NEUTRAL CITATION

2026:GUJHC:69666

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL APPEAL NO. 415 of 2013

FOR APPROVAL AND SIGNATURE:

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

==========

Approved for Reporting	Yes	No
	√	

==========

STATE OF GUJARAT
Versus
SWARUPBHAI PARVATBHAI PATELIA & ORS.

==========

Appearance:
MR KRUTIK PARIKH, APP for the Appellant(s) No. 1
MR PARTHIV A BHATT(5331) for the Opponent(s)/Respondent(s) No. 1,2,3

==========

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

Date : 02/11/2026

ORAL JUDGMENT

1. This appeal has been filed by the appellant – State under Section 378(1)(3) of the Code of Criminal Procedure, 1973 (hereinafter referred to as 'the Code') against the judgment and the order dated 11.08.2011 in Sessions Case No.11 of 2011 passed by the learned 7th Additional Sessions Judge, Panchmahals at Godhra (hereinafter referred to as 'the learned Trial Court'), whereby, the learned Trial Court has acquitted the respondents – accused from the offences punishable under Sections 498(A), 306 and 114 of the Indian Penal Code (hereinafter referred to as 'the IPC'). The respondents are

Uploaded by () on

Downloaded on : Tue Nov 03 07:40:44 IST 2026

NEUTRAL CITATION

2026:GUJHC:69666

hereinafter referred to as 'the accused' as they stood in the rank and file in the original case, for the sake of convenience, clarity and brevity.

2. The relevant facts leading to filing of the present appeal are as under:

2.1. The prosecution case, as emerging from the complaint, is that accused No. 1 was married to deceased Baliben, daughter of the complainant, Bhavanbhai Rupabhai Pateliya, approximately six years prior to the date of the alleged incident. Accused Nos. 2 and 3 are the mother-in-law and father-in-law, respectively, of the deceased. It is alleged that, after her marriage, Baliben gave birth to a male child, who subsequently expired. Thereafter, she conceived a female child; however, the pregnancy resulted in a miscarriage. It is the case of the prosecution that, as Baliben remained childless thereafter, she was subjected to persistent mental and physical harassment by the accused persons on account of her inability to bear children. It is further alleged that accused Nos. 2 and 3 used to instigate and provoke accused No. 1 to subject the deceased to such harassment and ill-treatment. According to the prosecution, the continuous harassment and cruelty allegedly meted out to Baliben by the accused persons rendered her life so miserable

Uploaded by () on

Downloaded on : Tue Nov 03 07:40:44 IST 2026

and intolerable that, being unable to withstand the same, she was driven to take the extreme step of ending her life. Consequently, on 25.11.2010, Baliben allegedly committed suicide by jumping into a well situated in the agricultural field of Sureshbhai Valambhai Pagi at village Patiya. In connection with the aforesaid incident, the complainant, Bhavanbhai Rupabhai Pateliya, father of the deceased, lodged a complaint on 26.11.2010 at about 19:30 hours before Shehra Police Station, alleging the commission of offences punishable under Sections 498A, 306 and 114 of the Indian Penal Code against the accused persons. The said complaint came to be registered as I-C.R. No. 198 of 2010 at Shehra Police Station.

2.2. After registration of the FIR, the investigation was carried out by the concerned Investigating Officer and after having sufficient material against the accused, the chargesheet came to be filed before the concerned jurisdictional Magistrate, which registered as Criminal Case No.33 of 2011. As the case was exclusively triable by the Court of Sessions therefore, after completion of process under Section 209 of the Cr.P.C., the case was committed to the Sessions Court, Panchmahals at Godhra and the same was registered as Sessions Case No.11 of 2011.

2.3. The accused were duly served with the summons and the accused appeared before the learned Trial Court and it was

Uploaded by () on

Downloaded on : Tue Nov 03 07:40:44 IST 2026

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 was framed by the learned Trial Court at Exh.3 and the statements of the accused were recorded at Exhs.4 to 6 respectively, wherein, the accused denied all the contents of the charge and the entire evidence of the prosecution was taken on record. The prosecution has examined 8 witnesses and has produced 7 documentary evidence in support of the case.

