IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL APPEAL NO. 2055 of 2012

FOR APPROVAL AND SIGNATURE:

HONOURABLE MS. JUSTICE S.V. PINTO: Sd/-

==========

Approved for Reporting		No

==========

STATE OF GUJARAT
Versus
PRAVINBHAI BADABHAI MANAT

==========

Appearance:
MR. KRUTIK PARIKH, APP for the Appellant(s) No. 1
MR P P MAJMUDAR(5284) for the Opponent(s)/Respondent(s) No. 1

==========

CORAM:**HONOURABLE MS. JUSTICE S.V. PINTO**

Date : 04/11/2026

ORAL JUDGMENT

1. The appeal is filed by the appellant State under Section 378 of the Code of Criminal Procedure, 1973 against the judgement and order of acquittal passed by the learned Additional Sessions Judge, Sabarkantha Camp at Modasa (hereinafter referred to as "the learned Trial Court") in Sessions Case No. 75/2011 on 10.07.2012, whereby, the learned Trial Court has acquitted the respondent for the offence punishable under Sections 306 and 498(A) of Indian Penal Code, 1860.

1.1 The respondent is hereinafter referred to as "the accused" as he stood in the original case for the sake of convenience, clarity and brevity.

2. The brief facts that emerge from the record of the case are as under:

2.1 The accused was married to Arunaben, the sister of the complainant, Bachubhai Lalubhai Bhagora. It is the case of the prosecution that the accused used to subject Arunaben to mental and physical harassment and did not give her money to run the household. Fed up with the harassment, she committed suicide by hanging at about 18:00 hours on 18.05.2011. The complainant lodged a complaint at Isari Police Station, which was registered for the offences punishable under Sections 498A and 306 of the Indian Penal Code, 1860 at I – C.R. No. 5/2011.

2.2 The Investigating Officer recorded the statements of the connected witnesses and seized the necessary documents and after completion of investigation, a charge-sheet came to be filed before the Court of the Judicial Magistrate First Class, Meghraj and as the said offences

against the accused were exclusively triable by the Court of Sessions, the case was committed to the Sessions Court, Banaskantha as per the provisions of Section 209 of Code of Criminal Procedure and the case was registered as Sessions Case No. 75/2011.

2.3 The accused was duly served with the summons and the accused appeared before the learned Trial Court and it was verified whether the copies of all the police papers were provided to the accused as per the provisions of Section 207 of the Code. A charge at Exh. 3 was framed against the accused and the statement of the accused was recorded at Exh. 4, wherein, the accused denied the contents of the charge and the entire evidence of the prosecution was taken on record.

2.4 The prosecution examined 9 witnesses and produced 12 documentary evidences on record in support of their case and after the learned Additional Public Prosecutor filed the closing pursis, the further statement of the accused under Section 313 of the Code of Criminal Procedure, 1973 was recorded. After the arguments of the learned Additional

Public Prosecutor and the learned advocate for the accused were heard, the learned Trial Court by the impugned judgement and order was pleased to acquit the accused from the charges levelled against him.

3. Being aggrieved and dissatisfied with the said judgment and order of acquittal, the appellant - State has filed the present appeal mainly stating that the impugned judgment and order of acquittal passed by the learned Trial Court is contrary to law and evidence on record and the learned Trial Court has not appreciated the fact that all the witnesses have supported the case of the prosecution and during the cross-examination, nothing adverse has been elicited in favor of the respondent. The case has been proved beyond reasonable doubt and the prosecution has successfully established the case against the respondent and the judgment and order of acquittal is unwarranted, illegal, and without any basis in the eyes of the law and the reasons stated while acquitting the respondent are improper, perverse and bad in law. Hence the impugned judgment and order passed by the learned Trial Court

deserves to be quashed and set aside.

4. Heard learned APP Mr. Krutik Parikh for the appellant State and learned advocate Ms. Hastee Doshi for learned advocate Mr. P.P. Majmudar for the respondent. Perused the impugned judgement and order of acquittal and have reappreciated the entire evidence of the prosecution on record of the case.

