IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 292 OF 2025
(ARISING FROM SLP (CRL.) NO.8207 OF 2023)

RAJESWARI ...APPELLANT(S)

VERSUS

THE STATE OF TELANGANA ...RESPONDENT(S)

O R D E R

1. Leave granted.

2. This appeal has been filed against the judgment and order dated 06.04.2023 passed by the High Court of Telangana at Hyderabad in Criminal Revision Case No. 426 of 2010. By the impugned order, the High Court partly allowed the revision petition filed by the appellant (originally Accused No. 3), reducing her sentence of six months' simple imprisonment to two months, in addition to a fine, but ultimately upholding her conviction for offences punishable under Section 420 of the Indian Penal Code, 1860 ("hereinafter IPC") and

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Reason:

Section 4 of the Dowry Prohibition Act, 1961 ("hereinafter DP Act").

3. The facts leading up to the present appeal are as follows:

   3.1. An engagement ceremony took place between the complainant and the appellant's son (Accused No. 1) on 11.11.2005. According to the prosecution, during the engagement, the complainant's family allegedly paid Rs. 50,000/- to Accused Nos. 1 to 3 as dowry. Following the engagement, the complainant's family incurred substantial expenses, including printing and distributing wedding invitations, as the marriage was scheduled for 27.11.2005. However, Accused Nos. 1 to 3 subsequently demanded additional dowry of Rs. 5,00,000/- in cash, 20 tolas of gold, and other items, threatening to cancel the marriage if their demands were not met. Despite offering Rs. 1,50,000/- as a compromise, the complainant's family was allegedly refused entry into the appellant's home, and the marriage was called off. Aggrieved by these actions, the complainant

lodged a First Information Report on 19.12.2005, leading to the registration of Crime No. 87 of 2005 at WPC, CCS, Detective Department, Hyderabad.

3.2. After due investigation, the police filed a charge sheet bearing No. 303/2006 on 15.11.2006, culminating in Criminal Case No. 385 of 2007 before the XIII Additional Chief Metropolitan Magistrate (Mahila Court) at Hyderabad. The prosecution examined several witnesses, including the complainant (PW-1), her parents (PWs-2 and 3), her maternal grandfather (PW-4), and a family acquaintance (PW-5).

3.3. The Trial Court vide its judgment dated 12.05.2009 convicted the appellant (A-3) along with Accused Nos. 1 and 2 for the offences under Section 420 of the IPC and Section 4 of the DP Act, sentencing each to rigorous imprisonment of three years and six months respectively (with fines).

3.4. On appeal, the Metropolitan Sessions Judge, Hyderabad, modified the sentence by reducing it to six months' simple imprisonment for each offence, while maintaining the conviction in Criminal

Appeal No. 151 of 2009, decided on 25.02.2010.

3.5. Challenging the appellate court's judgment, the appellant and the co-accused preferred Criminal Revision Case No. 426 of 2010 before the High Court of Telangana at Hyderabad. During the pendency of the revision, Accused No. 1 (the appellant's son) unfortunately passed away.

3.6. By the impugned order dated 06.04.2023, the High Court partly allowed the revision by reducing the sentence to two months' simple imprisonment for each offence along with a higher fine amount. It, however, upheld the findings of guilt under Section 420 of the IPC and Section 4 of the DP Act against the appellant (A-3) and Accused No. 2. Aggrieved by the sustenance of her conviction, the appellant has approached this Court.

4. We have heard the learned counsels from both for the appellant as well as counsel for the respondent-state, and also examined the record in detail.

5. The prosecution's case primarily rests on the allegations that the appellant, along with Accused Nos. 1 and 2, demanded additional dowry from the complainant's family after the engagement ceremony held on 11.11.2005. According to the prosecution, an amount of Rs. 50,000/- was paid as dowry on the date of the engagement, and subsequent demands for Rs. 5,00,000/- in cash and 20 tolas of gold were made by the accused as a condition for proceeding with the marriage. The complainant's family, unable to meet the full demand, allegedly offered Rs. 1,50,000/- as a compromise, but this was refused by the accused, leading to the cancellation of the marriage. The prosecution relied on the testimonies of PW-1 (the complainant), PWs-2 and 3 (her parents), PW-4 (her maternal grandfather), and PW-5 (a family acquaintance), all of whom claimed to have knowledge of the alleged demands and payments. It was further alleged that the accused induced the complainant's family to incur substantial expenses, including printing and distributing wedding invitations, by falsely representing their intention to go forward with the marriage. These actions, the prosecution claimed, amounted to

cheating under Section 420 IPC and an offense under Section 4 of the DP Act.

6. It must be observed that the prosecution's assertion of an alleged dowry payment of Rs. 50,000/- on the date of engagement remains unsubstantiated by any documentary evidence or independent corroboration. This Court believes that, in the absence of any firm or consistent evidence, the claim of a paid dowry remains insufficiently proven. In cases involving allegations of dowry demand and associated offenses, the prosecution bears the burden of establishing its case through consistent and credible evidence. In the present case, the prosecution has relied heavily on oral testimonies to substantiate its allegations. However, a close examination of the record reveals that these testimonies are marred by inconsistencies, lack of corroboration, and potential bias, rendering them unreliable as a whole.