2.4. After the closing pursis was submitted by the learned APP at Exh.23, the further statements of the accused under Section 313 of the Code were recorded. After hearing the arguments of the learned APP and learned advocate for the accused and after perusing the documents on record, the learned Trial Court, by the impugned judgment and order, acquitted the accused for the offences punishable under Sections 498(A), 323, 306, and 114 of the IPC.

3. Being aggrieved and dissatisfied with the impugned judgment and order passed by the learned Trial Court, the appellant – State has filed the present appeal mainly stating that the impugned judgment and order of acquittal passed by the learned Trial Court is contrary to law, evidence on record and principles of natural justice. That the judgment and order of acquittal passed by the learned Trial Court is based on inferences not warranted by facts of the case and also on presumption not permitted by law. That there are directed and

Uploaded by () on

Downloaded on : Tue Nov 03 07:40:44 IST 2026

indirect evidence connecting the respondents with crime produced in this Court, in spite of the fact, the learned Trial Court without appreciating oral as well as documentary evidence on record of the case, straight way arrived at conclusion that the prosecution has failed to prove the case beyond reasonable doubt. The learned Trial Court has erred in not considering the ratio laid down by the judgment of the Apex Court which are applicable to the facts of the present case and the impugned judgment and order is perverse and suffering from legal and factual error apparent on the record. The learned Trial Court has, without giving any specific reason, not discussed the evidence of the witnesses in the impugned judgment and order of acquittal and has discarded the evidence of the witnesses. The learned Trial Court has erred in not considering the evidence of the complainant and other witnesses which was fully supported the case of the prosecution. The learned Trial Court has passed the impugned judgment and order of acquittal is without giving any cogent and convincing reasons, illegal, invalid and improper, and therefore, the same requires to be quashed and set aside.

4. Heard learned APP Mr.Krutik Parikh for the appellant – State and learned advocate Mr.Parthiv A. Bhatt for the respondents. Perused the impugned judgment and order of acquittal and have re-appreciated the entire evidence of the prosecution on record of the case.

5. Learned APP Mr.Krutik Parikh for the appellant –

Uploaded by () on

Downloaded on : Tue Nov 03 07:40:44 IST 2026

State has taken this Court through the entire evidence produced by the prosecution and has vehemently argued that the learned Trial Court has not appreciated the evidence properly and the prosecution has produced cogent evidence to prove the case and has successfully proved the case against the accused but the learned Trial Court has not considered the same and has acquitted the accused. The judgment and order of acquittal passed by the learned Judge is contrary to law, evidence on record and principles of justice. The judgment and order of acquittal passed by learned Judge is based on inferences, not warranted by facts of the case and also on presumptions, not permitted by law. Learned APP has urged this Court to quash and set aside the impugned judgment and order of acquittal and to find the accused guilty for the said offence and impose maximum sentence on the accused.

6. Learned advocate Mr.Parthiv Bhatt for the respondents – original accused has submitted that the learned Trial Court has appreciated all the evidence in true perspective and has not committed any error in acquitting the accused. Therefore, no interference of this Court is required in the impugned judgment and the order of acquittal passed by the learned Trial Court and has urged this Court to reject the appeal.

7. At the outset, before discussing the facts of the present case, it would be appropriate to refer to the observations of the Apex Court in the case of **Chandrappa &**

Uploaded by () on

Downloaded on : Tue Nov 03 07:40:44 IST 2026

Ors. Vs. State of Karnataka reported in **2007 (4) SCC 415**, the Apex Court has observed as under:

