IN THE HIGH COURT OF JHARKHAND AT RANCHI
Criminal Appeal (S.J.) No. 729 of 2017

Karmi Devi, wife of Deena Nath Saha, resident of Village – Panchkathiya, Barhait, P.O. and P.S. – Barhait, District - Sahibganj ... ... **Appellant**

Versus

The State of Jharkhand ... ... **Respondent**

CORAM:HON'BLE MR. JUSTICE ARUN KUMAR RAI

For the Appellant : Mr. Ashutosh Kumar Sinha, Advocate
For the State : Mr. Sardhu Mahto, A.P.P.

C.A.V. on 16.01.2026 **Pronounced on 21.09.2026**

1. Heard Mr. Ashutosh Kumar Sinha, learned counsel for the appellant and Mr. Sardhu Mahto, learned A.P.P. for the State.

2. At the outset, it is pertinent to mention that the appellants/convicts namely Deenanath Saha (father in-law of the informant/victim) and Karmi Devi (mother in-law of the informant/victim) have preferred the instant appeal, however during the pendency of the instant appeal, the appellant no.-1 Deenanath Saha had died on 30.12.2022 and vide order dated 12.01.2026 of this Court, the instant appeal *qua* the appellant no.-1 Deenanath Saha got abated, therefore the present appeal has been heard and is being decided against the sole appellant Karmi Devi.

3. This appeal is directed against the judgment of conviction and the order of sentence dated 04.04.2017 passed by the learned Additional Sessions Judge- 1, Rajmahal in Sessions Case No. 220 of 2007, whereby and whereunder, the appellant namely Karmi Devi has been convicted for the offence punishable under Section 498A/34 of IPC and sentenced to

undergo S.I. for one year and a fine of Rs. 5,000/- each and in default of payment of fine, further directed to undergo simple imprisonment for one month.

4. The record reveals that the victim initially filed a complaint case alleging that she was married to Ravindra Saha. At the time of marriage, her father had given Rs. 30,000/- in cash to her father-in-law as a gift, along with a bicycle, a wrist watch, and certain ornaments. After the marriage, the victim went to her matrimonial home, and after a week she was subjected to cruelty on the pretext that her father had agreed to pay Rs. 50,000/- but had given only Rs.30,000/- at the time of marriage. A demand was thereafter raised for the remaining amount of Rs. 20,000/- from the victim.

5. It is further alleged that her husband assaulted her for not bringing the said money, quarrelled with his parents, and thereafter left the house, and did not return for two years. Thereafter, the victim was not permitted to reside in her matrimonial home and was compelled to return to her parental house. Subsequently, her parents-in-law visited her parental home and asked for her *Bidai*. On that occasion, her father sent her back to her matrimonial home, where her brother-in-law Chandradeep Saha allegedly committed rape upon her for a period of 4–5 months. It is also alleged that he, along with her parents-in-law, inflicted cruelty upon her on account of the remaining Rs. 20,000/-, which her father was unable to pay due to financial constraints. On her refusal to meet the demand, she was mercilessly beaten and ultimately driven out of her matrimonial home, whereafter her father brought her back to the parental house.

6. The said complaint was forwarded by the learned Magistrate under Section 156(3) of the Cr.P.C. for registration of an FIR, pursuant to which Rajmahal P.S. Case No. 52 of 2007 dated 05.03.2007 was registered under Sections 498A/34 and 376 of IPC against the accused persons, namely

Deenanath Saha (father-in-law), Rabindra Saha (husband), Chandradeep Saha (brother-in-law), Deepak Saha (brother-in-law), and Karmi Devi (mother-in-law).

7. Upon completion of investigation, charge-sheet was submitted against Deenanath Saha (father-in-law), Rabindra Saha (husband), Chandradeep Saha (brother-in-law), and Karmi Devi (mother-in-law). After cognizance was taken, the case was committed to the Court of Sessions, where on 16.01.2008 charges were framed. Charge under Section 376 of IPC was framed against Chandradeep Saha, while charges under Sections 498A/34 of IPC were framed against Rabindra Saha, Deenanath Saha, and Karmi Devi. The charges were read over and explained to the accused persons in Hindi, to which they pleaded not guilty and claimed to be tried.

