due to the alleged extra-marital affair of the accused and that the family had intervened in April 2019. However, he admitted that there were no prior complaints of harassment during the subsistence of 08 years of the marriage of the deceased. The said witness also expressed doubts about the authenticity of the suicide note and the circumstances of the death. Furthermore, PW-10 (brother of the deceased) claimed that her sister (since deceased) disclosed the harassment and beatings due to the alleged affair of the accused about 1½ months before her death. He, however, admitted that her sister was happily living until shortly before the incident in question. He had also admitted that no complaint was lodged against the accused prior to the death of her sister. Moreover, no independent or corroborative evidence was presented to substantiate the allegations of harassment or an extra-marital affair of the accused by these star witnesses which casts a significant doubt in the narrative as promulgated by the prosecution. Moreover, the identity of the woman with whom the accused allegedly had an extra-marital affair was neither known nor verified.

10.3 It is borne out from the record that the deceased was married to the accused on 06.03.2011 and the incident in question took place on 14.05.2019 which goes to show that the marriage of the deceased had survived for more than 08 years without any iota of complaint or even whisper of allegation against the accused. The key prosecution witnesses i.e.

PW-9 and PW-10 has nowhere alleged or it is neither decipherable from the

record that these witnesses had lodged any complaint against the accused or objected to it. The deceased lived with the accused in a stable marital relationship for over 08 years and there were no allegations of discord until shortly before her death. Moreover, the deceased's last rites were conducted in her matrimonial home without any protest from her family. In the considered opinion of this Court, the prosecution has miserably failed to establish the involvement of the accused in persistent cruelty or abetment to suicide under Section 306 IPC. Moreover, the evidence presented by the prosecution is speculative and unsubstantiated. The testimonies of PW-9 and PW-10 have failed to establish beyond reasonable doubt that the accused abetted the deceased's suicide. There is no evidence to satisfy the essential ingredients of Section 306 IPC. Thus, the allegations remain unproven and weakens the claim of the prosecution that the accused was maltreating the deceased which compelled her to commit suicide. The prosecution has failed to establish that the alleged extra-marital relationship, even if assumed to be true, amounted to an act which in itself was sufficient to provoke, incite or compel the deceased to take the extreme step of committing suicide. There is no evidence on record to suggest that the accused harbored any aversion toward the deceased. In the considered opinion of this Court the prosecution has neither alleged nor proved that the conduct of the accused created an unbearable or oppressive situation that drove the deceased to a state of utter despair, leaving her with no recourse but to end her life. The mere existence of an extra-marital affair, without substantial proof of instigation, harassment or any willful act intended to compel the deceased to commit suicide, cannot constitute abetment under the purview of law.

11. The case of the prosecution is further undermined by the fact that the alleged suicide note which was written in the diary by the deceased

was taken into possession by PW-13 ASI Parvinder. The same was sent to FSL, Bhondsi for Forensic examination and the opinion given by the handwriting expert is that it is not feasible to form a definite opinion regarding the same. It is well settled law that in cases of inconclusive expert testimony, the Court must exercise caution before attributing any evidentiary weight to such findings. Hence, in the absence of definite expert opinion, reliance on the disputed hand-written suicide note would contravene the principles of fair trial.

11.1 Furthermore, nothing has been brought on record to show any action/grievance raised by the deceased or the above-said star prosecution witnesses regarding the alleged maltreatment prior to the death of the deceased. Moreover, the aforesaid prosecution witnesses have failed to disclose certain material relevant facts initially but later represent a significant shift in their narrative. These substantial alteration/discrepancies undermine the credibility of the case of the prosecution and it fails to meet the standard of proving the guilt beyond a reasonable doubt and casts a significant element of doubt regarding the alleged incident in question and potentially weakens the case of the prosecution. The glaring inconsistency of the key prosecution witnesses directly impacts the credibility and the case of the prosecution. Such discrepancies cannot be lightly overlooked as they strike at the very root of the prosecution's narrative and reliability of the evidence presented. In criminal jurisprudence, where the burden of proof lies squarely on the prosecution to establish the guilt beyond the reasonable doubt, the contradicting/conflicting statement of star prosecution witnesses significantly undermine the ability of the prosecution to prove the charges conclusively and potentially warranting an acquittal of the accused by giving him the benefit of doubt. Moreover, there is no reasonable explanation

forthcoming either from the evidence produced by the prosecution or records of the case or from the averments made in the present appeal, on the aspect of alterations/contradictions.

