



2026:CGHC:12372-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

ACQA No.45 of 2018

1 - Ghashi Ram Lonia S/o Baishakhu Ram Lonia Aged About 44 Years
R/o Village Kaya, Police Station Chakerbhata, District Bilaspur,
Chhattisgarh

Appellant (s)

versus

1 - State Of Chhattisgarh Through Station House Officer, Chowki Chilfi,
Police Station Lormi, District Mungeli, Chhattisgarh

2 - Jagdeep Jaiki Lonia S/o Kanhaiya Lal Lonia Aged About 23 Years

3 - Smt. Gulaba Bai W/o Kanhaiya Lal Lonia Aged About 55 Years

4 - Kanhaiya Lal Lonia S/o Late Khamhhan Lal Lonia Aged About 58
Years

All R/o Village Navrangpur, Chowki- Chilfi, Police Station Lormi, District
Mungeli, Chhattisgarh

Respondent(s)

ACQA No.304 of 2018

1 - State Of Chhattisgarh Through- Police Outpost Chilfi, Police Station
Lormi, District- Mungeli, Chhattisgarh

Appellant (s)

Versus

1 - Jagdeep Jaiki Lonia S/o Shri Kanhaiya Lal Aged About 23 Years

2 - Smt. Gulaba Bai W/o Shri Kanhaiya Lal Aged About 55 Years



3 - Kanhaiya Lal (Since Deceased) S/o Late Shri Khamhan Singh Lonia
All R/o- Village Navrangpur, Police Outpost Chilfi, Police Station Lormi,
District- Mungeli, Chhattisgarh

Respondent(s)

For Complainant (s)	:	Mr. Ravindra Sharma and Ms. Saumya Vaishnav, Advocates
For State(s)	:	Mr. Ramnarayan Sahu, Dy. GA
For respondent-accused	:	Mr. Rajesh Jain, Advocate

Hon'ble Smt. Justice Rajani Dubey
Hon'ble Shri Justice Radhakishan Agrawal

Judgment on Board

Per Rajani Dubey. J.

16/03/2026

1. Since both these appeals arise out of common judgment of conviction and order of sentence, as one appeal has been filed by the complainant whereas the another appeal has been filed by the State, therefore, the same have been clubbed together, heard together and are being decided by a common order.
2. The present acquittal appeals have been preferred by the appellants against the judgment of acquittal dated 21.08.2017 passed by the learned Additional Session Judge, Mungeli in ST No.40/2014, whereby the accused respondents have been acquitted of the charges under Sections 302/34, 304-B & 201 of IPC.
3. Brief facts of the case are that on 02.07.2014, the complainant Ghasiram Loniya lodged the report at Police Station concerned to



the effect that the marriage of her daughter (deceased Smt. Kunti Bai) was duly solemnized with the Accused Respondent Jagdeep @ Jaiki Laniya about 2 or 2 years ago, thereafter, she was residing at her in-law's house at Village Navrangpur, District Mungell and she was having a male child aged about 15 months. On 23.06.2014 at about 07:00 PM, the Up Sarpanch Narayan of Village Navrangpur had informed his son Hariram on Mobile that her daughter (deceased Smt. Kunti Bai) had got electric current and asked to immediately come to the Village Navrangpur. Thereafter, he along with Lalaram, Hariram, Vishram, Mahesh Kaushik and Anil Kaushik went to Village Navrangpur at about 09:30 PM and saw there that her daughter deceased Kunti Bai was burnt from face, mouth, hair, hands, legs and she was covered with bed sheet and she was already died. The death of the deceased did not appear as due to electric current and the respondents accused committed murder of his daughter. Thereafter a case was registered against the accused respondents. After completion of the investigation, the charge-sheet was filed before the Magistrate concerned. The learned Trial Court after appreciating the oral and documentary evidence available on record acquitted the accused respondents of the aforesaid charges.

4. Learned counsel for the complainant as well as State jointly submit that the impugned judgment of acquittal passed by the learned Trial Court is illegal. Some of the prosecution witnesses



stated against the accused/respondents, but the learned Trial Court only on minor contradictions and omissions on the part of the other prosecution witnesses acquitted the respondents. The prosecution has proved its case beyond reasonable doubt against the respondents based on the evidence available on record but the learned Trial Court did not appreciate the oral and documentary evidence properly, as such the impugned judgment is liable to be set aside and the respondents are liable to be convicted.

5. Learned counsel for the respondents supports the impugned judgment and submits that the learned Trial Court has minutely appreciated the oral and documentary evidence available on record and has rightly acquitted the respondents of the aforesaid charges. They further submit that the death of the deceased was also not proved by the prosecution whether homicidal, suicidal or accidental and soon before death of deceased demand of dowry is also not proved. It is also not proved that the deceased was subjected to any cruelty regarding demand of dowry, as such the learned Trial Court has rightly acquitted the respondents of the aforesaid charges. Therefore, the appeals are liable to be dismissed.
6. Heard learned counsel for the parties and perused the material available on record.