> Recently, in **Kallu Vs. State of M.P. (2006) 10 SCC 313 :**
>
> AIR 2006 SC 831, this Court stated; "While deciding an appeal against acquittal, the power of the Appellate Court is no less than the power exercised while hearing appeals against conviction. In both types of appeals, the power exists to review the entire evidence. However, one significant difference is that an order of acquittal will not be interfered with, by an appellate court, where the judgment of the trial court is based on evidence and the view taken is reasonable and plausible. It will not reverse the decision of the trial court merely because a different view is possible. The appellate court will also bear in mind that there is a presumption of innocence in favour of the accused and the accused is entitled to get the benefit of any doubt. Further if it decides to interfere, it should assign reasons for differing with the decision of the trial court". (emphasis supplied)
>
> …….. From the above decisions, in our considered view, the following general principles regarding powers of appellate Court while dealing with an appeal against an order of acquittal emerge;]
>
> (1) An appellate Court has full power to review, reappreciate and reconsider the evidence upon which the order of acquittal is founded;
>
> (2) The Code of Criminal Procedure, 1973 puts no limitation, restriction or condition on exercise of such power and an appellate Court on the evidence before it may reach its own conclusion, both on questions of fact and of law;
>
> (3) Various expressions, such as, 'substantial and compelling reasons', 'good and sufficient grounds', 'very strong circumstances', 'distorted conclusions', 'glaring mistakes', etc. are not intended to curtail extensive powers of an appellate Court in an appeal against acquittal. Such phraseologies are more in the nature of 'flourishes of language' to emphasize the reluctance of an appellate Court to interfere with acquittal than to curtail the power of the Court to review the evidence and to come to its own conclusion.
>
> (4) An appellate Court, however, must bear in mind that in case of acquittal, there is double presumption in favour

Uploaded by () on

Downloaded on : Tue Nov 03 07:40:44 IST 2026

of the accused. Firstly, the presumption of innocence available to him under the fundamental principle of criminal jurisprudence that every person shall be presumed to be innocent unless he is proved guilty by a competent court of law. Secondly, the accused having secured his acquittal, the presumption of his innocence is further reinforced, reaffirmed and strengthened by the trial court.

(5) If two reasonable conclusions are possible on the basis of the evidence on record, the appellate court should not disturb the finding of acquittal recorded by the trial court.

8. It is a settled principle of law that in an appeal against acquittal, the Appellate Court is circumscribed by limitation that no interference has to be made in the order of acquittal unless after appreciation of the evidence produced before the learned Trial Court, it appears that there are some manifest illegality or perversity which could not have been possibly arrived at by the Court. It is also a settled principle that there is no embargo on the Appellate Court to review the evidence but, generally the order of acquittal shall not be interfered with as the presumption of innocence of the accused is further strengthened by the order of acquittal. The golden thread which runs through the web of administration of justice in criminal cases is that if two views are possible on the evidence adduced in the case of the prosecution i.e. (i) guilt of the accused and (ii) his innocence, the view, which is in favour of the accused, should be adopted, and if the trial Court has taken the view in favour of the accused, the Appellate Court should not disturb the findings of the acquittal. The Appellate Court can interfere with the judgment and order of acquittal only when

Uploaded by () on

Downloaded on : Tue Nov 03 07:40:44 IST 2026

there are compelling and substantial reasons and the order is clearly unreasonable and where the Appellate Court comes to conclusion that based on the evidence, the conviction is a must.

9. As the appeal pertains to a case under Section 306 of the IPC, it would be appropriate to reproduce the observations of the Hon'ble Apex Court in the case of **Mahendra Awase vs The State of Madhya Pradhesh Criminal Appeal No. 221/2025 (@ SLP(Cr) No. 11868/2023)** passed on 17th January, 2025 which is as under:

> "**11.** 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."
>
> **12.** 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."
>
> 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

Uploaded by () on

Downloaded on : Tue Nov 03 07:40:44 IST 2026

or Thirdly - intentionally aids, by any act or illegal omission, the doing of that thing.

13. In **Swamy Prahaladdas vs. State of M.P. and Another**, **[1995 Supp (3) SCC 438]**, the appellant remarked to the deceased that 'go and die' and the deceased thereafter, committed suicide. This Court held that:-

> "**3**. ...Those words are casual nature which are often employed in the heat of the moment between quarreling people. Nothing serious is expected to follow thereafter. The said act does not reflect the requisite 'mens rea' on the assumption that these words would be carried out in all events. ..."

