



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of reserving: 28th April, 2026

Date of Decision: 24th August, 2026

IN THE MATTER OF:

+ CRL.A. 296/2004

NAFE SINGH

.....Appellant

Through: Mr. Sanjay Suri, Ms. Vinny Shangloo
and Mr. Rishabh Ratan, Advs.

versus

STATE

.....Respondent

Through: Mr. Satinder Singh Bawa, APP for
State with SI Ravi Shankar, PS Ashok
Vihar.

CORAM:

HON'BLE MR. JUSTICE VIMAL KUMAR YADAV

JUDGMENT

VIMAL KUMAR YADAV, J.

1. The institution of marriage is quite paradoxical and a world of extremities. The best, in no time, becomes worst if not handled carefully. The better-half becomes the bitter-half if issues are not taken care of and resolved as soon as possible. One of the most beautiful relationships of humans, that is of a husband and wife becomes one of the most terrible when things go wrong in a matrimonial alliance. Time, albeit, is a big healer and tones down a lot of pains in life, however in relationships time taken can also be counterproductive. Relationships can go in a totally different undesirable and unexpected direction if not handled carefully and in time. The institution of marriage derives its strength from faith, companionship



and the trust which the parties repose in each other, where both the sides feel assured and protective. The troubles in this bond between the spouses not only affects the institution of marriage but the family as well and in turn society too. The relationship founded upon faith, trust and confidence gets transformed into a conflict zone where often, physical violence also creeps in. There are recent examples where the spouses have resorted to extreme levels of violence against each other which were incomprehensible some decades ago.

2. Instant case is an example where the spouses practically came to logger heads within a year or so of their marriage. The marriage between the Appellant herein Nafe Singh and the victim took place on 05.03.2000 and the skirmishes in the intervening period finally resulted into an FIR based upon the incident dated 20.04.2001, where, according to the complaint, the Appellant forcibly tried to pour down Baygon Spray into the mouth of the victim herein. Appellant's first attempt to pour down Baygon through the tumbler failed. Thereafter, the Appellant allegedly managed to force down the throat of the victim some amount of Baygon Spray directly from its container.

3. The matter was reported to the Police Control Room (PCR), by the Appellant. Whereas DD No. 16 (Ex. PW-7/A) dated 20.04.2001, do not have any reference of the person, from whom the information was received. A vehicle from the Police Control Room reached at the spot i.e. House No. D-95, JJ Colony, Wazirpur and took the victim to Sunder Lal Jain Hospital. In terms of medical papers/MLC (Ex. PW-8/A) prepared at the Sunder Lal Jain Hospital, it was the mother-in-law of the prosecutrix i.e. Smt. Roshni Devi accompanied the victim to the Hospital. The father of the victim, by the time could reach the Hospital, Sub-Divisional Magistrate and the Station House



Officer of the concerned area were already present there. The statement of the victim (Ex. PW-1/A) recorded by the SDM led to the registration of the FIR No. 250/2001 by Police Station Ashok Vihar under Section 498-A/307 Indian Penal Code ('IPC'). The victim was discharged on 23.04.2001. After the registration of the FIR as aforesaid following which both the Appellants, namely, Nafe Singh and his mother Smt. Roshni Devi were arrested by the Police.

4. A charge-sheet under Section 498-A/307/34 IPC was filed, and charges were accordingly framed to which both the accused Nafe Singh and Roshni Devi pleaded not guilty.

5. In order to drive home its case, the prosecution has examined 09 witnesses and thereafter, statements of accused persons were recorded in compliance with Section 313 Cr.P.C. in which they primarily maintained that they have been falsely implicated. Although, there was some matrimonial issue, which, primarily, was on account of the strong desire to the extent of an obstinacy of the victim whereby she wanted to live separately alongwith the Appellant leaving aside the widowed mother of the Appellant, apart from having a share in the property to be transferred formally in the name of the Appellant. Accused opted to lead evidence and examined two witnesses in their defence.

6. The trial ultimately culminated into Judgment dated 05.04.2004 in which the mother of the Appellant, Smt. Roshni Devi and the Appellant were acquitted of the charges framed against them under Section 498-A IPC, whereas the Appellant, who alone was charged under Section 307 IPC, was found guilty by the learned Trial Court. Accordingly, while recording the conviction, the Appellant was sentenced to undergo Rigorous Imprisonment ('RI') for a period of 03 years and to pay a sum of Rs. 5,000/- as fine in



default of which he was to further undergo Simple Imprisonment ('SI') for 03 months.