7. It is clear from the record of the learned Trial Court that the learned Trial Court framed charges under Section 304-B of IPC and in alternate under Sections 302 read with Section 34 and 201 of IPC against the respondents and after appreciation of oral and documentary evidence the learned Trial Court acquitted the respondents of the aforesaid charges on the ground that the prosecution has failed to prove its case against the respondents beyond reasonable doubt.
8. It is not disputed in the present case that the deceased Kunti Bai was wife of respondent Jagdeep and within 3 years of marriage, she died on 23.06.2014.
9. Dr. Jitendra Paikra (PW-11) conducted postmortem of deceased and he opined that the death was due to excessive and extensive thermal burn and nature of death is dependent on police investigation and forensic report. In FSL report (Ex-P/28), no flammable substance like petrol, diesel was found and other substance was also not found and in viscera of deceased (Ex-P/29), no chemical poison was found. He admitted this suggestion in para 15 that smell was not found in intestine, lung and kidney of the deceased. He admitted this suggestion in para 16 that the injuries sustained by the deceased may come due to electric shock in the house. He also admitted that he did not opine the nature of death to be homicidal, accidental or suicidal, as no signs were present.



10. The learned Trial Court also minutely appreciated the oral and documentary evidence including the statement of PW-11 Dr. Jitendra Paikra and rightly found that nature of death of the deceased whether homicidal or suicidal has not been proved by the prosecution beyond reasonable doubt.
11. PW-1 Ghasiram, father of deceased, PW-2 Hariram, brother of deceased, PW-3 Lalaram, uncle of deceased and PW-4 Vishram also uncle of deceased all these witnesses only stated that upon receiving information they went at the place of occurrence. Only PW-2 Hariram stated in his examination-in-chief that the accused Jagdeep slapped his sister for demand of dowry and except the same nothing was stated regarding any cruelty for demand of dowry.
12. The Hon'ble Apex Court in **Charan Singh @ Charanjit Singh vs The State of Uttarakhand**, reported in **2023 Live Law SC 341** held in para 11 as under:-

"11. The interpretation of [Sections 304B](#) and [498A](#) IPC came up for consideration in Baijnath's case (supra). The opinion was summed up in paras 25 to 27 thereof, which are extracted below:-

"25. Whereas in the offence of dowry death defined by Section 304-B of the Code, the ingredients thereof are:

(i) death of the woman concerned is by any burns or bodily injury or by any cause other than in normal circumstances, and

(ii) is within seven years of her marriage, and

(iii) that soon before her death, she was subjected to cruelty or harassment by her husband or any relative of the husband for, or in connection with, any demand for dowry.

The offence under Section 498-A of the Code is attracted qua the husband or his relative if she is subjected to cruelty.



The Explanation to this Section exposits “cruelty” as:

(i) any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical), or

(ii) 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.

26. Patently thus, cruelty or harassment of the lady by her husband or his relative for or in connection with any demand for any property or valuable security as a demand for dowry or in connection therewith is the common constituent of both the offences.

27. The expression “dowry” is ordained to have the same meaning as in [Section 2](#) of the Dowry Prohibition Act, 1961. The expression “cruelty”, as explained, contains in its expanse, apart from the conduct of the tormentor, the consequences precipitated thereby qua the lady subjected thereto. Be that as it may, cruelty or harassment by the husband or any relative of his for or in connection with any demand of dowry, to reiterate, is the gravamen of the two offences.”

13. The Hon’ble Apex Court in **Shoor Singh and others vs State of Uttarakhand**, reported in **MANU/SC/1036/2024** held in paras 12

& 13 as under:-

“12. To constitute a ‘dowry death’, punishable under Section 304- B7 [IPC](#), following ingredients must be satisfied:

i. death of a woman must have been caused by any burns or bodily injury or it must have occurred otherwise than under normal circumstances;

ii. such death must have occurred within seven years of her marriage;

iii. soon before such death, she must have been subjected to cruelty or harassment by her husband or any relative of her husband; and

iv. such cruelty or harassment must be in connection with any demand for dowry.

The phrase ‘otherwise than under normal circumstances’ is wide enough to encompass a suicidal death.

13. When all the above ingredients of ‘dowry death’ are proved, the presumption under [Section 113-B8](#) of the Evidence Act is to be raised against the accused that he has committed the offence of ‘dowry death’. What is important is that the presumption under



Section 113-B is not in respect of commission of an act of cruelty, or harassment, in connection with any demand for dowry, which is one of the essential ingredients of the offence of 'dowry death'. The presumption, however, is in respect of commission of the offence of 'dowry death' by the accused when all the essential ingredients of 'dowry death' are proved beyond reasonable doubt by ordinary rule of evidence, which means that to prove the essential ingredients of an offence of 'dowry death' the burden is on the prosecution."