8. In order to prove its case, the prosecution examined eight witnesses. The accused Chandradeep Saha also entered the witness box and his testimony was recorded as D.W.-1.

9. The defence brought on record two documents: Exhibit-A, being Title (Divorce) Suit No. 32/2005, and Exhibit-X, a photocopy of a declaration of marriage dated 01.07.2005 between the victim and Chandradeep Saha. The statements of the accused persons under Section 313 of the Cr.P.C. were recorded, wherein they simply denied the allegations levelled against them.

10. After considering the material on record, the learned trial court acquitted Chandradeep Saha of the charge under Section 376 of IPC and acquitted Rabindra Saha (husband of the victim) of the charge under Section 498A of IPC. However, Deenanath Saha (father-in-law) and Karmi Devi (mother-in-law) were found guilty under Section 498A/34 of IPC and sentenced to undergo simple imprisonment for one year, along with a fine of Rs. 5,000/- each, and in default of payment of fine, to further undergo simple imprisonment for one month.

11. Being aggrieved by the judgment of conviction and order of sentence, the present appeal has been preferred.

12. Learned counsel for the appellant has vehemently contended that there is no specific allegation of cruelty or harassment against the appellant in the testimony of the victim or her parents. It is argued that mere demand of dowry, without the ingredients of cruelty or harassment as explained under clauses (a) and (b) of Section 498A of IPC, cannot constitute the offence. It is further submitted that there are material contradictions in the evidence of P.W.-8 and other prosecution witnesses, and even the victim denied marriage with her brother-in-law, which was contradicted by her mother's statement, thereby creating doubt regarding the credibility of the witnesses.

13. It is further submitted that the allegations are false and fabricated, as the appellant resides separately, which fact has been corroborated by both prosecution and defence witnesses. It is also pointed out that the trial court acquitted the brother-in-law of the charge under Section 376 of IPC and the husband of the victim of the charge under Section 498A of IPC, which clearly demonstrates that the allegations against the appellant are false and concocted. On these grounds, learned counsel for the appellant urged that the prosecution has failed to prove its case beyond all reasonable doubts and, therefore, the appellant deserves to be acquitted.

14. *Per contra*, learned A.P.P. for the State argued that the trial court has rightly convicted the appellant under Section 498A/34 of IPC, as the factum of dowry demand and cruelty/harassment stood substantiated from the evidence of the victim and her parents. It was submitted that the prosecution has proved its case independently and the judgment of conviction and order of sentence requires no interference.

15. Heard learned senior counsel for the parties and perused the material available on record.

16. It is pertinent to note that, before the trial court, four accused persons were put on trial, out of them, Rabindra Saha

(husband) who was charged under Section 498A of IPC and Chandradeep Saha (brother-in-law) who was charged under Section 376 of IPC, were acquitted. The remaining accused persons in the present case, namely Deenanath Saha (father-in-law) and Karmi Devi (mother-in-law), were convicted under Sections 498A/34 of IPC. Aggrieved by the judgment of conviction and order of sentence, both the convicts had preferred the present appeal. The instant appeal, insofar as Deenanath Saha is concerned, has been abated. Therefore, while deciding the present appeal, this Court is primarily concerned with the evidentiary material pertaining to the sole appellant Karmi Devi, in respect of the offence under Section 498A of IPC.

17. Before coming to the fact of the present case, it is apposite to discuss the provision of Section 498A of IPC, which reads as follows -

> *"498A. 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 purpose 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 her such demand."*

18. On the plain reading of the above provision of Section 498A of IPC, it clearly transpires that Section 498A of IPC gets attracted against the husband or his relative only when they subject the women to cruelty. 'Cruelty' has been defined by the explanation to Section 498A of IPC and it has two limbs – (a) and (b). As per the first limb, 'cruelty' means any wilful conduct which is of such a nature which is likely to drive the women to commit suicide or to cause grave injury or danger to

life, limb or health. Here, there is no reference to any demand of dowry.

