IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL APPEAL NO. 301 of 2011

FOR APPROVAL AND SIGNATURE:

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

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Approved for Reporting	Yes	No
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STATE OF GUJARAT
Versus
AMRUTLAL HIRADAAS NIMAAVAT & ORS.

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Appearance:
MR KRUTIK A PARIKH, APP for the Appellant(s) No. 1
RULE SERVED for the Opponent(s)/Respondent(s) No. 1,2,3

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

Date : 26/11/2026

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 of the respondents – the original accused Nos.2 to 4, passed by the learned Presiding Officer & Additional Sessions Judge, Fast Track Court, Rajkot (hereinafter referred to as "the learned Trial Court") in Sessions Case No.158 of 2009 on 25.11.2010, whereby, the learned Trial Court has acquitted the respondents – original

accused Nos.2 to 4 for the offence punishable under Sections 498(A), 306 and 114 of Indian Penal Code. The learned Trial Court was pleased to convict original accused No.1 - Ashokbhai Amrutbhai Nimavat for the offence under Sections 498A and 306 of the Indian Penal Code and sentence him to rigorous imprisonment for three years and fine of Rs.5000/-, and in default, rigorous imprisonment for one month for the offence punishable under Section 498(A) of the Indian Penal Code and rigorous imprisonment for ten years and fine of Rs.10,000/-, and in default, rigorous imprisonment for one year for the offence punishable under Section 306 of the Indian Penal Code.

1.1 The respondents are hereinafter referred to as “the accused Nos.2 to 4” as they 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 Sangeetaben, the sister of the complainant Dharamdas Narbheram Agrawat, was married to accused No.1 approximately ten years prior to the incident, and out of the said wedlock, they had two children, namely, a son,

Bhagirath, aged about eight years, and a daughter, aged about four years. The respondents- original accused Nos.2, 3 and 4 are respectively the father-in-law, mother-in-law and brother-in-law of deceased Sangeetaben. All the accused persons subjected Sangeetaben to mental and physical harassment and the harassment was allegedly to such an extent that on 28.06.2009, at about 20:20 hours, Sangeetaben poured kerosene over herself and set herself ablaze, thereby committing suicide. In connection with the said incident, her brother, Dharamdas Narbheram Agrawat, lodged a complaint at Rajkot City, B-Division Police Station, pursuant to which an offence came to be registered vide I-C.R. No. 121 of 2009 for the offences punishable under Sections 498A, 306, 323 and 114 of the Indian Penal Code.

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 Chief Judicial Magistrate, Rajkot and as the said offences against the accused were exclusively triable by the Court of Sessions, the case was committed to the Sessions Court, Rajkot as per the

provisions of Section 209 of the Code of Criminal Procedure and the case was registered as Sessions Case No. 158 of 2009.

2.3 The accused were 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.8 was framed against the accused and the statements of the accused were recorded at Exh.9, 10, 11 and 12 respectively, 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 12 witnesses and produced 20 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 wherein the accused denied all the evidence and refused to step into the witness box or lead evidence. 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 present respondents – original accused Nos.2 to 4 from the charges levelled against them.

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 qua the respondents 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 respondents. The case has been proved beyond reasonable doubt and the prosecution has successfully established the case against the respondents and the judgment and order of acquittal qua the respondents is unwarranted, illegal, and without any basis in the eyes of the law and the reasons stated while acquitting the respondents are improper, perverse and bad in law. Hence the impugned judgment and order passed by the learned Trial Court qua acquittal of the respondents deserves to be quashed and set

aside.

4. Heard learned APP Mr. Krutik A. Parikh for the appellant State. Though the rule is served to the respondents, none have appeared either in person or through an advocate to make any submission. 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 A. 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 respondents guilty for the offences.

6. 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.

7. Upon careful and independent reappreciation of the entire evidence on record, this Court finds that the prosecution case rests predominantly upon the testimonies of the complainant - Dharamdas Narbheram Agrawat and Gulabdas Narbheram Agrawat, the brothers of the deceased. Significantly, the prosecution has not examined any independent witnesses, such as neighbours or other persons who were residing in the vicinity or were otherwise in regular contact with the deceased and could have shed light upon the alleged matrimonial discord or the nature of treatment meted out to her by the accused. Even the children of the deceased, who might have had personal knowledge of the domestic circumstances prevailing in the matrimonial home, have not been examined. Thus, the prosecution has not brought on record any independent or corroborative evidence to

substantiate the allegations of mental and physical harassment allegedly meted out to the deceased by the accused.