7. The prosecution primarily relied on the testimonies of PW-1 (the complainant), PWs-2 and 3 (her parents), PW-4 (her maternal grandfather), and PW-5 (a family acquaintance). While these

witnesses collectively alleged that a sum of Rs. 50,000/- was paid as dowry on the date of engagement, their statements fail to inspire confidence due to contradictions and the absence of any corroborating documentary evidence. Even PW-1, the complainant, admitted during her testimony that no document exists to prove the alleged payment, and no independent witnesses were produced to validate this claim. The testimony of PW-5, who was introduced as an independent witness, further underscores the weaknesses in the prosecution's case. Although PW-5 claimed to have witnessed the alleged dowry payment during his examination-in-chief, he later retracted this assertion during cross-examination, admitting that he had no direct knowledge of the transaction and was merely repeating what he had heard. This retraction, coupled with his admitted close association with the complainant's family, raises significant doubts about the credibility of his evidence. The other witnesses similarly fail to provide a consistent and reliable narrative. PW-1 attributed the primary demand for dowry to Accused No. 1, now deceased, and did not allege any specific act of complicity on the part of the appellant. PWs-2 and 3 largely reiterated the

complainant's allegations without adding any material corroboration or firsthand details. PW-4, the complainant's maternal grandfather, also relied on hearsay rather than firsthand knowledge, which diminishes the evidentiary value of his testimony.

8. A closer examination of the evidence reveals that much of the prosecution's case is built on hearsay testimony, further weakening its credibility. PW-5, who was presented as an independent witness to corroborate the allegations, admitted during cross-examination that he had no direct knowledge of the alleged dowry payment or demands. His testimony was largely based on what he had been told by others, including the complainant's relatives, rather than firsthand observations. Similarly, the statements of PWs-2, 3, and 4, though consistent with the complainant's narrative, are primarily reiterations of the complainant's version without any independent or contemporaneous corroboration. This reliance on hearsay evidence, unsupported by documentary proof or neutral witnesses, casts significant doubt on the prosecution's ability to prove its case beyond a reasonable doubt. It is well

established that hearsay, unless falling within specific exceptions, cannot form the basis of a conviction, especially in cases where the charges involve serious allegations such as dowry demand and cheating.

9. Despite these deficiencies, the courts below did not subject the testimonies of these witnesses to the rigorous scrutiny required in criminal trials. The absence of documentary evidence, combined with the inconsistencies and potential biases in the oral testimonies, creates a significant evidentiary gap. The principle that criminal convictions must rest on evidence that is clear, credible, and free from reasonable doubt has not been adhered to in this case.

10. It must also be noted that, in the complainant's deposition, the primary demand for dowry was attributed to Accused No. 1, who unfortunately passed away during the pendency of the matter. While the offence of dowry demand can, in certain factual scenarios, implicate other family members, each accused must be shown to have actively participated in the alleged offence. This Court is not persuaded that the record demonstrates any

overt act by the appellant to substantiate the charge of dowry demand, apart from her familial relationship with the principal accused.

11. A conviction for dowry demand has to be founded on clear and credible evidence that proves the offence beyond reasonable doubt. Here, the prosecution's narrative falls short of that benchmark. The inconsistencies in PW-5's statement and the dearth of corroborating evidence severely undermines the reliability of the prosecution's version. By merely reducing the sentence, the High Court has erred in its assessment of the guilt of the appellant.

12. Furthermore, it appears that the appellant, a 69-year-old individual, is solely responsible for the care of her young grandchild due to the unfortunate circumstances surrounding Accused Nos. 1 and 2. Accused No. 1, the appellant's son, was previously married and had a child, but his marriage ended in divorce in 2018. After the divorce, custody of the child was left entirely to the appellant, as Accused No. 1 struggled with personal issues and tragically passed away in

2023. Accused No. 2, the appellant's husband, is reported to have developed severe vices, including addiction to alcohol, and abandoned both the appellant and the grandchild, leaving the appellant to shoulder all caregiving responsibilities. In light of these facts, while personal hardship cannot, in itself, absolve criminal liability, it does underscore the importance of scrutinizing the evidence with heightened rigor before imposing penal consequences. The appellant's age, health issues, and the burden of caring for her grandchild further highlight the necessity of ensuring that a conviction is not based on unreliable or insufficient evidence. This Court believes that, given the appellant's longstanding plea of non-involvement, her familial circumstances, and the significant inconsistencies in the prosecution's case, the benefit of doubt must be extended.

13. In these circumstances, this Court is of the opinion that the evidence on record is insufficient to uphold the appellant's conviction beyond reasonable doubt. The aforementioned shortfalls, persuade us that the concurrent findings of guilt cannot be sustained against the appellant.

Accordingly, for reasons detailed above, the appeal is liable to be allowed, and the conviction and sentence recorded against the appellant require interference by this Court.

14. The judgment and order dated 06.04.2023 passed by the High Court of Telangana at Hyderabad in Criminal Revision Case No. 426 of 2010, as well as the concurrent findings of the courts below, are hereby set aside.

15. The appellant is acquitted of all charges. `

16. The appeal stands allowed.

17. Pending applications, if any, shall stand disposed of.

.....,J.
(VIKRAM NATH)

.....,J.
(SANDEEP MEHTA)

NEW DELHI;
JANUARY 20, 2025.