The Petitioner/ Accused was directed to be released on bail by the order of the High Court dated.10.12.2020 in I.A.No.1 of 2020 in Crl.A.No.527 OF 2020

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

TUESDAY, THE SEVENTEENTH DAY OF NOVEMBER TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SMT JUSTICE JUVVADI SRIDEVI

CRIMINAL APPEAL NO: 527 OF 2020

Appeal under Section 374(2) of Cr.P.C., aggrieved by the Judgment dated: 08.12.2020 passed in S.C.NO.804 of 2017 on the file of the Court of the Judge, XVI Additional District and Sessions Judge-cum-XVI Additional Metropolitan Sessions Judge, Cyberabad at Malkajgiri, Ranga Reddy District;

Between:

1. Sabbi Shashikiran Reddy, S/o. Late Durgas Appal, Aged about 37 years, Occ: Government Employee
2. Smt. Usha, W/o. Late Durgas Appal Aged about 57 years, Occ: House Wife

(Both are R/o. H.No. 8-58, Venkateswara Nagar, Malkajgiri, Ranga Reddy District.

...APPELLANTS/ACCUSED No.1 & 2

AND

The State of Telangana, rep. by Public Prosecutor, High Court of Judicature at Hyderabad

...RESPONDENT/ RESPONDENT

I.A. NO: 1 OF 2021

Petition under Section 482 of Cr.P.C., praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the judgment passed in S C No.804/2017 dtd: 08/12/2020 on the file of the Judge, XVI

Add'. Dist and Sessions Judge -Cum- XVI Additional Metropolitan Sessions Judge, Cyberabad at Malkjgiri, Ranga Reddy District.

Counsel for the Appellants: Sri. M Rathan Singh

Counsel for the Respondent: Public Prosecutor

The Court made the following: ORDER

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HONOURABLE SMT. JUSTICE JUVVADI SRIDEVI

CRIMINAL APPEAL No.527 of 2020
(CNR No. HBHC010369342020)

Reserved on: 18-AUG-2026 Pronounced on: 17-NOV-2026
Uploaded on: 17-NOV-2026

Between:
Sabbi Shashikiran Reddy and another ...Appellants

AND

The State of Telangana ...Respondent

J U D G M E N T:

This Criminal Appeal is preferred by the appellants-accused Nos.1 and 2, challenging the Judgment dated 08.12.2020 passed in S.C.No.804 of 2017 by the learned XVI Additional District and Sessions Judge, Ranga Reddy District at Malkajgiri (hereinafter referred to as 'the learned trial Court'), whereby they were found guilty and convicted for the offences under Sections 498A and 304B of the Indian Penal Code (for short, 'IPC') and they were sentenced to undergo Rigorous Imprisonment for a period of one (1) year each and to pay a fine of Rs.1,000/- each, in default, to undergo Simple Imprisonment for a period of fifteen (15) days each, for the offence punishable under Section 498A IPC. They

were further sentenced to undergo Rigorous Imprisonment for a period of seven (7) years each and to pay a fine of Rs.5,000/- each, in default, to undergo Simple Imprisonment for a period of two (2) months each, for the offence punishable under Section 304B IPC. Both the substantive sentences were directed to run concurrently.

02. Heard Sri M. Rathan Singh, learned counsel for the appellant-accused Nos.1 and 2 and Sri M. Vivekananda Reddy, learned Assistant Public Prosecutor for the State-respondent and perused the material available on record.

03.1. The case of the prosecution, in brief, is that the marriage of the deceased, namely, Sabbi Leelavathi, was solemnized with the accused No.1 on 31.10.2015. At the time of marriage, her father, who was examined as PW.1, allegedly gave an amount of Rs.10,00,000/- in cash, 10 tulas of gold ornaments and three acres of mango garden towards dowry, besides household articles. Accused No.2 is the mother-in-law of the deceased.

03.2. It is further alleged that, initially, the deceased and the accused No.1 led a happy marital life for about one month. Thereafter, both the accused started subjecting the deceased to physical and mental harassment, demanding additional dowry of Rs.5,00,000/- in cash, 15 tulas of gold ornaments and transfer of three acres of mango garden in favour of accused No.1. When PW.1 intended to bring the deceased and accused No.1 to his house for the Sankranthi festival, the accused allegedly insisted upon fulfilment of their demands. Thereupon, PW.1, accompanied by PW.5, visited the house of the accused and allegedly paid an amount of Rs.1,00,000/- and sought time to fulfil the remaining demands.

03.3. The prosecution further alleged that, even thereafter, the accused continued to harass the deceased and insisted upon fulfilment of their demands. It is also alleged that the deceased informed her father and other witnesses about the harassment being meted out to her. On 13.06.2016, the deceased was found dead by hanging in her matrimonial home at Malkajgiri. On the following day, PW.1 lodged a complaint alleging that the accused

had subjected his daughter to dowry harassment and were responsible for her death.

03.4. On receipt of the complaint, PW.12, the then Sub-Inspector of Police, Malkajgiri Police Station, registered a case in Crime No.346 of 2016 initially for the offence under Sections 302 and 304B IPC and issued the First Information Report. Thereafter, PW.13, the then Assistant Commissioner of Police, Malkajgiri Sub-Division, took up investigation, visited the scene of offence, conducted scene observation proceedings, seized certain material objects and caused an inquest to be conducted over the dead body of the deceased. PW.10, the Medical Officer, conducted the post-mortem examination and opined that the cause of death was asphyxia due to hanging. After completion of investigation, the charge sheet was filed against the appellants-accused Nos.1 and 2 for the offences punishable under Sections 498-A and 304-B IPC.

04. The learned trial Court framed charges against the appellants-accused Nos.1 and 2 for the aforesaid offences. They pleaded not guilty and claimed to be tried.

05. During the course of trial, the prosecution examined PWs.1 to 13 and marked Exs.P1 to P8 and MOs.1 to 3. Ex.D1 was marked during the cross-examination of PW.7. On completion of the prosecution evidence, the appellants were examined under Section 313 Cr.P.C., wherein they denied the incriminating circumstances appearing against them and pleaded their innocence. No defence evidence was adduced.