14. In **Madan Mohan Singh vs. State of Gujarat and Another**, **(2010) 8 SCC 628**, this Court held that in order to bring out an offence under Section 306 IPC specific abetment as contemplated by Section 107 IPC on the part of the accused with an intention to bring about the suicide of the person concerned as a result of that abetment is required. It was further held that the intention of the accused to aid or to instigate or to abet the deceased to commit suicide is a must for attracting Section 306.

15. In **Amalendu Pal alias Jhantu vs. State of West Bengal**, **(2010) 1 SCC 707**, this Court held as under:-

> "**12.** Thus, this Court has consistently taken the view that before holding an accused guilty of an offence under Section 306 IPC, the court must scrupulously examine the facts and circumstances of the case and also assess the evidence adduced before it in order to find out whether the cruelty and harassment meted out to the victim had left the victim with no other alternative but to put an end to her life. It is also to be borne in mind that in cases of alleged abetment of suicide there must be proof of direct or indirect acts of incitement to the commission of suicide. Merely on the allegation of harassment without there being any positive action proximate to the time of occurrence on the part of the accused which led or compelled the person to commit suicide, conviction in terms of Section 306 IPC is not sustainable. [Emphasis supplied]

Uploaded by () on

Downloaded on : Tue Nov 03 07:40:44 IST 2026

16. In order to bring a case within the purview of Section 306 IPC there must be a case of suicide and in the commission of the said offence, the person who is said to have abetted the commission of suicide must have played an active role by an act of instigation or by doing certain act to facilitate the commission of suicide. Therefore, the act of abetment by the person charged with the said offence must be proved and established by the prosecution before he could be convicted under Section 306 IPC.

17. **M. Mohan vs. State, (2011) 3 SCC 626** followed **Ramesh Kumar vs. State of Chhattisgarh, (2001) 9 SCC 618**, wherein it was held as under:-

> **41.** This Court in SCC para 20 of Ramesh Kumar has examined different shades of the meaning of "instigation". Para 20 reads as under: (SCC p. 629)
>
> > "**20.** Instigation is to goad, urge forward, provoke, incite or encourage to do 'an act'. To satisfy the requirement of instigation though it is not necessary that actual words must be used to that effect or what constitutes instigation must necessarily and specifically be suggestive of the consequence. Yet a reasonable certainty to incite the consequence must be capable of being spelt out. The present one is not a case where the accused had by his acts or omission or by a continued course of conduct created such circumstances that the deceased was left with no other option except to commit suicide in which case an instigation may have been inferred. A word uttered in the fit of anger or emotion without intending the consequences to actually follow cannot be said to be instigation."
>
> In the said case this Court came to the conclusion that there is no evidence and material available on record where-from an inference of the appellant accused having abetted commission of suicide by Seema (the appellant's wife therein) may necessarily be drawn."
>
> Thereafter, this Court in Mohan (supra) held:-
>
> **45.** The intention of the legislature and the ratio of the cases decided by this Court are clear that in order to

Uploaded by () on

Downloaded on : Tue Nov 03 07:40:44 IST 2026

> convict a person under Section 306 IPC there has to be a clear mens rea to commit the offence. It also requires an active act or direct act which led the deceased to commit suicide seeing no option and this act must have been intended to push the deceased into such a position that he/she committed suicide." [Emphasis supplied].

10. In light of the above, the evidence produced by the prosecution on record is appreciated and PW-1, Dr. Rajiv Nayan Saryuprasad, examined at Exh.7, was serving as a Medical Officer at the Primary Health Centre, Shehra, District Panchmahal. He deposed that he had performed the post-mortem examination on the dead body of deceased Baliben Swaroopbhai Pateliya on 26.11.2010 between 1:15p.m. and 3:40p.m. The witness produced the post-mortem report at Exh.8 and opined that the cause of death was asphyxia due to drowning. As per the post-mortem report in Column No.17 an abrasion 4cm x 2cm was found on the right elbow joint and an abrasion of 5cm x 2cm was found on the right shoulder joint. Besides this, no other injuries were found on the body of the deceased.