5. Learned APP Mr. Krutik Parikh has taken this Court through the entire evidence of the prosecution on record of the case and submitted that the complainant has fully supported the facts of his complaint. The impugned judgement and order is perverse and learned APP has urged this Court to quash and set aside the same and find the respondent guilty for the offences.

6. Learned advocate Ms. Hastee Doshi for learned advocate Mr. P.P. Majmudar for the respondent submitted that the impugned judgment of acquittal is legal, just and proper and suffers from no perversity. Learned advocate submits that to attract Section 498A IPC, the prosecution

must prove continuous and systematic harassment, but the allegations in the FIR were sudden, were made after delay with material omissions and improvements, rested only on interested witnesses, and were not corroborated by any independent neighbour. Learned advocate further submits that for an offence under Section 306 read with Section 107 IPC, active *mens rea* in the form of instigation, conspiracy or intentional aid must be proved and that the prosecution failed to prove any proximate act of the accused which left the deceased with no option but to end her life. Learned advocate further submits that the deceased had delivered a child only six days before the incident and was reportedly not eating properly, which, according to him, suggests that the incident was an uninstigated tragic suicide. Learned advocate further submits that the accused enjoys a double presumption of innocence, strengthened by the acquittal, and that the Trial Court's well-reasoned judgment, based on a careful appreciation of the omissions in the witnesses' testimony and the non-examination of independent witnesses, should not be interfered with merely because a

second view is possible and has therefore prayed that the appeal be dismissed.

7. At the outset, before discussing the facts of the present case, it would be appropriate to refer to the observations of the Apex Court regarding the scope of interference in acquittal appeals in the case of **Mohan alias Srinivas alias Seens Alias Tailor Vs. State of Karnataka** reported in **(2022) 12 SCC 619**, wherein, the Apex Court in para 23 has observed as under:

> *23.This court, time and again has laid down the law on the scope of inquiry by an Appellate court while dealing with an appeal against acquittal under Section 378 CrPC. We do not wish to multiply the aforesaid principle except placing reliance on a recent decision of this court in Anwar Ali and Anr. v. State of Himanchal Pradesh, (2020) 10 SCC 166:*
>
> > *14.2. When can the findings of fact recorded by a court be held to be perverse has been dealt with and considered in paragraph 20 of the aforesaid decision, which reads as under: (Babu case [Babu v. State of Kerala, (2010) 9 SCC 189: (2010) 3 SCC (Cri) 1179])*
> >
> > > *"20. The findings of fact recorded by a court can be held to be perverse if the findings have been arrived at by ignoring or excluding relevant material or by taking into consideration irrelevant/inadmissible material. The finding may also be said to be perverse if it is "against the weight of evidence", or if the finding so outrageously defies logic as to suffer from the vice of irrationality.(Vide Rajinder Kumar Kindra v. Delhi Admn. H.B. Gandhi, Excise & Taxation Officer-cum-Assessing Authority v. Gopi Nath & Sons, Triveni Rubber & Plastics v. CCE, Gaya Din v. Hanuman Prasad, Aruvelu and Gamini Bala Koteswara Rao v. State of A.P. [Gamini Bala Koteswara Rao v. State of*

A.P.,"

It is further observed, after following the decision of this Court in Kuldeep Singh v. Commr. Of Police, that if a decision is arrived at on the basis of no evidence or thoroughly unreliable evidence and no reasonable person would act upon it, the order would be perverse. But if there is some evidence on record which is acceptable and which could be relied upon, the conclusions would not be treated as perverse and the findings would not be interfered with.

14.3. In the recent decision of Vijay Mohan Singh, this Court again had an occasion to consider the scope of Section 378 CrPC and the interference by the High Court [State of Karnataka v. Vijay Mohan Singh in an appeal against acquittal. This Court considered a catena of decisions of this Court right from 1952 onwards. In para 31, it is observed and held as under:

> *"31. An identical question came to be considered before this Court in Umedbhai Jadavbhai [Umedbhai Jadavbhai v. State of Gujarat, (1978) 1 SCC 228: 1978 SCC (Cri) 108]. In the case before this Court, the High Court interfered with the order of acquittal passed by the learned trial court on reappreciation of the entire evidence on record. However, the High Court, while reversing the acquittal, did not consider the reasons given by the learned trial court while acquitting the accused. Confirming the judgment of the High Court, this Court observed and held in para 10 as under:*
>
> > *'10. Once the appeal was rightly entertained against the order of acquittal, the High Court was entitled to reappreciate the entire evidence independently and come to its own conclusion. Ordinarily, the High Court would give due importance to the opinion of the Sessions Judge if the same were arrived at after proper appreciation of the evidence. This rule will not be applicable in the present case where the Sessions Judge has made an absolutely wrong assumption of a very material and clinching aspect in the peculiar circumstances of the case.'*
>
> *31.1. In Sambasivan [Sambasivan v. State of Kerala, (1998) 5 SCC 412: 1998 SCC (Cri) 1320], the High Court reversed the order of acquittal passed by the learned trial court and held the accused guilty on reappreciation of the entire evidence on record, however, the High Court did not record its conclusion on the question whether the approach of the*

trial court in dealing with the evidence was patently illegal or the conclusions arrived at by it were wholly untenable. Confirming the order passed by the High Court convicting the accused on reversal of the acquittal passed by the learned trial court, after being satisfied that the order of acquittal passed by the learned trial court was perverse and suffered from infirmities, this Court declined to interfere with the order of conviction passed by the High Court. While confirming the order of conviction passed by the High Court, this Court observed in para 8 as under:

> *'8. We have perused the judgment under appeal to ascertain whether the High Court has conformed to the aforementioned principles. We find that the High Court has not strictly proceeded in the manner laid down by this Court in Doshi case [Ramesh Babulal Doshi v. State of Gujarat, (1996) 9 SCC 225 : 1996 SCC (Cri) 972] viz. first recording its conclusion on the question whether the approach of the trial court in dealing with the evidence was patently illegal or the conclusions arrived at by it were wholly untenable, which alone will justify interference in an order of acquittal though the High Court has rendered a well-considered judgment duly meeting all the contentions raised before it. But then will this non-compliance per se justify setting aside the judgment under appeal? We think, not. In our view, in such a case, the approach of the court which is considering the validity of the judgment of an appellate court which has reversed the order of acquittal passed by the trial court, should be to satisfy itself if the approach of the trial court in dealing with the evidence was patently illegal or conclusions arrived at by it are demonstrably unsustainable and whether the judgment of the appellate court is free from those infirmities; if so to hold that the trial court judgment warranted interference. In such a case, there is obviously no reason why the appellate court's judgment should be disturbed. But if on the other hand the court comes to the conclusion that the judgment of the trial court does not suffer from any infirmity, it cannot but be held that the interference by the appellate court in the order of acquittal was not justified; then in such a case the judgment of the appellate court has to be set aside as of the two reasonable views, the one in support of the acquittal alone has to stand. Having regard to the above discussion, we shall proceed to examine the judgment of*

the trial court in this case.'

31.2. In K. Ramakrishnan Unnithan [K. Ramakrishnan Unnithan v. State of Kerala, (1999) 3 SCC 309 : 1999 SCC (Cri) 410] , after observing that though there is some substance in the grievance of the learned counsel appearing on behalf of the accused that the High Court has not adverted to all the reasons given by the trial Judge for according an order of acquittal, this Court refused to set aside the order of conviction passed by the High Court after having found that the approach of the Sessions Judge in recording the order of acquittal was not proper and the conclusion arrived at by the learned Sessions Judge on several aspects was unsustainable. This Court further observed that as the Sessions Judge was not justified in discarding the relevant/material evidence while acquitting the accused, the High Court, therefore, was fully entitled to reappreciate the evidence and record its own conclusion. This Court scrutinised the evidence of the eyewitnesses and opined that reasons adduced by the trial court for discarding the testimony of the eyewitnesses were not at all sound. This Court also observed that as the evaluation of the evidence made by the trial court was manifestly erroneous and therefore it was the duty of the High Court to interfere with an order of acquittal passed by the learned Sessions Judge.