06. Upon appreciation of the oral and documentary evidence, the learned trial Court found the appellants guilty of the offences punishable under Sections 498-A and 304-B IPC and convicted and sentenced them as stated supra. Aggrieved thereby, the present Criminal Appeal has been preferred.

07.1. Learned counsel for the appellants submitted that the learned trial Court committed a grave error in convicting the appellants for the offences charged against them without properly appreciating the oral and documentary evidence available on record. It is contended that the conviction and sentence imposed against the appellants are contrary to law and the evidence on record.

07.2. It is further contended that the learned trial Court grossly erred in invoking the presumption under Section 113-B of the Indian Evidence Act, 1872, for recording the conviction of the appellants for the offence punishable under Section 304-B IPC, without first establishing all the essential ingredients of the said offence. Mere proof that the death of the deceased occurred within seven years of her marriage is not sufficient to attract the statutory presumption unless the prosecution establishes that, soon before her death, she was subjected to cruelty or harassment in connection with a demand for dowry.

07.3. It is further submitted that the evidence of the prosecution witnesses, who are predominantly relatives and persons closely associated with the family of the deceased, does not establish the alleged demand for additional dowry or the cruelty allegedly meted out to the deceased soon before her death beyond reasonable doubt. It is contended that the material contradictions and omissions in their evidence, particularly those elicited during the cross-examination of PWs.1, 3, 4, 5, 6 and 7, were not properly appreciated by the learned trial Court.

07.4. It is also contended that the prosecution witnesses had not witnessed any specific incident of physical cruelty and that their evidence, insofar as it relates to the alleged harassment, is substantially based upon the statements allegedly made by the deceased. The learned trial Court failed to properly consider the evidentiary value of such statements and the absence of independent corroboration.

07.5. It is further submitted that the learned trial Court erroneously placed the burden upon the appellants to explain the circumstances leading to the death of the deceased. The initial burden of establishing the guilt of the accused beyond reasonable doubt squarely rests upon the prosecution and cannot be shifted to the accused merely on account of the unnatural death of a married woman. Hence, he prayed to allow the Criminal Appeal and acquit the appellants of the charges levelled against them.

08. On the other hand, learned Assistant Public Prosecutor submitted that the learned trial Court, upon proper appreciation of the oral and documentary evidence, rightly convicted the appellants for the offences established against

them. It is contended that the evidence of PW.1, the father of the deceased, and PW.3, her brother, is corroborated by the evidence of PWs.4 to 7, who spoke about the harassment and additional dowry demands made by the appellants. It is further submitted that the evidence clearly establishes that the appellants continued to demand additional dowry and subjected the deceased to harassment till shortly before her death. The deceased died an unnatural death within eight months of her marriage, and therefore, the learned trial Court rightly invoked the presumption under Section 113-B of the Indian Evidence Act. Accordingly, he prayed that the Criminal Appeal be dismissed by confirming the conviction and sentence imposed by the learned trial Court.

09. Having regard to the rival submissions made by the learned counsel on either side and the material available on record, the points arise for consideration are whether the prosecution has established beyond reasonable doubt that the appellants-accused Nos.1 and 2 subjected the deceased to cruelty within the meaning of Section 498-A IPC; whether the prosecution has established all the essential ingredients of the

offence of dowry death under Section 304-B IPC, particularly that soon before her death, the deceased was subjected to cruelty or harassment in connection with a demand for dowry, thereby attracting the presumption under Section 113-B of the Indian Evidence Act; whether the judgment of conviction and sentence passed by the learned trial Court warrants interference by this Court.

10. Before proceeding to appreciate the evidence on record, it is appropriate to refer to the essential ingredients of the offences with which the appellants have been charged. Section 498-A IPC deals with cruelty by the husband or relative of the husband of a woman. The explanation appended to the said provision defines cruelty to mean: (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 her life, limb or health, whether mental or physical; or (b) harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security, or is on account of failure by her or

any person related to her to meet such demand. Thus, to constitute an offence under Section 498-A IPC, the prosecution must establish the nature of the conduct attributed to the accused and demonstrate that such conduct falls within either of the clauses of the explanation appended to the said provision. Mere matrimonial discord, differences of opinion or ordinary wear and tear of marital life, without more, would not constitute cruelty within the meaning of the said provision.

11. Section 304-B IPC provides that where the death of a woman is caused by burns or bodily injury, or occurs otherwise than under normal circumstances, within seven years of her marriage, and it is shown that soon before her death she was subjected to cruelty or harassment by her husband or any relative of her husband in connection with any demand for dowry, such death shall be called a dowry death and such husband or relative shall be deemed to have caused her death. The essential ingredients required to be established by the prosecution for attracting Section 304-B IPC are: (i) The death of a woman should have been caused by burns or bodily injury or

should have occurred otherwise than under normal circumstances; (ii) Such death should have occurred within seven years of her marriage; (iii) Soon before her death, the woman should have been subjected to cruelty or harassment by her husband or his relative; and (iv) Such cruelty or harassment should have been in connection with a demand for dowry.

12. It is settled principle of law that only after the prosecution establishes the aforesaid foundational facts that the presumption under Section 113-B of the Indian Evidence Act can be drawn against the accused. The presumption is not automatic merely because a married woman died an unnatural death within seven years of her marriage. The prosecution must establish the foundational facts, including cruelty or harassment in connection with a demand for dowry soon before the death, before the statutory presumption can be invoked. In ***Baijnath v. State of Madhya Pradesh***[1], the Hon'ble Supreme Court at Paragraph Nos.32, 33 and 35 that:

> *"32. This Court while often dwelling on the scope and purport of Section 304-B of the Code and*