8. On careful examination of the testimony of the complainant, it emerges that his allegations regarding the alleged harassment are general and omnibus in nature. He has stated that the accused persons used to harass his sister, that they did not like her and that they frequently demanded household articles from her. However, he has not furnished any specific particulars regarding the nature, date, time or manner of the alleged acts of cruelty. No specific incident has been narrated which would establish the participation of accused Nos.2 to 4 in subjecting the deceased to mental or physical harassment. The complainant has also admitted in his cross-examination that he was not aware whether accused No.1 and the deceased were residing separately from accused Nos.2 to 4. He had visited the matrimonial home approximately two years prior to the incident and was not even aware whether the premises were owned by the family

or occupied on rent. These admissions assume significance while appreciating the allegations levelled against the accused Nos.2 to 4.

8.1 It is further pertinent to note that the complainant has not disclosed any particular instance in which accused Nos.2 to 4 had personally subjected the deceased to cruelty or had made any demand for household articles. Merely stating that the deceased used to narrate instances of harassment whenever she visited her parental home, without furnishing any specific particulars or establishing the individual role of each accused, would not be sufficient to record a finding of guilt.

8.2 The testimony of PW-7 Gulabdas Narbheram Agrawat also does not provide the necessary corroboration to the allegations of cruelty. His evidence is primarily confined to the telephone conversation which he had with his sister on the afternoon of 28.06.2009, wherein she allegedly expressed her intention to jump into the Aji Dam or set herself ablaze.

Such a statement may indicate that the deceased was passing through some form of distress; however, the same, by itself, does not establish that such distress was attributable to any particular act of accused Nos.2 to 4. The witness has not deposed about having personally witnessed any incident of harassment or cruelty at the hands of these accused. The prosecution has not produced any call detail records of the mobile numbers of the witness or the deceased to prove that any call was in fact made by the deceased as stated by the witness. More importantly, the witness does not state his cell number or the cell number of the deceased from which the call was made.

8.3 Moreover there is a material circumstance emerging from the evidence of the Investigating Officer, PW-11 Daulatsinh Balvantsinh Solanki, who has admitted in his cross-examination that he had recorded the statements of Ranjanbhai Batubhai Damjibhai and Prabhaben Pravinbhai, who have stated that the deceased was residing separately from accused Nos.2 to 4. This aspect assumes considerable

significance because the prosecution has not examined either of these witnesses to substantiate its case. The Investigating Officer's admission regarding the statements recorded during investigation, read along with the absence of any reliable evidence establishing the joint residence of accused Nos.2 to 4 with the deceased, creates a serious doubt regarding the prosecution's allegation of their involvement in the alleged matrimonial harassment.

8.4 The evidence of the remaining prosecution witnesses also does not advance the prosecution case against accused Nos.2 to 4. The panch witnesses to the scene-of-offence panchnama, seizure panchnama and inquest panchnama have not supported the prosecution and have been declared hostile. The evidence of the Fire Brigade personnel, the Medical Officer and the Scientific Officer establishes that a fire had broken out in the residential premises, that the deceased had sustained extensive burn injuries and that she ultimately succumbed to the said injuries. The medical evidence establishes the cause of death,

but it does not throw any light upon the circumstances which allegedly compelled the deceased to take the extreme step.

8.5 The evidence of PW-9, the Scientific Officer, is also relevant in this regard. He has stated that the knob of the gas stove was found in the closed position and that the gas cylinder was subsequently sent for further examination. The evidence of PW-10 further indicates that the initial information received by the police was regarding a fire incident allegedly resulting from electric short circuit. However, irrespective of the precise circumstances in which the fire originated, the prosecution was required to establish the specific criminal acts attributable to accused Nos.2 to 4. The mere fact that the deceased died in a fire incident cannot, by itself, establish that these accused had subjected her to cruelty or had abetted her suicide.

8.6 It is also significant that the prosecution has not examined any independent witness, such as a neighbour or any other person acquainted with the domestic circumstances

of the deceased, who could have furnished reliable evidence regarding the alleged conduct of accused Nos.2 to 4. No independent evidence has been brought on record to establish that these accused had ever quarreled with the deceased, subjected her to physical assault, humiliated her, made unlawful demands or otherwise created circumstances which could be said to have driven her to commit suicide.

9. So far as the offence punishable under Section 306 of the Indian Penal Code is concerned, the prosecution was required to establish that the accused had abetted the commission of suicide within the meaning of Section 107 of the IPC. There must be reliable evidence establishing instigation, intentional aid or participation in a conspiracy for the commission of suicide, as contemplated under the said provision. Mere suspicion, conjecture or the fact that the deceased had unfortunately committed suicide cannot substitute the essential ingredients of abetment.

9.1 In ***Jayedeepsinh Pravinsinh Chavda and Others v. State of Gujarat,*** reported in **2024 SCC OnLine SC 3679**, the Hon'ble Supreme Court reiterated that mere harassment would not automatically constitute abetment of suicide and the observations made in para Nos.22 and 23 are reproduced.