14. The father of the deceased Ghasiram admitted in his cross-examination that prior to 6 months of her marriage, she tried to commit suicide by taking poison and she was treated at CIMS Bilaspur. He also admitted that her daughter was short tempered due to which she administered poison and if she gets angered, she tries to commit suicide. The brother of deceased Hariram admitted this suggestion of defence that the deceased used to live well in her matrimonial house, as such it is clear that the prosecution has only proved this fact that the deceased died within 7 years of her marriage but any cruelty related to demand of dowry soon before her death is not proved by the prosecution. The learned Trial Court also minutely appreciated the oral and documentary evidence and rightly found that the prosecution has failed to prove its case beyond reasonable doubt against the respondents.
15. In para 45 of the judgment, the learned Trial Court observed as under:-

"45. उपरोक्त साक्ष्य के विवेचन के पश्चात् निम्नलिखित परिस्थितियां एवं तथ्य प्रमाणित होत हैं कि:-

1. मृतक अपने ससुराल (अभियुक्तगण के घर) में जल कर मरी है, पी०एम० रिपोर्ट में मृतका के कंठ, श्वास नली, दाहिने एवं बांये फेफड़े में कार्बन पार्टिकल पायी गयी थी।



2. मृतका जब जली कमरा उसका अंदर से बंद था।
3. यह साक्ष्य नहीं आयी है कि अभियुक्तगण घटना के समय घर में थे।
4. बचाव साक्ष्य में यह तथ्य आया है कि अभियुक्त जगदीप अपने दोस्तों के साथ केरम खेल रहा था, जब मृतका के कमरे से धुआं निकलने लगा तो वे लोग सब दौड़े और मृतका पति अभियुक्त जगदीप भी दौड़कर आया।
5. जहां से धुआं निकल रहा था वह कमरा अंदर से बंद था और वे दरवाजा को तोड़कर अंदर घुसे थे।
6. मृतका जली हुयी मृत पायी गयी थी, जिससे स्पष्ट है कि उसकी हत्या नहीं की गयी थी, अन्यथा दरवाजा अंदर से बंद नहीं मिलता।
7. मृतका के शरीर में करेंट के निशान नहीं पाये गये थे, उसकी बिजली की करेंट से मृत्यु नहीं हुयी थी, क्योंकि यदि उसकी बिजली की करेंट से मृत्यु होती तो उसके फेफड़े, कंठ एव श्वास नली में कार्बन पार्टिकल नहीं पाये जाते तथा शरीर में बिजली के करेंट से जलने के निशान भी होते। जो कि इस मामले में नहीं पाया गया है।
8. अभियुक्तगण के द्वारा दहेज से प्रताड़ित करने के कोई साक्ष्य नहीं है।
9. मृतका के पिता घासीराम (अ०सा०-1) के साक्ष्य से स्पष्ट है कि विवाह के पूर्व भी मृतका एक जहर खाकर आत्महत्या करने की प्रयास कर चुकी थी, जो यह दर्शाता है कि मृतका मानसिक रूप से मजबूत नहीं थी।
10. मृतका को आत्महत्या के लिए उकसाने संबंधी साक्ष्य नहीं आयी है।
11. बचाव पक्ष द्वारा मृतका की मृत्यु का कारण यह बताया गया है कि मृतका गुस्सैल थी और छोटी-छोटी बातों पर तेज गुस्सा करती थी।"

16. The Hon'ble Apex Court in its **judgment dated 12.02.2024** passed in **Criminal Appeal No.1162 of 2011**) in case of **Mallappa and Ors. Versus State of Karnataka**, has held in para 36 as under:-

"36. Our criminal jurisprudence is essentially based on the promise that no innocent shall be condemned as guilty. All the safeguards and the jurisprudential values of criminal law, are intended to prevent any failure of justice. The principles which come into play while deciding an appeal from acquittal could be summarized as:-

"(i) Appreciation of evidence is the core element of a criminal trial and such appreciation must be comprehensive inclusive of all evidence, oral and documentary;

(ii) Partial or selective appreciation of evidence may result in a miscarriage of justice and is in itself a ground of challenge;

(iii) If the Court, after appreciation of evidence, finds that two views are



possible, the one in favour of the accused shall ordinarily be followed;

(iv) If the view of the Trial Court is a legally plausible view, mere possibility of a contrary view shall not justify the reversal of acquittal;

(v) If the appellate Court is inclined to reverse the acquittal in appeal on a re-appreciation of evidence, it must specifically address all the reasons given by the Trial Court for acquittal and must cover all the facts;

(vi) In a case of reversal from acquittal to conviction, the appellate Court must demonstrate an illegality, perversity or error of law or fact in the decision of the Trial Court.”

17. Considering the facts and circumstances of the case and the law laid down by the Hon'ble Supreme Court in **Mallappa** (supra) and the view which has been taken by the learned trial Court appears to be plausible and possible view and in the absence of any patent illegality or perversity, as such this Court is not inclined to interfere with the impugned judgment.
18. Accordingly, both the appeals are dismissed.

Sd/-
Rajani Dubey
Judge

Sd/-
Radhakishan Agrawal
Judge