[1] *(2017) 1 SCC 101*

Section 113-B of the Act have propounded that the presumption is contingent on the fact that the prosecution first spell out the ingredients of the offence of Section 304-B as in Shindo v. State of Punjab [Shindo v. State of Punjab, (2011) 11 SCC 517 : (2011) 3 SCC (Cri) 394] and echoed in Rajeev Kumar v. State of Haryana [Rajeev Kumar v. State of Haryana, (2013) 16 SCC 640 : (2014) 6 SCC (Cri) 346] . In the latter pronouncement, this Court propounded that one of the essential ingredients of dowry death under Section 304-B of the Code is that the accused must have subjected the woman to cruelty in connection with demand for dowry soon before her death and that this ingredient has to be proved by the prosecution beyond reasonable doubt and only then the Court will presume that the accused has committed the offence of dowry death under Section 113-B of the Act. It referred to with approval, the earlier decision of this Court in K. Prema S. Rao v. Yadla Srinivasa Rao [K. Prema S. Rao v. Yadla Srinivasa Rao, (2003) 1 SCC 217 : 2003 SCC (Cri) 271] to the effect that to attract the provision of Section 304-B of the Code, one of the main ingredients of the offence which is required to be established is that "soon before her death" she was subjected to cruelty and harassment "in connection with the demand for dowry".

33. Tested on the judicially adumbrated parameters as above, we are of the unhesitant opinion that the prosecution has failed to prove beyond reasonable doubt, cruelty or harassment to the deceased for or in connection with any demand for dowry as contemplated in either of the two provisions of the Code under which the accused persons had been charged. Noticeably, the alleged demand centres around a motorcycle, which as the evidence of the prosecution witnesses would evince, admittedly did

not surface at the time of finalisation of the marriage. PW 5, the mother of the deceased has even conceded that there was no dowry demand at that stage. According to her, when the husband (who is dead) had insisted for a motorcycle, thereafter he was assured that he would be provided with the same, finances permitting. Noticeably again, the demand, as sought to be projected by the prosecution, if accepted to be true had lingered for almost two years. Yet admittedly, no complaint was made thereof to anyone, far less the police. Apart from the general allegations in the same tone ingeminated with parrot-like similarity by the prosecution witnesses, the allegation of cruelty and harassment to the deceased is founded on the confidential communications by her to her parents in particular and is not supported by any other quarter.

35. A cumulative consideration of the overall evidence on the facet of dowry, leaves us unconvinced about the truthfulness of the charge qua the accused persons. The prosecution in our estimate, has failed to prove this indispensable component of the two offences beyond reasonable doubt. The factum of unnatural death in the matrimonial home and that too within seven years of marriage therefore is thus ipso facto not sufficient to bring home the charge under Sections 304-B and 498-A of the Code against them."

13. Keeping the aforesaid principle in view, this Court proceeds to re-appreciate the evidence adduced by the prosecution.

14. The marriage of the deceased with the accused No.1 was solemnized on 31.10.2015, and she died on 13.06.2016. Thus, the death occurred within seven years of her marriage. There is also no serious dispute regarding the fact that the deceased died an unnatural death by hanging at her matrimonial home. PW.10, Dr. K.V. Ramana Murthy, who conducted the post-mortem examination over the dead body of the deceased, deposed that he noticed multiple self-inflicted injuries on the anterior surfaces of both wrists, covered with dried bloodstains. He also noticed an oblique, non-continuous ante-mortem ligature mark measuring approximately 25 x 3 centimetres on the front and both sides of the neck. The skin beneath the ligature mark was brownish and parchment-like, and the subcutaneous tissues and muscles were contused. The hyoid bone and thyroid cartilage were intact. PW.10 ultimately opined that the cause of death was asphyxia due to hanging and that the approximate time of death was within 24 hours prior to the post-mortem examination. Ex.P6 is the requisition-cum-post-mortem examination report issued by him. During his cross-examination, PW.10 stated that he had conducted post-mortem examinations

in approximately 5,000 cases and had come across several cases wherein persons had inflicted injuries on themselves before committing suicide by hanging. He further stated that, in the absence of physical signs, he could not comment upon the mindset of a person who commits suicide.

15. PW.9, Nune Laxman, deposed that the police conducted the scene-of-offence proceedings in his presence and showed him a ceiling fan to which a chunni was tied, a piece of chunni lying on the floor, door bolts and a razor blade. He identified Ex.P4 as the scene-of-offence panchanama and identified MOs.1 to 3, namely, two pieces of chunni, a door bolt and a razor blade. PW.8, Regalla Naresh Reddy, and PW.11, Ch. Vijaya, the then Tahsildar, deposed about the inquest proceedings conducted over the dead body of the deceased. Ex.P3 is the inquest report.

16. On a cumulative consideration of the evidence of PWs.8 to 11, coupled with the post-mortem examination report and the scene-of-offence proceedings, it is established that the deceased died by hanging and that the death was otherwise than

under normal circumstances. The fact that such death occurred within seven years of her marriage is also established. The prosecution is further required to establish that soon before her death, the deceased was subjected to cruelty or harassment by the appellants in connection with a demand for dowry.

17. PW.1, G. Krishna Reddy, is the father of the deceased and the complainant in the present case. According to him, at the time of marriage, he gave Rs.10,00,000/- in cash, 10 tulas of gold and agreed to give three acres of mango garden towards dowry. He further stated that household articles worth Rs.1,00,000/- were also given at the time of sending his daughter to the matrimonial home. PW.1 deposed that, after about one month of the marriage, the accused started demanding additional dowry of Rs.5,00,000/- in cash and 15 tulas of gold. He further stated that, when he invited the accused to his house for the Sankranthi festival, they insisted upon fulfilment of their demands as a condition for visiting his house. Thereupon, he, along with PW.5, visited the house of the accused and paid Rs.1,00,000/- in cash, requesting them to grant time to fulfil the remaining

demands. PW.1 further deposed that, after the Sankranthi festival, the accused continued to pressurise the deceased for additional dowry and immediate registration of the mango garden in favour of accused No.1. He stated that he again visited the house of the accused and requested them to grant time until the harvesting season. He also stated that, during the last week of February, 2016, he paid another amount of Rs.1,00,000/- to the accused. PW.1 further stated that, in May, 2016, the accused complained about the non-provision of a cot and almirah. Accordingly, he arranged a cot, purchased an almirah and paid an amount of Rs.30,000/- towards the purchase of a mattress. He also spoke about sending mangoes to the house of the accused through PWs.6 and 7, which the accused allegedly refused to accept.