During his cross-examination by the learned advocate for the accused, the witness admitted that if a person accidentally falls into a well, the cause and nature of death could

Uploaded by () on

Downloaded on : Tue Nov 03 07:40:44 IST 2026

be similar to that of deceased Baliben.

10.1. PW-2, Bhavanbhai Rupabhai Pateliya, examined at Exh.9, is the father of deceased Baliben and the complainant. He deposed that his daughter Baliben was married to accused No.1 and that she was subjected to harassment by her matrimonial family on account of her inability to bear a child. He further stated that whenever his daughter came to her parental home, the accused persons would take her back to her matrimonial home. With regard to the incident, the witness stated that on the relevant day, at about 8:00 p.m., while he was at his residence, the police contacted the Sarpanch over the telephone and informed him that the dead body of Baliben had been recovered from a well. Thereafter, he went to the place and identified the dead body of his daughter. He further stated that he noticed injuries on her head and that her hands and legs appeared to be broken. The witness identified the complaint lodged by him at Shehra Police Station, which was produced at Exh.10.

During his cross-examination, the witness admitted that his daughter had been married approximately eight years prior to the incident and that he had never lodged any complaint against the accused persons during her lifetime. He further

Uploaded by () on

Downloaded on : Tue Nov 03 07:40:44 IST 2026

admitted that the place where the dead body was found was situated at a distance of approximately 40 to 50 k.m. from the matrimonial home of his daughter. He also stated that, after completion of the post-mortem examination, the dead body was handed over to the accused persons and that he had no objection to the same. The accused persons thereafter took the dead body to their village for performing the last rites. The witness further admitted that, subsequently, the neighbours gathered and a decision was taken that a complaint should be lodged. Pursuant thereto, he went to Shehra Police Station during the night and lodged the complaint. He also admitted that, when his statement had initially been recorded, he had not made any allegations against the accused persons.

10.2. PW-3, Geetaben Vikrambhai Pagi, examined at Exh.12, deposed that she was residing with her parents at village Patiya and was studying at the relevant time. She stated that there was a well situated near her residence. On the day of the incident, while her mother was cooking and she was washing clothes and putting them out to dry, she heard a sound emanating from the direction of the well. Upon hearing the sound, she went towards the well and noticed that a woman had

Uploaded by () on

Downloaded on : Tue Nov 03 07:40:44 IST 2026

fallen into it. She immediately called her mother, and both of them raised an alarm and called other persons from the village. By that time, the woman had gone beneath the water and could no longer be seen. Thereafter, several villagers gathered at the spot and the dead body was eventually taken out of the well.

During her cross-examination, the witness clarified that, upon hearing the sound, she merely presumed that somebody had fallen into the well. However, she had not witnessed the actual occurrence and did not know how the woman had fallen into the well. She further stated that village Patiya was situated at a distance of approximately 15 k.m. from village Melal. She categorically admitted that she was unaware of the reason as to why the woman had fallen into the well.

10.3. PW-4, Rangitbhai Parvatbhai, examined at Exh.13, is a cousin of the deceased. He deposed that on 25.11.2010, while he was at his residence, the Sarpanch received a telephone call from Shehra Police informing him that the dead body of Baliben had been recovered from a well situated at village Patiya. Thereafter, the Sarpanch came to his house, gathered the neighbours and informed them about the incident. They hired a vehicle and proceeded to Shehra Police Station, where the dead

Uploaded by () on

Downloaded on : Tue Nov 03 07:40:44 IST 2026

body was shown to them and was identified as that of Baliben. He further stated that the post-mortem examination was conducted on the following day, after which the dead body was brought back and the last rites were performed. The witness further deposed that his sister Baliben was being harassed by the accused persons and that quarrels used to take place frequently at her matrimonial home. On account of such disputes, she had returned to her parental home. However, she had gone back to her matrimonial home approximately three days prior to the incident, and thereafter her dead body was found in the well.