31.3. In Atley [Atley v. State of U.P., AIR 1955 SC 807: 1955 Cri LJ 1653], in para 5, this Court observed and held as under:

> *'5. It has been argued by the learned counsel for the appellant that the judgment of the trial court being one of acquittal, the High Court should not have set it aside on mere appreciation of the evidence led on behalf of the prosecution unless it came to the conclusion that the judgment of the trial Judge was perverse. In our opinion, it is not correct to say that unless the appellate court in an appeal under Section 417 CrPC came to the conclusion that the judgment of acquittal under appeal was perverse it could not set aside that order.*
>
> *It has been laid down by this Court that it is open to the High Court on an appeal against an order of acquittal to review the entire evidence and to come to its own conclusion, of course, keeping in view the well-established rule that the presumption of innocence of the accused is not weakened but strengthened by the judgment of acquittal passed by the trial court which*

had the advantage of observing the demeanour of witnesses whose evidence have been recorded in its presence.

It is also well settled that the court of appeal has as wide powers of appreciation of evidence in an appeal against an order of acquittal as in the case of an appeal against an order of conviction, subject to the riders that the presumption of innocence with which the accused person starts in the trial court continues even up to the appellate stage and that the appellate court should attach due weight to the opinion of the trial court which recorded the order of acquittal.

If the appellate court reviews the evidence, keeping those principles in mind, and comes to a contrary conclusion, the judgment cannot be said to have been vitiated. (See in this connection the very cases cited at the Bar, namely, Surajpal Singh v. State [Surajpal Singh v. State, 1951 SCC 1207: AIR 1952 SC 52]; Wilayat Khan v. State of U.P. [Wilayat Khan v. State of U.P., 1951 SCC 898: AIR 1953 SC 122]) In our opinion, there is no substance in the contention raised on behalf of the appellant that the High Court was not justified in reviewing the entire evidence and coming to its own conclusions.'

31.4. In K. Gopal Reddy [K. Gopal Reddy v. State of A.P., (1979) 1 SCC 355: 1979 SCC (Cri) 305], this Court has observed that where the trial court allows itself to be beset with fanciful doubts, rejects creditworthy evidence for slender reasons and takes a view of the evidence which is but barely possible, it is the obvious duty of the High Court to interfere in the interest of justice, lest the administration of justice be brought to ridicule."

8. The law with regard to acquittal appeals is well crystallized and in acquittal appeals, there is presumption of innocence in favour of the accused and it has finally culminated when a case ends in an acquittal. The learned Trial Court has appreciated all the evidence and when the

learned Trial Court has come to a conclusion that the prosecution has not proved the case beyond reasonable doubts, the presumption of innocence in favour of the accused gets strengthened. There is no inhibition to re appreciate the evidence by the Appellate Court but if after re appreciation, the view taken by the learned Trial Court was a possible view, there is no reason for the Appellate Court to interfere in the same.

9. As the appeal pertains to a case under Section 306 of the IPC, it would be appropriate to reproduce the observations of the Hon'ble Apex Court in the case of **M. Mohan Vs. State represented by the Deputy Superintendent of Police** reported in **(2011) 3 SCC 626** in paras 36 to 45:

> *36.* We would like to deal with the concept of 'abetment'. Section 306 of the Code deals with 'abetment of suicide' which 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."*
>
> *37. The word 'suicide' in itself is nowhere defined in the Indian Penal Code, however, its meaning and import is well known and*

requires no explanation. `Sui' means `self' and `cide' means `killing', thus implying an act of self-killing. In short a person committing suicide must commit it by himself, irrespective of the means employed by him in achieving his object of killing himself.

38. In our country, while suicide itself is not an offence considering that the successful offender is beyond the reach of law, attempt to suicide is an offence under section 309 of I.P.C.

39. `Abetment of a thing' has been defined under section 107 of the Code. We deem it appropriate to reproduce section 107, which reads 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 places in pursuance of that conspiracy, and in order to the doing of that thing; or
>
> Thirdly - Intentionally aides, by any act or illegal omission, the doing of that thing.
>
> Explanation 2 which has been inserted along with section 107 reads as under:
>
> "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."