18. During his cross-examination, PW.1 admitted that he had not furnished any documentary evidence to the police to establish his ownership of agricultural lands. He stated that he owned 12 acres of agricultural land and had an annual agricultural income of approximately Rs.4,50,000/-, with a net

income of about Rs.3,50,000/-. He also admitted that he had not produced any documentary proof regarding the purchase of the 10 tulas of gold allegedly given at the time of marriage. PW.1 further stated that he had pooled the amount of Rs.10,00,000/- from his brothers, namely, Sambasiva Reddy and Anji Reddy, and other relatives and paid the same to the accused in two instalments. However, he admitted that he had not disclosed the names of his brothers and relatives from whom he had collected the amount either in Ex.P1 complaint or during his examination before the police. The said persons were also not cited as witnesses in the case.

19. PW.1 also admitted that he had no documentary proof to establish that he had pooled an amount of Rs.20,00,000/- for payment to the accused towards dowry in October, 2015. He further admitted that he had not specifically mentioned in Ex.P1 complaint the manner in which the deceased informed him about the alleged harassment.

20. Another important admission made by PW.1 is that, in January, 2016, he paid an amount of Rs.1,00,000/- to the

accused in connection with the sale of the usufruct of the mango garden. He further stated that he had sold mangoes in the year 2016 to one Katari Ramu of Khammam Padu village, though he could not remember the date of sale. The above admission assumes significance in view of the prosecution case that the amount of Rs.1,00,000/- paid by PW.1 during the relevant period was towards satisfaction of the additional dowry demand. The evidence of PW.1, therefore, requires careful scrutiny regarding the nature and purpose of the payments allegedly made by him.

21. PW.1 further admitted that he could not remember the exact dates and times when his daughter informed him about the alleged demands made by the accused or when he invited them to his house for the Sankranthi festival. He also admitted that he had not specifically stated before the police or in Ex.P1 complaint that he and PW.5 had decided to visit the house of the accused on 16.06.2016 to resolve the dispute. The aforesaid admissions assume relevance when considered along with the other material discrepancies in the evidence relating to the alleged dowry transactions and the subsequent payments.

22. PW.3, G. Venkateshwara Reddy, is the brother of the deceased. He supported the version of PW.1 regarding the payment of Rs.10,00,000/- in cash, 10 tulas of gold and three acres of mango garden at the time of marriage. He also spoke about the alleged additional demands made by the accused during the Sankranthi festival and the subsequent visits made by PW.1 along with PW.5. PW.3 further deposed that, in March, 2016, his sister telephoned him and requested him to find employment for her so that she could come out of the problems and pressure allegedly created by the accused. He stated that, in May, 2016, he contacted PW.4, who arranged an interview for the deceased on 31.05.2016. PW.3 further deposed that, after attending the interview, his sister returned to his house and appeared weak. On enquiry, she informed him that the accused were not even providing her with proper food and were harassing her. He also stated that, about three days prior to the death of his sister, she telephoned PW.1 and complained about the continued harassment and requested him to fulfil the demands of the accused. However, during his cross-examination, PW.3 admitted that he had not stated anything before the police

regarding the incidents allegedly taking place between February and June, 2016, among the family members and that he narrated all those facts for the first time during his deposition before the Court.

23. More particularly, PW.3 admitted that he had not informed the police about his sister's request to find a job due to the pressure allegedly created by the accused, his visit to the village in May, 2016, his meeting with PW.4 in connection with arranging employment for his sister, or the interview allegedly arranged on 31.05.2016. He further admitted that he had not stated before the police about the deceased visiting his house before attending the interview, her appearance of weakness, his enquiry regarding the same, the alleged complaint made by her about the harassment and failure of the accused to provide proper food, or the visit of PW.7 to his house on that occasion.

24. The aforesaid admissions are not minor omissions relating to insignificant details. They relate to the very circumstances relied upon by the prosecution to establish that the deceased was subjected to continued harassment in the months

immediately preceding her death. The failure of PW.3 to disclose these material circumstances during investigation affects the evidentiary weight of his subsequent testimony.

25. PW.3 also admitted that his paternal uncle, Sambasiva Reddy, had informed the press that four acres of land, Rs.20,00,000/- in cash and gold worth Rs.5,00,000/- were given at the time of marriage. The said version is at variance with the prosecution case regarding Rs.10,00,000/- in cash, 10 tulas of gold and three acres of mango garden. It is true that PW.3 denied the suggestion that the accused had never demanded additional dowry or harassed the deceased. Nevertheless, the material omissions elicited during his cross-examination cannot be ignored while evaluating the reliability of the prosecution version.

26. PW.5, V. Brahmananda Reddy, is projected as an independent witness who accompanied PW.1 on certain occasions to the house of the accused. He supported the version of PW.1 regarding the alleged demands for additional dowry and the payment of Rs.1,00,000/- during the Sankranthi period. He also

spoke about the subsequent payment of another amount of Rs.1,00,000/- during February, 2016. However, during his cross-examination, PW.5 admitted that he could not describe the gold ornaments allegedly presented at the time of marriage. He also admitted that there was a customary practice in their community of presenting lands and valuables, particularly gold ornaments, to the bride and bridegroom from both sides at the time of marriage.

27. PW.5 further admitted that he did not remember the exact dates of his visits to Malkajgiri. He also admitted that he had not specifically stated before the police about the payment of Rs.1,00,000/- on the second occasion by PW.1 after borrowing Rs.50,000/- from his brother. More importantly, PW.5 admitted that the deceased had never personally complained to him about the alleged harassment by the accused and that he came to know about the alleged ill-treatment only through PW.1. His evidence regarding the alleged telephone call received by PW.1 two days prior to the death is also based upon the information allegedly conveyed to him by PW.1.