As per, the second limb to the explanation to Section 498A of IPC, 'cruelty' also means harassment of the woman which has been made with intent to coerce her or any of her relative to meet any unlawful demand for any property or valuable security or such harassment has been made on account of her failure or failure of her relative to meet such unlawful demand. Here again, there is no reference to demand of dowry, though demand of dowry is covered under the unlawful demand. As such, harassment of a woman by unlawful demand of dowry also partakes character of cruelty.

19. In the present case, the prosecution, in order to establish its case, examined eight witnesses, namely: P.W.-1 informant/victim, P.W.-2 Krishna Nand Saha (cousin of the informant/victim), P.W.-3 Bhutua Saha (father of the informant/victim), P.W.-4 Yashoda Devi (mother of the informant/victim), P.W.-5 Champa Devi, P.W.-6 Arun Sah, P.W.-7 Mohan Prasad Verma (Investigating Officer), and P.W.-8 Karmania Yadav. The defence, on the other hand, examined one witness, D.W.-1 Chandradeep Saha (brother in law of the informant/victim and one of the accused acquitted of charge under Section 376 of IPC).

20. P.W.-1, the informant/victim, deposed that about four years ago, on Monday at 8:00 P.M., her husband, father-in-law, mother-in-law, and brother-in-law demanded Rs.20,000/- from her, failing which she would be expelled from her matrimonial home. She further stated that her husband Rabindra Saha absconded with Rs. 30,000/- and her parents-in-law declared that she would not be allowed to reside in the matrimonial home since her husband had fled away. She was told to pay Rs. 20,000/- to her brother-in-law. She further alleged that her brother-in-law Chandradeep Saha committed rape upon her for 4–5 months and that her

parents-in-law confined her within the house. She informed her father about the demand, and he was told that unless Rs.20,000/- was paid, she would not be permitted to stay in her matrimonial home. On her father's refusal, she was expelled at 8:00 P.M in the night.

21. In cross-examination, she stated that she had stayed for one week in her matrimonial home during her first visit and had remained there for 3-4 months during her second visit. She further alleged that her brother-in-law did *jabardasti* with her and she was beaten and expelled by Chandradeep Saha at 8:00 P.M. in the night along with her father. She also stated that Chandradeep Saha fraudulently obtained her and her father's signatures on papers, assuring that she would be kept with dignity, but later it was discovered that the papers were marriage documents. She further stated that she was not allowed to converse with anyone, and if she does, she would be beaten. She reiterated that after one week of marriage, she was asked to bring Rs. 20,000/-, but her father expressed his inability to pay.

22. P.W.-2 Krishna Nand Saha, cousin of the victim, is a hearsay witness. He stated that after one week, the victim returned to her parental home and informed him that her in-laws had demanded Rs. 50,000/-, of which Rs. 30,000/- had already been given, and a further demand of Rs. 20,000/- was made. He further stated that the victim was compelled to stay with her brother-in-law, who told her that he would keep her only if the money was given. In cross-examination, he stated that the brother-in-law committed rape upon his sister and that she narrated the demand of Rs. 50,000/- to him after returning to her parental home.

23. P.W.-3, the father of the victim who deposed that after her marriage, his daughter went to her matrimonial home, where she remained well for about a week. Thereafter, her husband and in-laws told her that against the agreed amount

of Rs. 50,000/-, only Rs. 30,000/- had been given and demanded a further sum of Rs. 20,000/- and his daughter was beaten and threatened with being driven out of her matrimonial home, if the demand was not met. He further stated that his daughter stayed in her matrimonial home for about one year and five months before returning to her parental home. He admitted that he had not personally witnessed the acts of cruelty/harassment inflicted upon his daughter.

