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**IN THE COURT OF THE SESSIONS JUDGE, AMBEDKAR NAGAR
CRIMINAL APPEAL NO. 19 OF 2025 (CNR: UPAN010036972025)**

(Arising out of the judgment and order dated 21.07.2025 passed by the Learned Additional Chief Judicial Magistrate, Ambedkar Nagar in CNR: UPAN040028612013, Complaint Case No. 4607/2025 / Complaint Case No. 3000687/2014)

DISTRICT: AMBEDKAR NAGAR

In the Matter of:

Amarnath, Aged about 30 years,

Son of Bhagouti Prasad,

Resident of Village Bhawanipur, Police Station Ahiroli,

District Ambedkar Nagar.

..... Appellant / Convict

---Versus---

1. The State of Uttar Pradesh

2. Smt. Manjulata, Aged about 27 years,

Daughter of Ramchandra, Wife of Amarnath,

Resident of Village Bhawanipur, Police Station Ahiroli,

At Present Resident of Village Salahuddinpur,

Police Station Sammanpur, District Ambedkar Nagar.

..... Respondents / Prosecution

Citations are hyperlinked

JUDGMENT

The present criminal appeal has been preferred by the Appellant, Amarnath, under [Section 374\(3\) of the Code of Criminal Procedure, 1973](#) (hereinafter referred to as "Cr.P.C."), challenging the impugned judgment of conviction and order of sentence dated 21.07.2025 passed by the Court of the Learned Additional Chief Judicial Magistrate, Ambedkar Nagar. By the impugned order, the Appellant was convicted under Sections [498A](#), [323](#), and [504](#) of the Indian Penal Code (hereinafter referred to as "IPC") and [Section 4 of the Dowry Prohibition Act, 1961](#). The Appellant was sentenced to undergo two years of simple imprisonment under Section 498A IPC along with a fine of ₹5,000/-, and six months of simple imprisonment each under Sections 323 IPC, 504 IPC, and Section 4 of the Dowry Prohibition Act, with default stipulations. All sentences were ordered to run concurrently.

Through the same judgment, the Learned Trial Court acquitted the co-accused persons, namely Bhagouti Prasad (father-in-law), Rajesh (brother-in-law), Lalli @ Seema (sister-in-law), and Savitri (sister-in-law), while the proceedings against Smt. Mangala Devi (mother-in-law) stood abated due to her demise.

1. BRIEF FACTUAL MATRIX

The factual matrix layout of the case, as extracted from the complaint filed by Respondent No. 2 (Complainant Smt. Manjulata), is summarised as follows:

The Marriage: The Complainant solemnised her marriage with the Appellant on 12.06.2005 according to Hindu rites and rituals. Her parents provided dowry as per their financial capacity.

1. **The Alleged Demand:** It was alleged that the Appellant and his family members were dissatisfied with the dowry and demanded an additional ₹1 Lakh in cash and a Hero Honda motorcycle. The Complainant was allegedly subjected to physical abuse, starvation, and threats of a second marriage by the in-laws.
2. **Change in Circumstances:** In the year 2010, the Appellant secured employment as an Assistant Teacher in a Primary School in District Amethi. It is alleged that post-employment, the Appellant ignored the Complainant, refused to keep her with him, and pressured her to return to her parental home.
3. **The Incident dated 05.06.2013:** It is alleged that on 05.06.2013 at around 09:00 PM, the Appellant arrived home, hurled abuses, locked the Complainant in a room, and along with other family

members, severely assaulted her and attempted to strangle her. She was saved by the intervention of local neighbours.

4. **Ouster from Matrimonial Home:** On 06.06.2013, when the Complainant's father arrived with local elders to resolve the matter, they were insulted, and the Complainant was stripped of her jewellery and clothes and driven away in a single set of clothing.

Since the local police failed to register a First Information Report (FIR), the Complainant initiated proceedings by filing an application under Section 156(3) Cr.P.C., which was subsequently registered and tried as a Complaint Case by the Learned Magistrate.