28. PW.5 further admitted that, when he was confronted with the audio and video clipping of TV10, the statement shown to him did not contain any reference to the payment of dowry or the additional demands made by the accused as the cause of death. He also admitted that he had stated before the media that the disputes between the accused and the family of the deceased were on trivial issues and petty complaints. Though he explained that the full text of his statement was not recorded, the said admission is a relevant circumstance to be considered while assessing the reliability of his evidence.

29. It is also significant that PW.5 admitted that he had not specifically stated before the police about the alleged threat given by the accused to the deceased, either to kill her or to contract a second marriage. Such an allegation, if true, would constitute a material circumstance in support of the prosecution case, and the omission to disclose the same during investigation affects the weight to be attached to the subsequent testimony.

30. Thus, the evidence of PW.5 provides some support to the prosecution version regarding the earlier visits and alleged

payments. However, his testimony does not independently establish the alleged continuing harassment or the specific threats said to have been made by the accused shortly before the death of the deceased.

31. PW.2, S. Veera Venkata Reddy, is the uncle of accused No.1. He deposed that he was running a curry point at Malkajgiri for about 15 years and that his house was situated at a distance of approximately half a kilometre from the house of the deceased and accused No.1.

32. PW.2 expressed ignorance about the details of the amounts, if any, given by the parents of the deceased towards dowry. He further stated that, to his knowledge, there were no disputes between accused No.1 and the deceased and that they were cordial throughout their marital life. He also stated that he had never witnessed any disputes between them. PW.2 was declared hostile as he did not support the case of the prosecution.

33. PW.4, R. Gautham Kumar Reddy, deposed that, during May, 2016, PW.3 requested him to look for employment for the deceased. Accordingly, he contacted her over the telephone and requested her to forward her resume. PW.4 further deposed that, when he informed the deceased about an interview scheduled on 31.05.2016, he noticed that her voice was weak. On enquiry, the deceased allegedly informed him that she was being tortured by her husband and mother-in-law, who were insisting upon payment of dowry and transfer of land in their favour, and that she wanted to secure employment to lead a peaceful life.

34. However, during his cross-examination, PW.4 admitted that he had not specifically informed the police that, during his telephonic conversation with the deceased, he noticed that her voice was weak or that she had narrated the alleged harassment by the accused. He further admitted that he had not stated before the police about handing over the resume of the deceased to the Investigating Officer. He also admitted that he had not furnished any documents to establish that the deceased

had attended the alleged interview on 31.05.2016 or to prove her educational qualifications in connection with the said interview.

35. PW.4 also admitted that he could not remember the exact date on which he had the alleged telephonic conversation with the deceased during the first week of May, 2016. Though he stated that the deceased attended the interview on 31.05.2016, the Investigating Officer admitted that no documentary evidence relating to the alleged interview was collected during investigation. The evidence of PW.4, therefore, does indicate that the deceased was allegedly seeking employment during May, 2016. However, the specific disclosure regarding the alleged dowry harassment, which is an important circumstance relied upon by the prosecution, was not disclosed by him to the police during investigation. In the absence of any contemporaneous material relating to the alleged interview or the relevant communication, his testimony requires cautious evaluation.

36. PW.6, R. Ganesh Reddy, deposed that, four days prior to the occurrence, PW.1 informed him about the illegal

demands made by the accused and the harassment allegedly meted out to the deceased. On that occasion, PW.1 requested him and another witness, Tirupathi Reddy, to visit the house of the deceased and deliver mangoes. According to PW.6, when they visited the house of the accused, the accused did not permit them to speak to the deceased and stated that they did not want the mangoes unless their demands were fulfilled. He further stated that the accused abused the family members of PW.1 and threw away the box containing the mangoes. He also claimed to have noticed that the deceased was weak and was not in a position to speak to them. The above evidence is relied upon by the prosecution as an important circumstance to establish the alleged harassment shortly before the death of the deceased.

37. However, during his cross-examination, PW.6 admitted that, in his interview before TV9, he had stated that four acres of agricultural land, Rs.5,00,000/- in cash and gold ornaments were given as dowry at the time of marriage. On the other hand, during his examination by the police, he stated that Rs.10,00,000/- in cash, 10 tulas of gold and three acres of land

were given as dowry. Thus, there is a discrepancy regarding the particulars of the alleged dowry transaction. More importantly, PW.6 admitted that he did not remember whether he had informed the police about the information allegedly furnished to him by PW.1 four days prior to the occurrence regarding the illegal demands made by the accused. The Investigating Officer, PW.13, categorically admitted that PW.6 had not disclosed during investigation his knowledge about the alleged harassment suffered by the deceased, particularly four days prior to her death, through PW.1. Though PW.6 denied the suggestion that he had not informed the police about the incident in which the accused allegedly prevented them from speaking to the deceased, the admission of the Investigating Officer regarding the omission of this material circumstance assumes significance.

38. The alleged incident of refusing to accept mangoes, preventing the witnesses from speaking to the deceased and abusing them, is projected as a specific incident of harassment immediately preceding the death. Such a material circumstance would ordinarily have found a place in the statement of the

witness during investigation, particularly when the incident is alleged to have occurred only four days prior to the death. Therefore, the omission of this important circumstance in the earlier statement of PW.6 creates a reasonable doubt regarding the exact manner in which the alleged incident occurred and the subsequent embellishments in his testimony.

39. PW.7, S. Shravani, deposed that she met the deceased during the Sankranthi festival and noticed that she was weak. On enquiry, the deceased allegedly informed her that the accused were physically and mentally harassing her in connection with their demands for transfer of three acres of mango garden, 15 tulas of gold and Rs.5,00,000/- in cash.

40. PW.7 further stated that she met the deceased again at the house of PW.3 in May, 2016, when the deceased once again complained about the physical and mental harassment allegedly meted out to her by the accused. During her cross-examination, PW.7 admitted that she first met the deceased after her marriage during the Sankranthi festival. She further admitted that she could not state precisely when the deceased visited the

village for Sankranthi, the period for which she stayed with her parents or her movements during the said visit. PW.7 also admitted that she did not know with whom the deceased had visited the house of PW.3 on 31.05.2016 at about 11.00 A.M. for attending an interview. She further admitted that she had not informed the police about the visit of the deceased along with accused No.1 to the house of PW.3 on the said date. When confronted with her previous statement, the relevant portion was marked as Ex.D1.