40. Learned counsel also placed reliance on yet another judgment of this court in Ramesh Kumar v. State of Chhattisgarh (2001) 9 SCC 618, in which a three-Judge Bench of this court had an occasion to deal with the case of a similar nature. In a dispute between the husband and wife, the appellant husband uttered "you are free to do whatever you wish and go wherever you like". Thereafter, the wife of the appellant Ramesh Kumar committed suicide.

41. This Court in paragraph 20 has examined different shades of the meaning of "instigation'. Para 20 reads as under:

> *"20. Instigation is to goad, urge forward, provoke, incite or encourage to do "an act". To satisfy the requirement of instigation though it is not necessary that actual words must be used to that effect. or what constitutes instigation must necessarily and specifically be suggestive of the consequence. Yet a reasonable certainty to incite the consequence must be capable of being spelt out. the present one is not a case where the accused had by his acts or omission or by a continued course of conduct created such circumstances that the deceased was left with no other option except to commit suicide in which case an instigation may have been inferred. A word uttered in the fit of anger or emotion without intending the consequences to actually follow cannot be said to be instigation."*

In the said case this court came to the conclusion that there is no evidence and material available on record wherefrom an inference of the accused-appellant having abetted commission of suicide by Seema (appellant's wife therein) may necessarily be drawn.

42. In State of West Bengal v. Orilal Jaiswal & Another (1994) 1 SCC 73, this Court has cautioned that the Court should be extremely careful in assessing the facts and circumstances of each case and the evidence adduced in the trial for the purpose of finding whether the cruelty meted out to the victim had in fact induced her to end the life by committing suicide. If it appears to the Court that a victim committing suicide was hypersensitive to ordinary petulance, discord and difference in domestic life, quite common to the society, to which the victim belonged and such petulance, discord and difference were not expected to induce a similarly circumstanced individual in a given society to commit suicide, the conscience of the Court should not be satisfied for basing a finding that the accused charged of abetting the offence of suicide should be found guilty.

43. This court in Chitresh Kumar Chopra v. State (Govt. of NCT of Delhi) 2009 (16) SCC 605, had an occasion to deal with this aspect of abetment. The court dealt with the dictionary meaning of the word "instigation" and "goading". The court opined that there should be intention to provoke, incite or encourage the doing of an act by the latter. Each person's suicidability pattern is different from the others. Each person has his own idea of self-esteem and self-respect. Therefore, it is impossible to lay down any straight-jacket formula in dealing with such cases. Each case has to be decided on the basis of its own facts and circumstances.

> *44. 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.*
>
> *45. The intention of the Legislature and the ratio of the cases decided by this court are 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 this act must have been intended to push the deceased into such a position that he/she committed suicide.*
>
> *46. In V.P. Shrivastava v. Indian Explosives Limited and Others (2010) 10 SCC 361, this court has held that when prima facie no case is made out against the accused, then the High Court ought to have exercised the jurisdiction under section 482 of the Cr.P.C. and quashed the complaint.*
>
> *47. In a recent judgment of this Court in the case of Madan Mohan Singh v. State of Gujarat and Anr. (2010) 8 SCC 628, this Court quashed the conviction under Section 306 IPC on the ground that the allegations were irrelevant and baseless and observed that the High Court was in error in not quashing the proceedings.*

10. In light of the above settled principle of law, the evidence of the prosecution is dissected and PW1 – Bachubhai Lalubhai Bhagora examined at Exh. 13 is the brother of the deceased and the complainant. He has deposed that his sister was married to the accused about six years prior to the incident. About four months before the incident, she came to his house and, crying before his mother, stated that the accused was assaulting her physically. Her cheeks were swollen and red, and she stayed at his house for four days. About 25 days later, she

again came and informed them that the accused was not giving her money to run the house. At about 06:00 p.m. on 18.05.2011, the accused telephoned his brother Naveen and informed him that the deceased had consumed some medicine. Thereafter, the accused telephoned his cousin Arvindbhai and informed him that the deceased had committed suicide by hanging. On the following day, they went to the house of the accused, where they saw the dead body of the deceased lying on the floor, with marks of injuries on the chest and back. The deceased had delivered a child about seven days prior to the incident. He gave a Janvajog to the police, which is produced at Exh. 14. In his cross-examination, PW1 stated that he and the deceased had the same father but different mothers, and that Naveenbhai is her real brother. On the day before the incident, their mother had gone to the house of the deceased, and he does not know when she returned, as he lives separately from her. He has a jeep and his brothers also have vehicles. He saw the marks of injuries on the body on the following day, but did not mention them in the

Janvajog. Although his brothers and uncle were also present at the Police Station, none of them informed the police that the accused used to quarrel with and assault the deceased. He also did not inform the police that the deceased often came to his house and narrated the ill-treatment. He was not present at the cremation, as he had returned home.