7. The judgment of conviction came to be challenged through the instant appeal by the Appellant Nafe Singh. Smt. Roshni Devi was acquitted and so was Appellant under Section 498A IPC therefore, no appeal was preferred as there was no occasion or reason for that. And for that matter, prosecution has also not preferred any appeal qua that part of the judgment.

8. According to the Appellant, the matrimonial discord stemming out of the desire of the prosecutrix to live a separate and independent life, away from her mother-in-law and insistence to have a share in property albeit in the name of the Appellant. The desire and designs fell apart including the machinations of the father-in-law of Appellant, a policeman, led to this false case. In this context, learned counsel for the Appellant has placed reliance on the complaint (Ex. DW-2/A) lodged by the mother of the Appellant wherein she had practically lodged a missing report qua the Appellant, apart from other thing.

9. Learned counsel for the Appellant, while giving an overview has submitted that the matrimonial life was very good for the initial two months but, thereafter, problems started cropping up. The victim wanted to live separately with her husband i.e. Nafe Singh leaving behind the widowed mother of the Appellant. Since the Appellant was not agreeable to this proposition, therefore, all kind of problems started streaming in.

10. It is submitted by the counsel for the Appellant that apart from the testimony of the victim-Asha there is no other evidence which may indicate anything towards the kind of allegations levelled against the Appellant. Even the medical record is not supportive of the fact that the Appellant tried to administer or for that matter the victim had something poisonous in her



body, notwithstanding the fact that it was alleged by her that the Appellant tried to force Baygon Spray initially through a tumbler. The first attempt was futile on account of the resistance offered by the victim. According to the victim, the Appellant then forced down her throat the Baygon Spray directly from the container itself. It is submitted that the MLC nowhere reflects that the victim was under the influence of some sort of poisonous substance. It is further submitted that she was two months pregnant at that time and vomiting in such circumstance is not unusual. Despite that no vomiting or any other symptom was noted except for a reference of vomiting in the casualty.

11. Learned counsel for the Appellant stated that the so called poison in the instant case was identified as Baygon Spray and if somebody has consumed such a poisonous substance used as a bug repellent, then certain symptoms are bound to be there in the shape of difficulty in breathing, coughing, loss of alertness or stupor, tremors and in case a large quantity is consumed then swelling, seizures, upset stomach, cramps, stomach pain, nausea, vomiting etc. If large amounts of such a substance is consumed then the blood pressure would fall low and heart rate would decrease followed by disorientation causing a kind of clumsiness in walking, insomnia etc. On the other hand, it is submitted that moderate to severe stomach ache, ingestion, nausea and vomiting are the symptoms when the amount consumed is small.

12. It is submitted that nothing of this sort has been noticed by the Doctor as can be seen from the medical sheet/case notes prepared at Sunder Lal Jain Hospital. Learned counsel for the Appellant has further pointed out towards the MLC and medical sheet/case notes where the parameters of the victim are noted down as follows:

a) Pulse - 120/MIN



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- b) B.P. - 110/70mmHg,
- c) Temp. - Afebrile
- d) No Pedal Oedema
- e) No Clubbing
- f) No LN
- g) No Cyanosis
- h) No Icterus
- i) JVP - Not Raised
- j) Chest - B/L Clear
- k) P/A - NAD
- l) CVS - S1,S2+
- m) CNS - NAD (patient fully conscious and moving all four limbs)
- n) Pupils – 3 mm, Reactive

All these, according to him and the medical science were normal as can also be seen in discharge summary (Ex.DW-1/A). The Appellant, has since brought evidence in defence.