41. The aforesaid omission is relevant because PW.7 is relied upon by the prosecution to establish that the deceased met her at the house of PW.3 in May, 2016 and disclosed the alleged harassment. The circumstances surrounding the meeting and the alleged disclosure, therefore, require careful scrutiny. Though PW.7 denied the suggestion that the deceased had never informed her about the alleged harassment, the omission recorded in Ex.D1 and the absence of other contemporaneous material to substantiate the alleged disclosure affect the weight to be attached to her testimony.

42. PW.13, M. Ravichandan Reddy, the then Assistant Commissioner of Police, Malkajgiri, conducted the investigation in the present case. He deposed about visiting the scene of offence, conducting the scene observation proceedings, seizing the material objects, causing the inquest to be conducted and examining the witnesses.

43. During his cross-examination, PW.13 admitted that he did not enquire into the source of the amounts allegedly paid by PW.1 to the accused towards dowry and additional demands or the exact dates on which such amounts were paid. He also admitted that he did not enquire into the place from which the gold ornaments presented at the time of marriage were purchased or the persons to whom they were given. PW.13 further admitted that he did not collect any documentary evidence to establish the payment of cash and gold at the time of marriage or the ownership of the agricultural lands allegedly owned by PW.1. He also did not make any attempt to recover the gold and other valuables allegedly presented at the time of marriage.

44. It is also relevant that PW.13 admitted that Ex.P1 complaint did not contain any specific mention regarding the manner in which the deceased informed PW.1 about the alleged harassment. He further admitted that the complaint did not contain any reference to the alleged telephone conversations between PW.1 and the deceased concerning the demands made by the accused.

45. PW.13 also admitted that he had not collected the call detail records of the mobile phones of PW.1 and the deceased to verify the alleged telephone conversations. He further admitted that he had not examined the neighbours of the deceased residing at Malkajgiri during the investigation.

46. With regard to the alleged second payment of Rs.1,00,000/- in February, 2016, PW.13 admitted that PW.1 had not specifically mentioned the said payment in Ex.P1 complaint. He also admitted that PW.1 had not specifically mentioned in his complaint the presentation of an almirah, cot and mattress on the alleged demands of the accused after marriage.

47. With regard to PW.3, PW.13 admitted that the said witness had not disclosed during investigation the deceased's request to him to find a job, his meeting with PW.4, the interview allegedly arranged on 31.05.2016, the deceased's visit to his house before attending the interview, her appearance of weakness or the alleged complaint regarding the harassment and failure of the accused to provide food.

48. PW.13 further admitted that he had not collected any documentary evidence regarding the alleged interview arranged by PW.4 for the deceased or the call detail records of the mobile phones of PW.4 and the deceased to establish the alleged telephonic conversations between them.

49. With regard to PW.6, PW.13 categorically stated that the said witness had not disclosed during investigation his knowledge about the alleged harassment suffered by the deceased, particularly four days prior to her death, through PW.1.

50. However, where the prosecution case substantially depends upon the alleged communications made by the deceased

to different witnesses and the alleged payments of substantial amounts towards dowry, the failure to verify the material particulars assumes significance, particularly when the witnesses themselves have admitted omissions concerning those very circumstances.

51. The cumulative effect of the admissions made by PW.13 is that several material circumstances subsequently relied upon by the prosecution witnesses during their depositions were not disclosed during investigation. The Investigating Officer also failed to verify the alleged telephone conversations and the circumstances surrounding the alleged payments and dowry transactions. Thus, though the evidence of PW.13 establishes the conduct of the investigation and collection of certain material objects, the investigation does not provide sufficient independent corroboration to the disputed circumstances forming the foundation of the prosecution case.

52. On an overall appreciation of the evidence, it is apparent that the deceased died within a short period of her marriage and that there were certain matrimonial differences

between the deceased and the accused. However, for recording a conviction under Section 498-A IPC, the prosecution must establish that the conduct attributed to the accused falls within the meaning of cruelty as defined in the explanation appended to the said provision. In the present case, the prosecution alleged that the accused demanded cash, gold ornaments and transfer of three acres of mango garden and subjected the deceased to physical and mental harassment for non-fulfilment of the said demands. It was also alleged that the accused failed to provide proper food to the deceased.

53. As already discussed, the evidence of PW.1 and PW.3 regarding the alleged dowry transactions and subsequent payments suffers from material omissions and discrepancies. PW.5, though supporting certain earlier payments, admitted that the deceased had never personally complained to him and that he came to know about the alleged harassment through PW.1. The evidence of PWs.4, 6 and 7 regarding the specific incidents of harassment and disclosures made by the deceased is also

affected by material omissions brought out during their cross-examination.

54. Further, the allegations against the accused No.2 require independent consideration. Merely because the accused No.2 is the mother-in-law of the deceased, she cannot automatically be held guilty along with the accused No.1. The prosecution must establish her specific participation in the alleged unlawful demands or acts of cruelty. In the present case, though general allegations have been made against both the appellants, the material evidence does not satisfactorily establish the specific acts attributable to the accused No.2, particularly in the context of the alleged continuing harassment in the period proximate to the death of the deceased.

55. Having regard to the material omissions and discrepancies discussed above, this Court is of the considered view that the prosecution has not established beyond reasonable doubt the specific acts of cruelty attributable to both the appellants within the meaning of Section 498-A IPC. The allegations, though raising suspicion regarding the existence of

matrimonial disputes, do not inspire sufficient confidence to sustain the conviction under the said provision.