10.1 PW2 – Kantibhai Lalubhai Bhagora examined at Exh. 15 is a brother of the deceased. He has deposed that the deceased had three children, that the accused kept her well after the marriage, and that quarrels thereafter arose over work. The deceased often came to their house, but they used to send her back. On the day of the incident, they were first informed that she had consumed some medicine and later that she had committed suicide by hanging. They went to her house on the following day and saw her body lying on the floor with injuries. In his cross-examination, PW2 admitted that he did not inform the police about the injuries on the body in his statement. They were informed of the incident at about 06:00 p.m. and all gathered

together, but did not go to the house of the accused, which is about 10 kilometres away, although vehicles were available. When they went there, villagers were already present.

10.2 PW3 – Valiben Lalubhai Bhagora examined at Exh. 16 is the mother of the deceased. She has deposed that her daughter never told her the reason for the harassment, and that her daughter had given birth to a daughter about six days prior to the incident. She had gone to meet her daughter two days before the incident and returned. This witness did not support the case of the prosecution and was declared hostile. In her cross-examination by the learned APP, she stated that she saw the dead body of her daughter lying on the floor, but returned after seeing it and did not see anything else. In her cross-examination by the learned advocate for the accused, she stated that she did not give any statement to the police and that her brother-in-law had given the statement on her behalf. On the day of the incident, the accused had come to their house to deliver the invitation for his sister's marriage.

10.3 PW4 – Navinbhai Lalubhai Bhagora examined at Exh. 17 is the brother of the deceased. He has deposed that on 18.05.2011 the accused telephoned him and informed him that the deceased had consumed some medicine. A further call was made to Arvindbhai, who was informed that she had committed suicide by hanging. They all gathered, but as it was night, they went to the house of the accused on the following day and saw the dead body lying on the floor. In his cross-examination, PW4 admitted that the deceased had given birth to a daughter about six days prior to the incident, and that two days before the incident he had been telephoned and asked to send his mother. The complainant, Bachubhai, owns a jeep which he rents out, and the father and other family members also have vehicles. He did not inform the police that the accused did not give money to his sister to run the house.

10.4 PW5 – Dr. Vinodbhai Manglabhai Menat examined at Exh. 20 was the Medical Officer on duty at the Primary Health Centre, Kasana, on 20.05.2011. He conducted the postmortem on the body of the deceased Arunaben along

with Dr. Tanvir G. Sheth and produced the postmortem note at Exh. 21. As per column no. 17, the following injuries were found:

1. Small superficial laceration near the right nipple, lateral side.
2. Small superficial laceration on the mid-chest, upper side.
3. Scratch mark on the lower back.
4. Ligature mark on the right side, 4 cm below the ear, oblique and incomplete; ligature mark on the left side, 6 cm below the ear, complete and straight; ligature mark on the front, below the chin and above the hyoid, 0.5 cm deep, with a knot on the right side, and dislocation of the cervical spine.

In the opinion of the doctors, the cause of death was asphyxia due to hanging. The witness produced the cause of death certificate at Exh. 22.

9.5 PW6 – Arvindbhai Hirabhai Bhagora examined at Exh. 23 is the cousin of the deceased. He has deposed that the accused used to consume liquor, demand money from the deceased, and beat her if she did not give it. The deceased often came to his house. About 15 days prior to the

incident, she came to his house and stated that the accused had demanded money from her to consume liquor and, as she did not give it, had assaulted her. Thereafter, his mother, father and Kantibhai took her back to the matrimonial home. After they were informed that the deceased had committed suicide, they went to her house on the following day. He did not see the dead body. They went to the Police Station, where the police completed the necessary procedure. In his cross-examination, PW6 stated that on the day before the incident, the mother of the deceased had gone to the house of the deceased and the accused had come to deliver the invitation card for his sister's marriage. They were informed of the incident at about 04:30 p.m., but made no effort to go to the house of the deceased that day, although it is about seven kilometres away and could be reached within half an hour by vehicle.