2. EVIDENCE RECORDED BEFORE THE TRIAL COURT

During the course of the trial, the Complainant examined the following witnesses to substantiate her claims:

1. **PW-1 (Smt. Manjulata):** The Complainant herself, who reiterated the allegations of dowry harassment and physical assault in her statements under Sections 200, 244, and 246 Cr.P.C.
2. **PW-2 (Ramchandra):** The father of the Complainant, who supported the narrative regarding the demand for cash and a motorcycle.
3. **PW-3 (Balgovind):** The paternal uncle of the Complainant, who claimed to be an eye-witness to the aftermath of the assault and supported the allegation of ouster.

Following the conclusion of the Complainant's evidence, the statement of the Appellant was recorded under Section 313 Cr.P.C., wherein he denied all incriminating allegations, stated that the case was a result of animosity and instigation, and chose not to lead any defence evidence.

3. GROUNDS OF APPEAL

The Appellant has assailed the judgment of conviction primarily on the following legal and factual grounds:

1. **Material Contradictions Overlooked:** The Learned Trial Court committed a grave error by ignoring a fundamental contradiction in the testimony of PW-1. In her statement recorded under Section 200 Cr.P.C., PW-1 explicitly admitted that **no demand for dowry was made by the accused persons from the year 2005 to 2011**. This completely demolishes the narrative built in the main complaint that she was tortured for dowry since the day of her wedding.

2. **Shift in Timeline of Demand:** While the complaint states that the demand for ₹1 Lakh and a motorcycle was made at the time of marriage, PW-1 admitted in her cross-examination that the demand for dowry arose **only after the Appellant secured his job as an Assistant Teacher** in 2010.
3. **Absence of Independent Medical Corroboration:** Despite specific allegations of a brutal physical assault, choking, and an attempt to strangle her on 05.06.2013, **no medical examination report or injury report** was brought on record. A conviction under Section 323 IPC cannot safely rest on a highly contradictory oral statement devoid of any clinical corroboration.
4. **Unjustified Bifurcated Logic:** The Trial Court acquitted five co-accused family members on the ground that the allegations against them were general, omnibus, and uncorroborated, but erroneously convicted the husband on the exact same set of uncorroborated and fluctuating oral testimonies.

I have heard the learned counsels of the parties and perused the record with due diligence.

4. POINTS FOR DETERMINATION

To decide this appeal, this Appellate Court frames the following points for determination:

1. **Point A:** Whether the Complainant/Prosecution proved beyond reasonable doubt that the Appellant subjected the Complainant to cruelty or harassment in connection with a demand for dowry, satisfying the ingredients of Section 498A IPC and Section 4 of the Dowry Prohibition Act?
2. **Point B:** Whether the charges under Sections 323 and 504 IPC are sustainable against the Appellant in the absolute absence of medical evidence and explicit details regarding the intentional insult?
3. **Point C:** Whether the impugned judgment of conviction passed by the Learned Trial Court suffers from perversity, legal infirmity, or misappreciation of evidence requiring interference?

5. APPRECIATION OF EVIDENCE & LEGAL REASONING

Regarding Point A (Section 498A IPC & Section 4 Dowry Prohibition Act)

To attract the penal provisions of Section 498A IPC, the harassment must be established in connection with an unlawful demand for property or valuable security.

A meticulous scanning of the cross-examination of PW-1 (Manjulata) recorded under Section 246 Cr.P.C. reveals a fatal dent in the prosecution's story. PW-1 clearly admitted:

"From the year 2005 to 2011, I resided with my husband at my matrimonial home... In my statement under Section 200 Cr.P.C., no statement regarding a demand for dowry by the accused persons between 2005 and 2011 was made by me."

Furthermore, she stated that the demand materialised after her husband secured employment.

This admission completely invalidates the allegations in the complaint where she asserted that right from the inception of the marriage in 2005, she was starved, locked up, and abused for a motorcycle and cash. If the parties lived together without any dowry demands for six long years (2005 to 2011), the subsequent insertion of an overarching history of dowry-related cruelty appears to be an afterthought and an improvement to embellish the matrimonial dispute.