56. The next question is whether the prosecution has established the essential ingredients of dowry death punishable under Section 304-B IPC. As already discussed, the first two ingredients stand established, inasmuch as the deceased died an unnatural death by hanging on 13.06.2016, within seven years of her marriage solemnized on 31.10.2015. However, the crucial requirement is whether soon before her death, the deceased was subjected to cruelty or harassment by the appellants in connection with a demand for dowry. The expression 'soon before her death' does not necessarily mean immediately before her death. The expression is relative and depends upon the facts and circumstances of each case. Nevertheless, there must be a proximate and live link between the cruelty or harassment relating to the demand for dowry and the death in question. The expression 'soon before' is not synonymous with 'immediately before' and that the proximity of the alleged harassment to the death has to be determined with reference to the circumstances

of the case. The presumption under Section 113-B of the Indian Evidence Act can be invoked only after the prosecution establishes the essential ingredients of Section 304-B IPC. The burden does not shift to the accused merely because the death occurred within seven years of marriage.

57. In the present case, the prosecution relies upon the alleged telephone conversations between the deceased and PW.1, the disclosures allegedly made by the deceased to PWs.3, 4 and 7, and the alleged incident involving PW.6 four days prior to the death. PW.1 stated that his daughter telephoned him about three days prior to her death and complained about the continued harassment. However, the Investigating Officer admitted that Ex.P1 complaint did not contain any reference to the alleged telephone conversations between PW.1 and the deceased. He further admitted that the call detail records of their mobile phones were not collected. PW.5 also spoke about the alleged telephone conversation between the deceased and PW.1 two days prior to the death. However, he admittedly did not personally speak to the deceased on that occasion. His evidence

regarding the said communication is based upon the information allegedly furnished by PW.1. Further, PW.5 admitted that he had not specifically stated before the police about the alleged threats given by the accused to the deceased that they would kill her or that the accused No.1 would contract a second marriage if their demands were not fulfilled. PW.3 also spoke about the deceased telephoning PW.1 about three days prior to her death. However, the material circumstances relating to the alleged employment opportunity, the interview on 31.05.2016 and the deceased's alleged complaint regarding harassment between February and June, 2016 were not disclosed by him during investigation, as admitted by PW.13.

58. PW.4 claimed that the deceased informed him during May, 2016 that she was being tortured by the accused on account of dowry demands and transfer of land. However, he admitted that he had not informed the police about the specific disclosure made by the deceased during their telephone conversation. The Investigating Officer also admitted that no documentary evidence relating to the alleged interview or the

relevant telephone conversations was collected. PW.7 also spoke about the alleged disclosure made by the deceased in May, 2016. However, her evidence regarding the circumstances of the meeting and the alleged visit of the deceased to the house of PW.3 on 31.05.2016 was affected by the omission marked as Ex.D1. The prosecution has also relied upon the evidence of PW.6, who claimed that the accused prevented him and another witness from speaking to the deceased and refused to accept the mangoes sent by PW.1 four days prior to the occurrence. This Court is conscious of the fact that, if established through reliable evidence, the aforesaid incident would constitute an important circumstance in determining whether the deceased was subjected to dowry-related harassment soon before her death. However, PW.6's evidence regarding this particular incident is affected by the admission of PW.13 that the said witness had not disclosed the incident during investigation.

59. The omission is material because the incident is not a mere detail relating to an earlier occurrence but is relied upon as a specific instance of harassment immediately preceding the

death of the deceased. In the absence of a satisfactory explanation for the omission, the said circumstance cannot be accepted without caution. Thus, though the prosecution has adduced evidence regarding certain alleged disclosures made by the deceased and certain matrimonial disputes, the material omissions and inconsistencies in the testimony of the prosecution witnesses affect the reliability of the alleged continuing harassment, particularly in the period immediately preceding the death.

60. The fact that the deceased allegedly sought employment during May, 2016, or that she appeared weak when she met PW.3, PW.4 and PW.7, by itself, cannot establish that the accused subjected her to cruelty in connection with a demand for dowry soon before her death. Those circumstances have to be considered along with the reliability of the alleged disclosures and the other evidence on record. It is also relevant that the evidence of PW.2, who was residing near the matrimonial home and used to visit the house of the accused, does not support the prosecution regarding any disputes or harassment. The

prosecution has not satisfactorily established the alleged telephone conversations through contemporaneous material. It has also not examined the neighbours residing in the vicinity of the matrimonial home, though the alleged harassment is stated to have continued for several months. In the present case, the above deficiencies assume significance because they are accompanied by material omissions in the statements of the prosecution witnesses, inconsistencies regarding the alleged dowry transactions and the absence of satisfactory corroboration concerning the specific incidents relied upon to establish harassment soon before the death.

61. The learned trial Court, while appreciating the evidence, proceeded on the premise that the alleged demand for transfer of three acres of mango garden and the additional dowry demands continued from the first month of marriage until the date of death. However, such a conclusion must necessarily be supported by reliable evidence establishing the specific demands, the acts of harassment attributable to each of the appellants and their proximity to the death of the deceased. In the present

case, the evidence of PW.1 and PW.3 regarding the alleged telephone communications and subsequent incidents is affected by material omissions. The evidence of PW.5 regarding the alleged threats and payments is also not free from doubt. The evidence of PWs.4, 6 and 7, which is relied upon to establish the alleged harassment during May and June, 2016, is affected by the omissions brought out during cross-examination. Consequently, though the prosecution has established that the deceased died an unnatural death within seven years of her marriage and has also brought on record certain circumstances indicating matrimonial disputes, it has not satisfactorily established the necessary proximate and live link between the alleged dowry-related cruelty and the death of the deceased. In the absence of reliable proof of the foundational ingredient of cruelty or harassment soon before death, the statutory presumption under Section 113-B of the Indian Evidence Act cannot be invoked against the appellants.

62. The learned trial Court also observed that the appellants failed to furnish a satisfactory explanation as to why

the deceased committed suicide. Such an approach cannot be sustained in law in the absence of proof of the foundational facts required for drawing the statutory presumption. It is well settled that the burden of establishing the guilt of the accused beyond reasonable doubt rests upon the prosecution. The accused are not required to establish their innocence or furnish an explanation for every circumstance unless the prosecution first establishes the facts necessary to invoke the statutory presumption. The absence of a satisfactory explanation from the accused cannot be treated as a substitute for proof of the essential ingredients of Section 304-B IPC. The presumption under Section 113-B of the Indian Evidence Act can be drawn only after the prosecution establishes that the deceased was subjected to cruelty or harassment in connection with a demand for dowry soon before her death.