13. It was further argued that it was the victim who had herself consumed or pretended to consume the poisonous substances to falsely implicate the Appellant as she often used to threaten. It has been explained by the Appellant in his statement under Section 313 Cr.P.C. Learned counsel for the Appellant has also pointed out towards the alleged history given by the victim where she being fully aware as to what was allegedly administered to her and by whom, has chosen not to mention about it, despite the fact that she was fully conscious, oriented and normal. According to the counsel for the Appellant the word “ingestion” itself reflects that she had herself consumed or attempted to consume, in order to pressurize the Appellant. In



addition to the aforesaid facts, the counsel for the Appellant has also pointed out the observation made by the Doctor where the victim was referred to psychiatric treatment. The counsel for the Appellant stated that the victim herself was not normal and therefore, the Appellant cannot be held responsible for anything and in any case despite the fact that there is no evidence that the Appellant had administered or tried to administer the so called poisonous substance, as such no intention, as contemplated under Section 307 IPC can be attributed to the Appellant.

14. It was the Appellant who informed the police, it was him who had deposited the initial deposit in the hospital for her treatment. All this goes on to show that there was no such intention to harm the victim in any manner leave alone as contemplated under Section 307 IPC and causing harm / death which could have amounted to murder.

15. Learned APP on the other hand, came up with the plea that the Impugned Judgment is in consonance with the facts and the law on the subject. There is no reason to disbelieve the testimony of the victim where she has categorically stated that the Appellant had tried to force Baygon Spray down her throat but she could manage to resist the initial attempt but subsequently the Appellant was successful in pouring down 50-60 ml of Baygon Spray her throat in order to fatally injure the victim.

16. It is submitted that in these circumstances, when the medical documents also, in one way or the other support that it was a case of poisoning. This can be inferred, apart from the deposition, from the fact that the victim had once vomited in the casualty, which is a tell-tale sign and symptom of poisoning. As such, it is asserted that the Impugned Judgment does not require any interference.

17. From the contentions raised by the rival sides and the material on



record, one thing which very distinctively emerges on record is that the medical and forensic evidence is not available as it ought to have been. The victim was taken to the hospital by PCR vehicle where, on her initial examination, her parameters were all normal having no symptoms of any kind of poisoning. Vomiting in the casualty was reported but then that alone was not sufficient to reach to a conclusion that some poisonous substance was administered into her, as the indispensable symptoms could not be noticed / found by the Doctors.

18. The gastric lavage of the victim was taken and sent for the forensic examination where no trace of any poisonous substances was found, as can be seen in the FSL Report.

19. Baygon products contain the pyrethroids cyfluthrin, transfluthrin, cypermethrin, prallethrin and the carbamate propoxur and organophosphorus chlorpyrifos, as active ingredients. Pyrethroid poisoning occurs when there is exposure to synthetic insecticides commonly found in household bug sprays, agricultural pest controls and pet treatments.

20. A study conducted “*Pyrethroid Poisoning*” published by the National Library of Medicine (Ramchandra AM, Chacko B, Victor PJ. Pyrethroid poisoning. Indian J Crit Care Med 2019;23 (Suppl 4): S267-S271) has done an in-depth evaluation regarding the acute symptoms of “*Pyrethroid Poisoning*” which has been reproduced hereunder:

“Acute Toxicity

Pyrethroid toxicity in humans can be due to occupational exposure through skin contact or inhalation of sprays or ingestion of pyrethroid compounds. In the largest published series of 573 cases of acute pyrethroid poisoning, 14 229 were due to occupational exposure and 344 were due to accidental exposure, primarily ingestion. Common reported symptoms included facial paraesthesia, skin itching, skin burning, dizziness, nausea, vomiting, and more severe cases of muscle fasciculations. Based on acute exposure to



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pyrethroids in animal studies, two distinct toxidromes have been identified. Exposure to type I pyrethroids results in reflex hyperexcitability and fine tremors or the T syndrome or type I syndrome. Incoordination, choreoathetosis, seizures, direct effects on the skeletal and cardiac muscle, and salivary gland, also known as choreoathetosis-salivation or type II syndrome is caused by type II pyrethroids. In the literature are seizures, coma, pulmonary edema, and hemorrhage. Atypical manifestations are usual in pyrethroid poisoning. In a series of 59 patients presenting to the emergency department in Korea, approximately 40% of patients had atypical manifestations. These included low sensorium (34%), respiratory failure requiring ventilator support (18%), acute kidney injury (11%), hypotension (10%), pneumonia (7%), and seizures (4%). Two patients in this series died. Ingestion of more than 250 mL and serum lactate of more than 3.5 mmol were found to predict atypical presentation. Recently, there have been increasing numbers of reports of pyrethroid poisoning presenting with status epilepticus. Extremely rare reports of complete heart blocks and myelopathy have also been published.”