12. It is a well established principle in criminal jurisprudence that the burden of proof rests squarely upon the prosecution, which must establish the guilt of the accused beyond reasonable doubt. Any failure to meet this standard, particularly when key evidence is either missing or questionable, entitled the accused to the benefit of doubt. It has been consistently held that suspicion, however grave, cannot substitute for proof, and where there exists any reasonable doubt, the benefit of such doubt must be given to the accused and he must be acquitted in accordance with law. In light of the above discussed discrepancies and inconsistencies, it can safely be inferred that the case put forth by the prosecution is false and there is no evidence of the alleged incident as projected by the complainant. Where the prosecution has failed to substantiate its case beyond reasonable doubt, as has happened in the case in hand, the defence, if any, raised/pleaded by the accused recedes into the background and rather becomes immaterial.

13. The legal framework under Section 306 IPC mandates that to sustain a conviction for abetment of suicide, the prosecution must establish beyond a reasonable doubt that the accused played a direct and active role in instigating, provoking, or compelling the deceased to take their own life. The evidence must clearly demonstrate that the accused engaged in specific, overt acts of incitement or provided such alarming encouragement that the deceased was left with no reasonable alternative but to commit suicide. This legal standard underscores the necessity of proving a proximate and unambiguous connection between the conduct of the accused and the decision of the deceased to end their life. In the present case, as detailed in

the preceding discussion, the prosecution has utterly failed to satisfy this burden of proof. The evidence on record does not establish any clear or cogent link between the accused's actions and the deceased's decision to commit suicide. Mere allegations or circumstantial evidence, without substantive proof of instigation or a direct nexus, are insufficient to sustain a charge under Section 306 IPC. Thus, the prosecution's inability to demonstrate any act of incitement or compelling conduct by the accused renders its case untenable, and the charge of abetment of suicide cannot be sustained in law. Moreover, the commission of offence under Section 498-A of IPC remains unsubstantiated. The alleged simple injuries on the body of the deceased were neither noted by PW-1 Baswant Kumar, Assistant Director, Scene of Crime, in his report (EXh.P-1) nor by the Investigating Officer during the inquest. There is no evidence to establish that the accused inflicted the injuries or that his conduct was of such a nature as to drive the deceased to commit suicide. The medical evidence is inconclusive and insufficient to support a charge of physical cruelty against the accused. In the instant case, the prosecution has miserably failed to discharge its liability.

14. In the facts and circumstances of the entire case coupled with the presence of multiple lacunae as also inconsistencies in the case, the learned Additional Sessions Judge, rightly arrived at the conclusion that the story put forth by the prosecution was untrustworthy and the allegations raised lack substance.

15. The facts of the case clearly narrate that the prosecution has tried to conceal the real genesis of the case. However, the Court below has meticulously and judiciously examined the matter, appreciating the facts and evidence in their proper context. The Court below has rightly discerned the

attempt of the prosecution to distort the narrative and has delivered the findings based on through evaluation of the material on record.

16. Perusal of the impugned judgment of acquittal passed by the Court below shows that the entire evidence led by the prosecution has been gone through in detail and in a painstaking manner and has dealt with each and every aspect of the case in a pragmatic manner. The judgment of acquittal is based on sound reasoning; does not suffer from any illegality or perversity. As such, the judgment of acquittal dated 16.12.2022 passed by the learned Additional Sessions Judge, Rewari, is upheld. Resultantly, the present appeal, being bereft of merits, fails and is dismissed.

17. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

December 05, 2024
Ajay

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No