24. P.W.-4, the mother of the victim, who deposed that her daughter was treated normally for a week after the marriage, but thereafter, she was beaten, denied food, and subjected to demands for money. In cross-examination, she stated that the marriage of Chandradeep Saha with her daughter was solemnized by her in-laws. She denied the suggestion that the case was falsely instituted because Rabindra Saha filed a case for dissolution of the marriage with her daughter.

25. P.W.-5, Champa Devi and P.W.-6 Arun Sah, both co-villagers, did not support the prosecution case.

26. P.W.-8, Karmania Yadav, a co-villager and neighbour of the appellant, also did not support the prosecution case. However, in cross-examination, he denied the suggestion that there was a demand of Rs. 20,000/- or that the victim was harassed and beaten for non-fulfilment of money demanded. He further stated that the victim's marriage was solemnized with Chandradeep Saha owing to Rabindra's absence and at the insistence of the victim's parents. He categorically stated that the victim was never harassed for dowry and that all family members resided separately.

27. P.W.-7, Mohan Prasad Verma, the Investigating Officer, deposed that he inspected the place of occurrence and recorded the statements of witnesses. In cross-examination, he stated that witnesses had confirmed that dowry was given

at the time of marriage and that the victim's parents claimed to have witnessed the incidents of harassment inflicted on the informant/victim.

28. D.W.-1, Chandradeep Saha who happens to be victim's brother-in-law, deposed that the victim's marriage was solemnized with this witness at the behest of the victim's parents, as his brother had not returned for two years. The marriage was solemnized at Rajmahal, and a document to this effect was prepared, which has been marked as Exhibit-X.

29. In cross-examination, he stated that the victim's parents desired that he reside at their home as *gharjamai*. He further stated that he married the victim only after the filing of Title (Divorce) Suit No. 32/2005, marked as Exhibit-A. He denied the suggestion that the victim was beaten or that dowry was demanded. He also stated that his parents and brother resided separately.

30. Before analyzing or appreciating the evidence against the appellant, it is apposite to note that the maxim "*falsus in uno, falsus in omnibus*" is not a rule of law applicable in India and that the Court is required to sift the evidence and to separate the grain from the chaff. However, in the factum of the instant case, the informant/victim had levelled allegations of rape against her brother-in-law and allegation of cruelty and dowry harassment against her husband, father-in-law and mother-in-law, and the trial court, upon appreciation of the evidence, acquitted the brother-in-law of the charge under Section 376 of IPC and the victim's husband of the charge under Section 498A of IPC, therefore, such acquittals constitute relevant circumstances while assessing the credibility and consistency of the informant/victim's remaining allegations.

31. The evidence against the mother-in-law (appellant), therefore, has to be examined independently and with due caution, particularly when the allegations against all the family members arise from substantially the same set of circumstances. However, the fact that the maxim "*falsus in uno, falsus in omnibus*" is inapplicable does not relieve the Court of its duty to scrutinize the testimony as a whole and to determine whether the specific allegations against the appellant are cogent, consistent and sufficiently reliable to sustain her conviction.

32. It transpires from the testimony of the informant/victim (P.W.-1), her parents (P.W.-3 and P.W.-4), and the material on record, that allegations were made against the appellant Karmi Devi, mother-in-law of the victim, that she, along with her husband and sons, demanded Rs. 20,000/- as out of the agreed amount of Rs. 50,000/- at the time of marriage, only Rs.30,000/- had been paid. The informant/victim stated that after her marriage, she was treated well for a week, but thereafter the demand of Rs. 20,000/- was raised. She further alleged that her husband quarrelled with her and his father, assaulted her, and absconded for two years, whereafter she returned to her parental home. She was later taken back to her matrimonial home by her in-laws. She also alleged that her brother-in-law Chandradeep Saha committed rape upon her for 4–5 months and fraudulently obtained signatures of her and her father on the papers, which were later discovered to be the marriage documents. Moreover, she has stated that during her first visit to her matrimonial home she stayed there for a week and thereafter remained there for about three to four months. She reiterated that she was not allowed to converse with anyone and was beaten if she does so. However, it is significant to note that no specific incident or act of beating or harassment attributable directly by the appellant Karmi Devi has been stated by this witness.