During his cross-examination, the witness stated that he was residing near the house of the complainant. He admitted that he had visited the house of the accused persons approximately three months prior to the incident, but none of the accused was present there at that time. He further stated that he did not know whether accused No. 1 was working at Vadodara or where exactly he was employed. He also admitted that, prior to the present complaint, there had been no occasion to lodge any complaint against the accused persons. He further stated that the well from which the dead body of Baliben was recovered was

Uploaded by () on

Downloaded on : Tue Nov 03 07:40:44 IST 2026

situated at a distance of approximately 15 to 17 k.m. from her matrimonial village. He did not know when Baliben had left her matrimonial home or what had actually transpired thereafter.

10.4. PW-5, Gopalbhai Bhudarbhai Pateliya, examined at Exh.14, was the former Sarpanch of village Jethlibor. He deposed that on 25.11.2010, while he was at his residence, he received a telephone call from Shehra Police on his mobile phone. The police inquired about the distance between his residence and the house of Bhavanbhai Rupabhai, to which he replied that it was approximately 500 metres. The police thereafter asked him to inform Bhavanbhai Rupabhai Pateliya to contact the police. The police also inquired as to the village in which Bhavanbhai's daughter was married, whereupon they were informed that she was married at village Melal. The police then informed them that her dead body had been recovered from a well and had been kept at the mortuary of the hospital. Thereafter, the witness and others went to the hospital and saw the dead body of Baliben. He categorically stated that he did not know how Baliben had fallen into the well and had no personal knowledge regarding the circumstances of her death.

During his cross-examination, the witness specifically

Uploaded by () on

Downloaded on : Tue Nov 03 07:40:44 IST 2026

admitted that the complainant had never informed him about any harassment allegedly meted out to Baliben by the accused persons.

10.5. PW-6, Narendrasinh Kesarsinh, examined at Exh.15, was serving as an Unarmed Head Constable, bearing Buckle No. 1748, and was the Police Station Officer. He deposed that, on the basis of the information furnished by Sureshbhai Valambhai Pagi, an accidental death case bearing A.D. No. 57 of 2010 came to be registered. The witness produced the relevant information at Exh.16.

During his cross-examination, the witness stated that the inquiry into the accidental death was conducted by Pahadsinh Pratapsinh. As per the document produced at Exh.16, the information was furnished by Sureshbhai Valambhai on 25.11.2010 at about 11:30 a.m. It was stated therein that the informant had been informed by his niece that a woman had fallen into a well. Upon reaching the well, he had noticed the dead body of a woman lying at the bottom thereof. The witness further stated that, at that stage, the informant did not know the name or identity of the deceased woman.

Uploaded by () on

Downloaded on : Tue Nov 03 07:40:44 IST 2026

NEUTRAL CITATION

2026:GUJHC:69666

10.6. PW-7, Revaben Rangitbhai Patel, examined at Exh.17, is the sister-in-law of deceased Baliben. She deposed that Baliben had given birth to a male child, who subsequently expired. Thereafter, Baliben had conceived again, but unfortunately suffered a miscarriage. The witness further stated that Baliben had once come to their house and thereafter returned to her matrimonial home. On the day of the incident, the former Sarpanch came and informed them that Baliben had died and that her dead body had been recovered from a well situated at village Patiya. The witness further stated that whenever Baliben visited her parental home, she never disclosed anything regarding harassment or ill-treatment by the accused persons. She also stated that the accused persons used to come and take Baliben back to her matrimonial home. The witness categorically expressed her ignorance as to whether Baliben was subjected to any harassment at her matrimonial home.

During her cross-examination, the witness stated that, after losing her infant son and subsequently suffering a miscarriage, Baliben was mentally disturbed and remained worried. She further stated that Baliben had also lost her mother

Uploaded by () on

Downloaded on : Tue Nov 03 07:40:44 IST 2026

and that her father was addicted to alcohol.

10.7. PW-8, Shantilal Laljibhai Gameti, examined at Exh.22, was the Investigating Officer. He deposed regarding the various steps undertaken by him during the course of investigation.