63. This Court is conscious of the fact that an appellate Court, while dealing with an appeal against conviction, is required to independently re-appreciate the entire evidence on record and arrive at its own conclusions. The presumption of innocence

continues to operate in favour of the accused, and where two views are reasonably possible on the evidence available, the view favourable to the accused is required to be adopted. In the present case, the learned trial Court placed considerable reliance upon the evidence of PW.1 and PW.3 and treated the testimony of PWs.4 to 7 as corroborative evidence. However, the material omissions elicited during the cross-examination of PWs.3, 4, 5, 6 and 7, particularly with regard to the alleged payments, threats, telephone conversations and specific incidents of harassment, were not adequately considered.

64. The learned trial Court also failed to sufficiently consider the admissions of PW.13 regarding the non-collection of documentary evidence relating to the alleged dowry transactions, the failure to verify the alleged telephone conversations and the material omissions in the statements of the prosecution witnesses. Further, the evidence of PW.10 establishes the medical cause of death as asphyxia due to hanging. The scene-of-offence proceedings and the evidence of PWs.8, 9 and 11 establish the circumstances in which the dead body was found

and the conduct of the inquest. However, these circumstances do not independently establish the alleged dowry demands or the acts of cruelty attributed to the appellants.

65. The learned trial Court also placed reliance upon the circumstance that the appellants had not furnished any satisfactory alternative explanation for the suicide committed by the deceased. As already discussed, such an approach would result in shifting the burden of proof to the accused before the prosecution establishes the foundational facts required under Section 113-B of the Indian Evidence Act.

66. It is also pertinent to note that the allegations against the accused No.2 have not been independently examined with reference to her specific role in the alleged acts of cruelty. The mere relationship of the accused No.2 with the deceased as her mother-in-law cannot, by itself, establish her criminal liability.

67. This Court is conscious of the fact that the death of the deceased is tragic and that the circumstances surrounding her death warranted a thorough investigation. However, criminal

liability must be determined on the basis of legally admissible and reliable evidence and not merely on the basis of suspicion arising from the unfortunate and unnatural death of a married woman. The prosecution is required to establish its case beyond reasonable doubt. The circumstances relied upon by the prosecution, when considered individually and cumulatively, do not establish with the required degree of certainty that the appellants subjected the deceased to cruelty or harassment in connection with a demand for dowry soon before her death.

68. In view of the foregoing discussion, this Court is of the considered opinion that the prosecution has failed to establish beyond reasonable doubt that the deceased was subjected to cruelty or harassment by the appellants in connection with a demand for dowry soon before her death. Though the unnatural death of the deceased within seven years of her marriage is established, the evidence of PWs.1, 3, 4, 5, 6 and 7 suffers from material omissions and inconsistencies regarding the alleged demands and incidents of harassment. Their testimony is not supported by satisfactory contemporaneous or independent

evidence. The investigating officer (PW.13) also admitted that no documentary evidence was collected to establish the alleged payment of dowry, the participation of the alleged elders in the panchayats or the relevant telephone conversations, and that several material particulars deposed to by the witnesses were not stated during investigation. The evidence of PW.2 does not support the allegations of harassment. Thus, the prosecution has failed to establish the foundational facts necessary to attract the presumption under Section 113-B of the Indian Evidence Act. The mere fact of an unnatural death within seven years of marriage cannot, by itself, sustain a conviction under Section 304-B IPC. Further, the evidence on record is insufficient to establish the ingredients of Section 498-A IPC against the appellants beyond reasonable doubt. The learned trial Court, therefore, erred in recording the conviction without properly appreciating the material omissions and inconsistencies in the prosecution evidence. Accordingly, the appellants-accused Nos.1 and 2 are entitled to the benefit of doubt. The conviction and sentence imposed against them for the offences punishable under Sections 498A and 304B IPC are liable to be set aside.

69. Accordingly, this Criminal Appeal is allowed. The Judgment dated 08.12.2020 passed in S.C.No.804 of 2017 by the learned XVI Additional District and Sessions Judge, Rangareddy District at Malkajgiri, convicting and sentencing the appellants-accused Nos.1 and 2 for the offences punishable under Sections 498-A and 304-B IPC, is hereby set aside. The appellants-accused Nos.1 and 2 are acquitted of the charges punishable under Sections 498A and 304B IPC by extending the benefit of doubt. Their bail bonds shall stand cancelled, subject to compliance with Section 437-A Cr.P.C. The fine amounts, if already paid by the appellants-accused Nos.1 and 2, shall be refunded to them in accordance with law.

As a sequel, pending miscellaneous applications, if any, shall stand closed.

SD/- K. SRINIVASA RAO
JOINT REGISTRAR

//TRUE COPY//

SECTION OFFICER

One Fair Copy to the Honourable Smt. Justice Juvvadi Sridevi (For Her Lordship kind perusal)

To,

1. The Judge, XVI Additional District and Sessions Judge-cum-XVI Additional Metropolitan Sessions Judge, Cyberabad at Malkajgiri, Ranga Reddy District.
2. The Station House Officer, Malkajgiri Police Station, Ranga Reddy District.
3. Two CCs to the Public Prosecutor, High court for the state of Telangana, at Hyderabad [OUT]
4. The Superintendent, Central Jail, Cherlapalli, Ranga Reddy District

5. The Superintendent, Central Jail, Women Cell, Chenchalguda, Hyderabad.
6. 04 LR Copies
7. The Under Secretary, Union of India Ministry of Law, Justice and Company Affairs, New Delhi.
8. The Secretary, Telangana Advocates Association Library, High Court for the State of Telangana, High Court Buildings at Hyderabad.
9. One CC to SRI. M Rathan Singh, Advocate [OPUC]
10. Two CD Copies

Pr/GNK

HIGH COURT

DATED: 17/11/2026



ORDER

CRLA.No.527 of 2020

ALLOWING THE CRIMINAL APPEAL

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20/11/26