33. In the present case, the father of the victim, Bhutua Saha, was examined as P.W.-3. In his testimony, he stated that a demand of Rs. 20,000/- was made by the in-laws of his daughter, which he was unable to fulfil. He further admitted that he had not personally witnessed any act of cruelty or ill-treatment meted out to his daughter by her in-laws. The mother of the victim examined as P.W.-4, was not specific in her deposition regarding the demand of Rs.20,000/-. However, she stated that her daughter was subjected to cruelty at the hands of the appellant and other co-accused persons.

34. Krishna Nand Saha (P.W.-2), cousin of the victim, deposed that the victim had told him about the demand of money and also about the commission of rape by Chandradeep Saha. Champa Devi (P.W.-5) and Arun Sah, (P.W.-6) both co-villagers, did not support the prosecution case. Similarly, Karmania Yadav (P.W.-8) who has not supported the case of prosecution, however deposed that no demand of Rs. 20,000/- was ever made by the accused persons, nor was the victim harassed for dowry. He further stated that all family members resided separately.

35. Chandradeep Saha (D.W.-1) deposed that the marriage of the victim was solemnized with him at the behest of her parents, as his elder brother Rabindra Saha had not returned for two years. He stated that the marriage was solemnized at Rajmahal and a document to this effect was prepared, which has been marked as Exhibit-X. He further referred to Title (Divorce) Suit No. 32/2005 filed by Rabindra Saha, which has been marked as Exhibit-A.

Furthermore, Chandradeep Saha (D.W.-1) stated that the parents of the victim desired that he resides at their home as *gharjamai*, which was not acceptable to him. He suggested that the present case was lodged against the accused persons due to this disagreement.

36. This Court has also perused Exhibit-A which is the plaint in Title (Divorce) Suit No. 32 of 2005. It transpires that the said divorce suit was instituted on 02.12.2005 by Rabindra Saha, son of the appellant herein, against the wife (informant/victim) and Chandradeep Saha, his own brother. In the said suit, an allegation was made that his wife (informant) was having illicit relationship with Chandradeep Saha. Moreover, the informant/victim (P.W.-1) and her father (P.W.-3) were aware of the aforesaid divorce suit, as it is evident from their respective testimonies available on record.

37. At the cost of repetition, it may be reiterated that, the informant (P.W.-1) initially instituted a complaint case on 12.01.2007, which was subsequently forwarded for registration of an F.I.R. under Section 156(3) of the Cr.P.C. In the said complaint, which formed the basis of the F.I.R., the alleged date of occurrence, when the informant was allegedly driven out of her matrimonial home for not giving Rs.20,000/-, was stated to be 01.01.2007. Thus, the criminal case was instituted by the informant/victim after the filing of the divorce suit by her husband. As stated earlier, the informant was well aware of the pendency of the said divorce suit instituted by her husband.

38. It is also relevant to note that the brother-in-law (D.W.-1) has taken the stand that he had solemnized marriage with the informant/victim (P.W.-1) at the behest of her parents and at the time when the divorce petition had already been instituted by his brother. The mother of the informant (P.W.-4) has also deposed in her testimony that the marriage of Chandradeep Saha with her daughter was solemnized by her in-laws.

However, the informant/victim (P.W.-1) has deposed that her brother in law, Chandradeep Saha, committed rape upon her and fraudulently obtained her signature and that of her father on certain papers, assuring them that she would be

kept with dignity. However, it was subsequently, discovered that the said papers were, in fact, marriage documents. She denied that any marriage was solemnized between her and Chandradeep Saha. The learned trial court, after appreciating the evidence on record, held that the physical relationship between the informant (P.W.-1) and Chandradeep Saha (D.W.-1) was consensual. However, it did not record any finding regarding the alleged marriage. Consequently, Chandradeep Saha was acquitted of the charge of rape upon the informant/victim.