During his cross-examination, the witness stated that the complaint had been recorded by the Deputy Superintendent of Police. He further admitted that the place from where the dead body was recovered was situated at a distance of approximately 15 to 20 k.m. from the matrimonial home of the deceased. During the course of investigation, it was revealed that the deceased had left her matrimonial home on the preceding day. However, the Investigating Officer admitted that there was nothing on record to indicate that any incident had occurred on the day immediately preceding the death of the deceased. The witness further admitted that, as per the post-mortem report, no injuries were found on the body of the deceased. He also admitted that the complainant had not stated in his complaint that the dead body of his daughter bore injuries or that her hands and legs were broken, as subsequently stated in his deposition before the Court.

Uploaded by () on

Downloaded on : Tue Nov 03 07:40:44 IST 2026

11. Apart from the aforesaid oral evidence, the prosecution also produced the panchnama of the scene of offence at Exh.19, the cause of death certificate at Exh.20 and the panchnama relating to the identification of the dead body at Exh.21. All the aforesaid documents were admitted by the accused persons and were accordingly exhibited in evidence.

12. Upon an overall reappreciation and scrutiny of the entire oral as well as documentary evidence on record, it emerges that the prosecution has failed to establish, beyond reasonable doubt, that the deceased Baliben was subjected to such persistent cruelty or harassment by the accused persons as would have driven her to commit suicide. Though the prosecution has alleged that the deceased was being mentally and physically harassed on account of her inability to bear a child, the evidence led by the prosecution does not satisfactorily substantiate the said allegation. The complainant, who is the father of the deceased, admitted in his cross-examination that he had never lodged any complaint against the accused persons during the lifetime of his daughter. He further admitted that, whenever his daughter visited her parental home, the accused persons used to come and take her back to her matrimonial

Uploaded by () on

Downloaded on : Tue Nov 03 07:40:44 IST 2026

home. Significantly, he also admitted that, when his statement was initially recorded, he had not levelled any allegations of harassment against the accused persons. PW-5, the former Sarpanch, categorically stated that the complainant had never informed him about any harassment being meted out to the deceased by the accused persons. Similarly, PW-7, the sister-in-law of the deceased, stated that whenever Baliben visited her parental home, she never disclosed anything regarding harassment or ill-treatment at her matrimonial home. On the contrary, she stated that the accused persons used to come and take her back to the matrimonial home.

12.1. It is further pertinent to note that none of the prosecution witnesses has deposed about any specific incident of instigation, abetment, provocation or intentional aiding on the part of any of the accused persons which could have directly or indirectly facilitated or compelled the deceased to commit suicide. There is no evidence on record indicating any particular act or conduct attributable to the accused persons immediately preceding the incident which could establish the necessary nexus between the alleged harassment and the commission of suicide by the deceased. Merely because the deceased had lost

Uploaded by () on

Downloaded on : Tue Nov 03 07:40:44 IST 2026

her infant son and subsequently suffered a miscarriage, it cannot, in the absence of cogent and reliable evidence, be presumed that the accused persons had subjected her to such cruelty or harassment as alleged by the prosecution. In fact, PW-7 has stated that, after losing her infant son and suffering a miscarriage, the deceased was mentally disturbed and worried. The said circumstance, by itself, cannot be construed as establishing the guilt of the accused persons.

12.2. Another significant circumstance which requires consideration is that an accidental death case had already been registered in connection with the incident on 25.11.2010, being A.D. No. 57 of 2010, on the basis of the information furnished by Sureshbhai Valambhai Pagi. The said information, produced at Exh.16, indicates that the informant had received information from his niece that a woman had fallen into the well and, upon reaching the spot, he had noticed the dead body lying at the bottom of the well. The inquiry into the said accidental death was conducted by Pahadsinh Pratapsinh. However, the said Investigating Officer has not been examined by the prosecution, nor have the papers pertaining to the accidental death inquiry been brought on record. Consequently, the statements recorded

Uploaded by () on

Downloaded on : Tue Nov 03 07:40:44 IST 2026

during the course of the said inquiry and the circumstances which had emerged therein have not been brought before the Court. In the absence of such material, it is not possible to ascertain what version had initially been furnished by the complainant and the other witnesses regarding the circumstances in which the deceased had fallen into the well. It is also relevant to note that PW-2, the complainant himself, admitted that the complaint was lodged after the neighbours had gathered and collectively decided that a complaint should be filed. He further admitted that he thereafter went to the police station during the night and lodged the complaint. This admission assumes significance when considered in juxtaposition with his further admission that no allegations of harassment had been made when his statement was initially recorded. The subsequent improvements and omissions in the version of the complainant, therefore, require careful scrutiny, particularly when the independent witnesses have not supported the prosecution case regarding the alleged harassment.