10.6 PW7 – Hirabhai Velabhai Bhagora examined at Exh. 24 is the uncle of the deceased. He has deposed that the deceased was married to the accused about seven years

prior to the incident and that the accused used to harass her. After being informed of the incident, they went to the house of the deceased on the following day. He did not go to the Police Station. Nothing material in support of the case of the prosecution has emerged in his cross-examination..

10.7 PW8 – Yogeshbhai Rajnikant Kharadi examined at Exh. 25 is the panch witness to the inquest panchnama, which is produced at Exh. 26.

10.8 PW9 – Dilisinh Kalusinh Rathod examined at Exh. 27 is the Investigating Officer. He has deposed that Accidental Death No. 1 of 2011 was registered and inquired into, that the complaint was thereafter lodged, and that he conducted the investigation. In his cross-examination, he admitted that he was present at the hospital while the postmortem was being conducted, and that the family members were also present, but they did not state anything about any mental or physical harassment meted out to the deceased by the accused. It has also come on record that the deceased had come to her parental home five days before giving birth to the child.

11. On a careful appreciation of the entire evidence of the prosecution, it emerges that the incident occurred on 18.05.2011, the Janvajog was given on 19.05.2011, and the complaint was lodged on 20.05.2011. Accidental Death No. 1 of 2011 was registered and inquired into, but the statements of the complainant and the witnesses recorded in that inquiry have not been produced on record. No explanation has been offered for the delay in lodging the complaint. Although the witnesses have made various allegations, none of them is supported by any independent evidence. Some witnesses have stated that the accused used to consume liquor and did not give the deceased money to run the house. However, there is no evidence that the accused was present at the time of the incident, or that he did any act amounting to instigation, abetment or goading of the deceased to commit suicide. It has further come on record that at about 04:30 p.m. on 18.05.2011, the complainant and the other brothers of the deceased were informed that she had committed suicide. Though they had vehicles and the house of the deceased was only

about 7 to 10 kilometres away, which could be reached within half an hour, they made no effort to go there that day. They went only on the following day. The complainant gave the Janvajog on 19.05.2011 at Isari Police Station, but made no allegation therein of ill-treatment or of mental or physical harassment by the accused. The complaint was lodged only on 20.05.2011. The learned Trial Court appreciated the entire evidence and rightly acquitted the accused, as the prosecution failed to prove the charges against him beyond reasonable doubt. The judgment and order of acquittal therefore deserves to be confirmed.

12. In view of the settled position of law in the decisions of **Mohan alias Srinivas (supra)** and **M.Mohan (supra),** the learned Trial Court has appreciated the entire evidence in proper perspective and there does not appear to be any infirmity and illegality in the impugned judgment and order of acquittal. The learned Trial Court has appreciated all the evidence and this Court is of the considered opinion that the learned Trial Court was completely justified in acquitting the accused of the charges leveled against them.

The findings recorded by the learned Trial Court are absolutely just and proper and no illegality or infirmity has been committed by the learned Trial Court and this Court is in complete agreement with the findings, ultimate conclusion and the resultant order of acquittal recorded by the learned Trial Court. This Court finds no reason to interfere with the impugned judgment and order and the present appeal is devoid of merits and resultantly, the same is dismissed.

13. The impugned judgement and order of acquittal passed by the learned Additional Sessions Judge, Sabarkantha Camp at Modasa in Sessions Case No. 75/2011 on 10.07.2012, is hereby confirmed.

14. Bail bond stands cancelled. Record and proceedings be sent back to the concerned Trial Court forthwith.

Sd/-
(S. V. PINTO,J)

VASIM S. SAIYED

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: VASIM SHABBIR SAIYED(HC01902), PRIVATE SECRETARY, at High Court of Gujarat on 04/11/2026 16:52:12