



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

Criminal Application (APPA) No. 338 of 2025

in

Criminal Appeal St. No. 2306 of 2025

[State of Maharashtra through P.S.O., Yavatmal Rural, Tq. & Dist. Yavatmal
vs. Sudhakar Narsingh Rathod and ors.]

Office Notes, Office Memoranda
of Coram, Appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's orders

Mr. S. A. Ashirgade, A.P.P. for the State/applicant
Mr. Vivek Awchat, Advocate for non-applicants

CORAM: **ANIL L. PANSARE AND**
NIVEDITA P. MEHTA, JJ.

DATE : **18-02-2026.**

Heard.

2. The prosecution i.e. State of Maharashtra through Police Station Officer, Yavatmal Rural is aggrieved by judgment and order dated 19-10-2024 passed by the Additional Sessions Judge, Yavatmal in Sessions Case No. 34/2021 thereby acquitting the non-applicants/respondents for the offence punishable under Sections 498-A and 304-B read with Section 34 of the Indian Penal Code (IPC).

3. Briefly stated, the facts are as under :-

Ravina, the deceased, was daughter of the informant. On 2-6-2020, her marriage was solemnized with Sudhakar Rathod i.e. respondent no. 1. After marriage, she went to her matrimonial home at

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Chandapur and started residing with her husband and in-laws. Initial few months, Ravina was treated very well, however later on her husband as well as her in-laws i.e. other respondents started demanding money from her. On one pretext or another, they used to harass Ravina mentally as well as physically for non-compliance of their unlawful demand of dowry. Respondent no. 4 is relative of respondent no. 2. Further, one day, deceased Ravina found respondent nos. 2 and 4 in compromising position. She narrated said fact to her husband but he did nothing. All the accused continued ill treatment to Ravina. As such, for non-compliance of their demand for dowry, they subjected Ravina to cruelty. They were humiliating, assaulting and used to abuse her frequently. Time and again, Ravina told her agony to the informant and her brother. They tried to convince respondents but all in vain. Due to their continuous ill-treatment, on 01.08.2020, Ravina committed suicide by consuming poisonous pesticides. It was alleged that the respondents abetted her suicide. The news of her suicide was given to the informant and brother of deceased. They rushed towards her. Police were informed about the incident. MERGE was registered and Inquest panchanama was carried out. After all formalities, the dead body was handed over for funeral. With all above allegations, the informant rushed to Awadhootwadi Police Station and lodged detailed written report against all accused. On the basis of said report, crime bearing No. 430/2020 was registered and

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thus the criminal action was set into motion.

4. The investigation was taken up by P.W. 5, who after collecting evidence, filed charge-sheet. Respondent no. 1 is husband of deceased Ravina. Respondent no. 2 is mother-in-law, respondent no. 3 is sister-in-law of deceased and respondent no. 4 is relative of respondent no. 2. The trial Court, having considered all attending circumstances, took a view that there is no specific or proximate incident of cruelty or harassment in connection with dowry demand to hold that soon before the death, such harassment was caused. It also found that allegations regarding demand of money were general and related to incident much prior to the date of death. According to it, the essential requirements to invoke the presumption under Section 113-B of the Indian Evidence Act and Section 304-B of IPC were not fulfilled. On the point of ingredients of Section 498-A of IPC, the trial Court held that there was no evidence of willful conduct likely to drive the deceased to commit suicide. The evidence to the extent of harassment with a view to coerce unlawful dowry demand is also absent nor is there evidence of continuous or persistent cruelty to the deceased. It further held that there is no evidence of instigation, unlawful aid or active role by the respondents in commission of suicide by the deceased. Accordingly, it held that prosecution failed to establish cruelty or harassment in reasonable proximity to death and in absence thereof, the Court found no reason to invoke

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presumption under Section 113-B of the Indian Evidence Act.

5. In context with above finding, we have heard Mr. S. A. Ashirgade, learned Additional Public Prosecutor for the applicant/appellant and Mr. Vivek Awchat, learned counsel for the non-applicants/respondents.

6. P.W. 1's evidence on the demand is that at the time of marriage, Rs. 20,000/- as well as 20 gms gold was given to respondents towards dowry. Post marriage, the respondents asked Ravina to bring Rs. 1,50,000/- as dowry. They threatened her. She informed said fact on phone. In the cross-examination, P.W. 1 deposed that he lodged report after four days of incident. He denied the suggestion on the point of dowry demand and that Ravina committed suicide.

7. P.W. 2 is brother of Ravina. He deposed in line with P.W. 1.

8. P.W. 3 is relative of Ravina. He did not say anything about payment of Rs. 20,000/- at the time of marriage or of giving 20 gms gold. He, however, deposed that Ravina used to tell that her in-laws were harassing her for fulfilling their demand of Rs. 1,50,000/-. In the cross-examination, he admitted that Ravina was happy as there was no harassment at the instance of respondents. He then deposed that Ravina never unfolded to him that respondents were demanded Rs. 1,50,000/- from her. He also admitted

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that Ravina used to remain ill and there was discussion in the village that owing to her illness, she committed suicide.

9. P.W. 4 is cousin sister of deceased. She speaks of harassment for Rs. 1,50,000/-. This is how prosecution led evidence.

10. As could be seen, none of the witnesses have given any specific instance of harassment. The allegations of demand are general. No details of whatsoever nature of harassment or demand of dowry are given. That apart, P.W. 3 admitted that Ravina was happy whenever she visited his house. His evidence also indicates that there was no visible harassment by the respondents. The discussion amongst villagers of Ravina committing suicide due to illness is an evidence indicating suicidal death for some different reason than for alleged harassment.

11. Put altogether, there is no evidence of willful conduct of respondents which is likely to drive Ravina to commit suicide. There is no cogent evidence of proof of harassment with a view to coerce Ravina to fulfill unlawful demand. There is further no evidence of continuous or persistent cruelty to attract Section 498-A of IPC. Lastly, there is no evidence that soon before her death, respondents subjected her to cruelty or harassment in connection with any demand for dowry. Thus, prosecution failed to discharge its initial burden to take aid of Section 113-B of the Indian Evidence Act.

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12. We find that the reasons and findings rendered by the trial Court are consistent with the evidence placed on record. This is not a case where leave should be granted to file appeal. The request is accordingly rejected. The appeal is disposed of.

(JUDGE)

(JUDGE)

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