12.3. Furthermore, the medical evidence does not establish any circumstance suggesting that the deceased had

Uploaded by () on

Downloaded on : Tue Nov 03 07:40:44 IST 2026

been subjected to physical assault prior to her death. PW-1, the Medical Officer who conducted the post-mortem examination, opined that the cause of death was asphyxia due to drowning and admitted that a person accidentally falling into a well could also sustain a similar cause of death. The Investigating Officer, PW-8, also admitted that, as per the post-mortem report, no injuries were found on the body of the deceased. He further admitted that the complainant had not stated in his complaint that the deceased had sustained injuries on her head or that her hands and legs were broken, though such assertions were subsequently made in his deposition. Thus, even the medical evidence does not lend support to the subsequent version of the complainant regarding the physical condition of the deceased.

13. In the context of the offence punishable under Section 306 of the IPC, as held in **Mahendra Awase (Supra)** the prosecution is required to establish the essential ingredients of abetment as contemplated under Section 107 of the IPC. The mere fact that a woman has committed suicide or that there were matrimonial differences or alleged instances of harassment would not, by itself, be sufficient to establish the offence of abetment of suicide. There must be cogent evidence

Uploaded by () on

Downloaded on : Tue Nov 03 07:40:44 IST 2026

demonstrating instigation, intentional aid or participation of the accused persons in the commission of suicide, together with the requisite mens rea. In the present case, the prosecution has failed to bring on record any specific act of instigation, intentional assistance or active participation on the part of any of the accused persons. There is also no evidence to demonstrate that the deceased was left with no alternative but to take the extreme step of ending her life on account of the conduct of the accused persons. The essential ingredients constituting the offence under Section 306 of the IPC are, therefore, not established.

13.1. Similarly, in the absence of reliable and convincing evidence establishing cruelty or harassment within the meaning of Section 498A of the IPC, the charge under the said provision also cannot be sustained. Once the prosecution has failed to establish the substantive offences against the accused persons, the question of invoking Section 114 of the IPC also does not arise.

14. In view of the aforesaid discussion, this Court finds that the learned Trial Court has properly appreciated the oral as well as documentary evidence and has rightly considered the

Uploaded by () on

Downloaded on : Tue Nov 03 07:40:44 IST 2026

material omissions, contradictions and deficiencies in the prosecution case. The learned Trial Court has assigned cogent and convincing reasons for extending the benefit of doubt to the accused persons. The findings recorded by the learned Trial Court are based on a proper appreciation of the evidence available on record and cannot be said to be perverse, unreasonable or contrary to the settled principles governing criminal jurisprudence. It is well settled that, in an appeal against acquittal, unless the findings recorded by the learned Trial Court are manifestly erroneous, perverse or wholly unsustainable on the basis of the evidence on record, interference by the appellate Court is not warranted. In the present case, no such exceptional circumstance is made out warranting interference with the judgment and order of acquittal.

15. Accordingly, this Court finds no reason to take a view different from the one adopted by the learned trial Court. The judgment and order of acquittal passed by the learned Trial Court acquitting the accused persons of the offences punishable under Sections 498A, 306 and 114 of the Indian Penal Code deserves to be confirmed. The appeal, therefore, fails and is accordingly dismissed.

Uploaded by () on

Downloaded on : Tue Nov 03 07:40:44 IST 2026

NEUTRAL CITATION

2026:GUJHC:69666

16. The impugned judgment and the order dated 11.08.2011 in Sessions Case No.11 of 2011 passed by the learned 7th Additional Sessions Judge, Panchmahals at Godhra is hereby confirmed.

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

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

F.S.KAZI.....

Uploaded by () on

Downloaded on : Tue Nov 03 07:40:44 IST 2026