> *"**22.** Section 306 IPC penalises those who abet the act of suicide by another. For a person to be charged under this section, the prosecution must establish that the accused contributed to the act of suicide by the deceased. This involvement must satisfy one of the three conditions outlined in Section 107 IPC. These conditions include the accused instigated or encouraged the individual to commit suicide, conspiring with others to ensure that the act was carried out, or engaging in conduct (or neglecting to act) that directly led to the person taking his/her own life.*
>
> ***23.** For a conviction under Section 306 IPC, it is a well-established legal principle that the presence of clear mens rea-the intention to abet the act-is essential. Mere harassment, by itself, is not sufficient to find an accused guilty of abetting suicide. The prosecution must demonstrate an active or direct action by the accused that led the deceased to take his/her*

own life. The element of mens rea cannot simply be presumed or inferred; it must be evident and explicitly discernible. Without this, the foundational requirement for establishing abetment under the law is not satisfied, underscoring the necessity of a deliberate and conspicuous intent to provoke or contribute to the act of suicide."

9.2 In ***Mahendra Awase v. State of Madhya Pradesh,*** reported in **2025 SCC OnLine SC 107**, the Hon'ble Supreme Court held that the accused must have played an active role by an act of instigation or by doing something to facilitate the commission of suicide and in para Nos.10 to 12 has observed as under:

> ***"10.*** *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."*
>
> ***11.*** *Section 107 of the IPC 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 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."*

> ***12.*** *As is clear from the plain language of the Sections to attract the ingredient of Section 306, the accused should have abetted the commission of a suicide. A person abets the doing of a thing who Firstly - 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."*

In the present case in the entire evidence of the prosecution, there is absolutely no evidence indicating any positive act, instigation, intentional aid or conduct on the part of accused Nos.2 to 4 which could be said to have created circumstances compelling the deceased to take the extreme step.

9.3 In ***Abhinav Mohan Delkar v. State of Maharashtra,*** reported in **2025 SCC OnLine SC 1725**, the Hon'ble Supreme Court emphasised the necessity of establishing a definite and demonstrable act revealing the intention of the accused to drive the deceased to commit suicide and the alleged conduct must have a proximate connection with the commission of suicide. The observations of the Hon'ble Supreme Court in para Nos.25 and 26 are reproduced herein under:

> *"**25.** What comes out essentially from the various decisions herein before cited is that, even if there is allegation of constant harassment, continued over a long period; to bring in the ingredients of Section 306 read with Section 107, still there has to be a proximate prior act to clearly find that the suicide was the direct consequence of such continuous harassment, the last proximate incident having finally driven the subject to the extreme act of taking one's life. Figuratively, 'the straw that broke the camel's back'; that final event, in a series, that occasioned a larger, sudden impact resulting in the unpredictable act of suicide. What drove the victim to that extreme act, often depends on individual predilections; but whether it is goaded, definitively and demonstrably, by a particular act of another, is the test to find mens rea. Merely because the victim was*

continuously harassed and at one point, he or she succumbed to the extreme act of taking his life cannot by itself result in finding a positive instigation constituting abetment. Mens rea cannot be gleaned merely by what goes on in the mind of the victim.

26. *The victim may have felt that there was no alternative or option, but to take his life, because of what another person did or said; which cannot lead to a finding of mens rea and resultant abetment on that other person. What constitutes mens rea is the intention and purpose of the alleged perpetrator as discernible from the conscious acts or words and the attendant circumstances, which in all probability could lead to such an end. The real intention of the accused and whether he intended by his action to at least possibly drive the victim to suicide, is the sure test. Did the thought of goading the victim to suicide occur in the mind of the accused or whether it can be inferred from the facts and circumstances arising in the case, as the true test of mens rea would depend on the facts of each case. The social status, the community setting, the relationship between the parties and other myriad factors would distinguish one case from another. However harsh or severe the harassment, unless there is a conscious deliberate intention, mens rea, to drive another person to suicidal death, there cannot be a finding of abetment under Section 306."*

9.4 In the present case, there is not even an iota of reliable evidence to establish that accused Nos.2 to 4 had instigated, provoked, incited or intentionally aided the deceased in committing suicide. No overt act or positive conduct attributable to any of these accused has been brought on record which could reasonably be construed as an act of abetment. There is also no evidence establishing any proximate or live link between the alleged conduct of these accused and the unfortunate death of the deceased.

10. Similarly, the essential ingredients of Section 498A of the IPC have also not been established against accused Nos.2 to 4. The prosecution has failed to prove that these accused subjected the deceased to willful conduct of such a nature as was likely to drive her to commit suicide or cause grave injury or danger to her life, limb or health, whether mental or physical, or subjected her to harassment with a view to coercing her or any person related to her to meet any unlawful demand.