Additionally, PW-2 (the father) explicitly admitted during his cross-examination under Section 246 Cr.P.C. that the Appellant's father (Bhagouti Prasad) regularly visited his house to take the Complainant back to her matrimonial home, and she moved between the houses with mutual consent and happiness (*raazi-khushi*) until 2010. This admission directly negates the theory of continuous, unabated cruelty since 2005.

The Hon'ble Supreme Court of India in the landmark case of *Kahkashan Kausar @ Sonam vs The State of Bihar on 8 February, 2022: (2022) 6 SCC 599* observed that matrimonial disputes often suffer from exaggerated, omnibus versions where allegations are expanded to ropes of over-implication. When the core testimony of the Complainant shifts the timeline of the alleged crime drastically, the benefit of doubt must naturally lean towards the accused. Therefore, the charge under Section 498A IPC and Section 4 of the Dowry Prohibition Act fails the test of proof beyond reasonable doubt.

Regarding Point B (Sections 323 and 504 IPC)

The Complainant alleged that on 05.06.2013, she was locked in a room and her husband tried to choke/strangulate her. Such an offence, if committed, would necessarily leave physical signs or contusions around the neck or body parts.

However, during cross-examination, it was admitted that **no medical examination or medico-legal report (MLR)** was generated. While it is a settled principle that medical evidence is corroborative, its complete absence in a case arising out of a private complaint, where deep-seated matrimonial acrimony exists, makes it highly hazardous to convict an individual for physical hurt under Section 323 IPC.

To pull an offence under Section 504 IPC, the prosecution must show that the accused intentionally insulted the victim with the intent to provoke her to break the public peace or commit another offence. The mere usage of generalised expressions like "*bhaddi-bhaddi gaaliyan*" (filthy abuses) without mentioning the specific words or establishing the requisite *mens rea* to breach public tranquillity is insufficient to satisfy the statutory ingredients of Section 504 IPC.

6. FINDINGS & CONCLUSION

After balancing the arguments and examining the record, this Court arrives at the following findings:

1. The Learned Trial Court adopted a bifurcated standard of proof. On the one hand, it rightly extended the benefit of doubt to the co-accused family members because the allegations were generic and lacked specific attribution. On the other hand, it convicted the husband on the exact same omnibus, contradictory, and uncorroborated oral testimony.
2. The glaring contradictions between the initial complaint, the statement under Section 200 Cr.P.C., and the testimonies under Sections 244 and 246 Cr.P.C. regarding the timeline of the dowry demands go to the root of the case and destroy the credibility of the prosecution.
3. The absolute lack of objective medical verification renders the story of a violent physical assault on 05.06.2013 completely unreliable.

Consequently, the conviction of the Appellant passed by the Learned Trial Court is legally unsustainable, being contrary to settled criminal jurisprudence. The appeal succeeds.

7. FINAL ORDER

1. **The Appeal is Allowed.** The impugned judgment of conviction and order of sentence dated 21.07.2025 passed by the Learned Additional Chief Judicial Magistrate, Ambedkar Nagar against the Appellant, **Amarnath**, is hereby **set aside**.

2. The Appellant, **Amarnath**, is **acquitted** of the charges levelled against him under Sections 498A, 323, 504 IPC and Section 4 of the Dowry Prohibition Act.
3. The Appellant be released from judicial custody forthwith, if not required in any other case.
4. The fine amount, if deposited by the Appellant during the pendency of this trial/appeal, shall be refunded to him.
5. The Appellant is directed to comply with the provisions of Section 437A Cr.P.C. by executing a personal bond and two sureties of the like amount to the satisfaction of the Trial Court to ensure his appearance before the Higher Court if the acquittal is challenged.

Let a copy of this judgment along with the lower court record be sent back to the Learned Trial Court for immediate compliance and information.

Judgment pronounced and delivered in open court on this 8th day of June, 2026.

Date: 08.06.2026

(Chandroday Kumar)
(UP06553)
Sessions Judge
Ambedkar Nagar, Uttar Pradesh