39. This Court finds it difficult to understand that when a demand for Rs. 20,000/- was allegedly made by the appellant and other in-laws, including the husband of the informant/victim after a week of her stay at matrimonial home when she visited after her marriage, and when the husband after lapse of some times, left the matrimonial home and his whereabouts were not known to the informant/victim, she left her matrimonial home and returned to her parental home, but subsequently returned to her matrimonial home even though, according to her own version her husband had not returned by that time. It is, thereafter alleged that again demand of Rs. 20,000/- was made, that to be given to her brother-in-law, Chandradeep Saha (D.W.-1), who is also alleged to have subjected her to rape.

40. There is material contradiction in the statements of the informant/victim (P.W.-1) and her father (P.W.-3) regarding the period of her stay at her matrimonial home. The informant/victim (P.W.-1) has stated that during her first visit to her matrimonial home, she stayed there for one week and thereafter during her second visit, she remained there for about three to four months. In contrast, her father (P.W.-3) has stated that his daughter had stayed at her matrimonial home for about one year and five months before returning to

her parental home. Thus, there is a material contradiction in the testimonies of P.W.-1 and P.W.-3 with regard to the period of her stay at her matrimonial home.

41. It is apposite to refer herein the judgment rendered by the Hon'ble Supreme Court in the case of ***Abhishek v. State of M.P.*** reported in ***(2023) 16 SCC 666*** wherein upon due consideration, the Apex Court has allowed the appeals and set aside the criminal proceedings instituted under Section 498A of IPC and Sections 3 and 4 of the Dowry Prohibition Act, 1961 and held that the allegations, being wholly insufficient and resting on assertions so far-fetched and inherently improbable, could not sustain the continuance of the prosecution. The relevant paragraph of the judgment reads as under -

> *26. Most damaging to Bhawna's case is the fact that she did nothing whatsoever after leaving her matrimonial home in February 2009 and filed a complaint in the year 2013 alleging dowry harassment, just before her husband instituted divorce proceedings*
>
> *27. Given the totality of the facts and circumstances, we are of the considered opinion that Bhawna's allegations against the appellants, such as they are, are wholly insufficient and, prima facie,do not make out a case against them. Further, they are so farfetched and improbable that no prudent person can conclude that there are sufficient grounds to proceed against them. In effect, the case on hand falls squarely in Categories (1) and (5) set out in Bhajan Lal [State of Haryana v. Bhajan Lal, 1992 Supp (1) SCC 335 : 1992 SCC (Cri) 426] . Permitting the criminal process to go on against the appellants in such a situation would, therefore, result in clear and patent injustice. .....*

42. Considering the legal proposition and totality of the facts as discussed in the preceding paragraphs, this Court is of the considered view that the testimony of informant/victim and her parents when considered in its entirety and in the light of the surrounding circumstances and the evidence of other witnesses, does not inspire such confidence to this Court as would warrant a finding of guilt beyond reasonable doubt. The material inconsistencies appearing in the prosecution evidence also render the case doubtful and improbable. Therefore, prosecution version *qua* the demand of Rs. 20,000/- and the alleged cruelty inflicted upon the informant/victim by the appellant in connection therewith becomes doubtful and the prosecution has failed to establish its case against the

appellant beyond the reasonable doubt. Consequently, the appellant is entitled to the benefit of doubt and is acquitted of the charge under Section 498A of IPC.

43. Resultantly, the judgment of conviction and order of sentence dated 04.04.2017 passed by learned Additional Sessions Judge-I, Rajmahal in Sessions Case No. 220 of 2007 are, hereby, set aside.

44. The present criminal appeal being Cr. Appeal (S.J.) No. 729 of 2017 is, hereby, allowed.

45. Since, the appellant is already on bail, she is discharged from the liability of his bail bonds.

46. Let trial court record be sent back to the court concerned, forthwith.

47. Pending I.A., if any, also stands disposed of.

(Arun Kumar Rai, J.)

Umesh/-
Dated, the 21.09.2026
A.F.R.