10.1 The aforesaid appreciation of evidence finds support from the decision of the Hon'ble Supreme Court in ***Arti Mehta and Others v. State of Madhya Pradesh and Another,*** reported in **2026 SCC OnLine SC 933**. The Hon'ble Supreme Court reiterated that criminal liability under Section 498A of the IPC cannot be fastened upon the relatives of the husband merely on the basis of their relationship with him and in para No.43 has observed as under:

> *"**46.** However, while safeguarding the rights and dignity of victims of domestic violence remains of paramount importance, courts are simultaneously required to ensure that the rigours of criminal law are not indiscriminately extended to every member of the family without a clear factual foundation. In prosecutions arising out of matrimonial disputes, the allegations against each accused must be specific, distinct and supported by prima facie material indicating active involvement in the alleged acts of cruelty, harassment or unlawful demand of dowry. Mere allegations that family members "supported" the husband, failed to intervene, or advised the complainant to adjust in the*

> *matrimonial relationship, without anything further, would not ipso facto attract criminal liability. There may indeed be situations where certain relatives remain passive spectators or fail to come to the aid of the complainant; however, such conduct, though morally questionable, cannot automatically be elevated to the status of criminal culpability unless the surrounding circumstances clearly disclose their active complicity or participation in the alleged offences*"

11. It is further required to be noted that the learned Trial Court, upon appreciation of the evidence, has convicted accused No. 1 for the offences punishable under Sections 498A and 306 of the IPC, whereas accused Nos.2 to 4, who are the father-in-law, mother-in-law and brother-in-law of the deceased, respectively, have been acquitted. The present appeal, insofar as it challenges the acquittal of accused Nos.2 to 4, therefore, requires consideration within the settled parameters governing interference with an order of acquittal.

11.1 The principles governing interference with an order of acquittal have been reiterated in

Tulasareddi @ Mudakappa and Another v. State of Karnataka and Others, reported in **2026 SCC OnLine SC 89**. The Hon'ble Supreme Court reiterated that an order of acquittal carries a reinforced presumption of innocence and where two reasonable views are possible, the appellate Court ought not to substitute the view adopted by the Trial Court merely because another view is also possible. The observations made in para No.29 are reproduced herein under:

> ***"29.*** *From the aforesaid decisions rendered by this Court, it can be said that if two reasonable conclusions are possible on the basis of the evidence on record, the Appellate Court should not disturb the findings of acquittal recorded by the Trial Court. Further, if the view taken is a possible view, the Appellate Court cannot overturn the order of acquittal on the ground that another view was also possible. The following principles have to be kept in mind by the Appellate Court while dealing with the appeals against an order of acquittal:*
>
> *(a) whether the judgment of acquittal suffers from patent perversity;*
>
> *(b) whether the judgment is based on misreading/omission to consider the material evidence on record;*

> *(c) an order of acquittal is to be interfered with only when there are "compelling and substantial reasons" for doing so. If the order is "clearly unreasonable", it is a compelling reason for interference.'*
>
> *(d) the appellate court, while deciding an appeal against acquittal, after reappreciating the evidence, is required to consider whether the view taken by the trial court is a possible view which could have been taken on the basis of the evidence on record;*
>
> *(e) if the view taken is a possible view, the appellate court cannot overturn the order of acquittal on the ground that another view was also possible; and*
>
> *(f) the appellate court can interfere with the order of acquittal only if it comes to a finding that the only conclusion which can be recorded on the basis of the evidence on record was that the guilt of the accused was proved beyond a reasonable doubt and no other conclusion was possible."*

12. In view of the aforesaid factual and legal position, and keeping in view the principles laid down by the Hon'ble Supreme Court in the judgments referred to hereinabove, this Court is of the considered opinion that the prosecution has

miserably failed to establish that respondents had subjected deceased Sangeetaben to mental or physical cruelty or had, in any manner, instigated, provoked or intentionally aided her in committing suicide. The evidence on record does not establish that the respondents were residing with the deceased or that they had participated in any act of harassment having a proximate nexus with her death. The allegations levelled against them are general and omnibus in nature and are not supported by any independent or reliable corroborative evidence. The unfortunate death of Sangeetaben, by itself, cannot be made the basis for drawing an inference of criminal culpability against the respondents in the absence of proof of the essential ingredients of the offences alleged against them. Consequently, this Court finds no reason to disturb the acquittal recorded by the learned Trial Court in favour of the respondents and accordingly, the appeal deserved to be dismissed.

13. The impugned judgement and order of acquittal of the respondents passed by the learned Presiding Officer &

Additional Sessions Judge, Fast Track Court, Rajkot in Sessions Case No.158 of 2009 on 25.11.2010, 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)

ROHAN SONI

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: ROHAN SONI(HC02356), ENGLISH STENO GRADE-II\, at High Court of Gujarat on 26/11/2026 16:20:54