21. The technical, medical or forensic evidence are only corroborative in nature and do not substantially prove or disprove anything. There was one instance of vomiting in casualty which is one of the symptoms of the poisoning. In such circumstances, when even the gastric lavage did not contain any trace of any sort of poisoning, a big question mark on the credibility of the case emerges. But this alone cannot give cleanhit to the Appellant. The victim remained hospitalized for about 03-04 days in Sunder Lal Jain Hospital and her detailed medical records are there. In any case, her oral testimony cannot be ignored merely on the strength of this scientific evidence which is inconclusive in nature so far as, poisoning is concerned, but being so does not mean that inferences cannot be drawn from evidence available on record in conjunction with the oral testimony, circumstantial evidence and the medical and forensic evidence.

22. The testimony of the victim and her father is clear and categorical so far as rift in the matrimonial life is concerned. Was that sufficient enough



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for the victim to take such step or strong enough a reason with the Appellant to poison and cause death of the victim. There are two parties to the relationship and how do they feel about their matrimonial tensions may vary according to the respective perceptions, treatment meted by one to the other and individual's nature etc. On the same set of facts one may try to resolve the issues by constructive measures and those very reasons may prompt somebody, with the different mindset to go into an entirely different direction and resort to the kind of acts such as what has been alleged against the Appellant. So nothing can be read, interpreted or inferred in isolation. The oral testimony has its own value and primacy, especially with regard to something which is happening in the four walls of a matrimonial house. How and why a spouse should be believed or disbelieved. There should be rather there must be, very cogent reasons to discard the oral testimony.

23. In the instant case, the medical, technical and forensic evidence seems on a slightly shaky wicket but then being corroborative in nature so unless the medical or forensic evidence is such which excludes any other inference then that of the guilt of the Appellant it cannot be acted upon. On these parameters the evidence on record is required to be evaluated.

24. The pivotal question for consideration is whether the prosecution has established beyond reasonable doubt, that the Appellant administered the substance with the intention or knowledge as contemplated under Section 307 IPC to commit murder. So far as the requirements of Section 307 IPC is concerned, the same has been elaborated by the Hon'ble Apex Court in ***Hari Singh v. Sukhbir Singh and Others***, (1988) 4 SCC 551, in the following words: -

“Under Section 307 IPC what the court has to see is, whether the act irrespective of its result, was done with the intention or knowledge and under circumstances mentioned in that section. The intention or



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knowledge of the accused must be such as is necessary to constitute murder. Without this ingredient being established, there can be no offence of “attempt to murder”. Under Section 307 the intention precedes the act attributed to accused. Therefore, the intention is to be gathered from all circumstances, and not merely from the consequences that ensue. The nature of the weapon used, manner in which it is used, motive for the crime, severity of the blow, the part of the body where the injury is inflicted are some of the factors that may be taken into consideration to determine the intention.”

25. It can be seen that it is the intention and the requisite knowledge, which is of utmost importance irrespective of the injury. Bare reading of Section 307 IPC clearly indicates that injury is not necessary but some act should be there. For ready reference, Section 307 IPC is reproduced as under:-

307. Attempt to murder.—

Whoever does any act with such intention or knowledge, and under such circumstances that, if he by that act caused death, he would be guilty of murder, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine; and if hurt is caused to any person by such act, the offender shall be liable either to imprisonment for life, or to such punishment as is hereinbefore mentioned.

Attempts by life convicts.— When any person offending under this section is under sentence of imprisonment for life, he may, if hurt is caused, be punished with death.

26. As such, it is to be ascertained that the act was accompanied by the requisite intention or knowledge. Intention or knowledge is something which is intangible and abstract confined within the realm of human mind, wrapped in invisible drapes and therefore, it is difficult to ascertain, as to what exactly was playing in the mind of a person. Nevertheless, attempts can certainly be there to decipher the invisible, unwritten and hidden with the help of available indicators before, at and after the act in question together with other surrounding and attending circumstances.



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27. In case titled as **Parvinder @ Moti v. State**, 2015 SCC OnLine Del 8849, Hon'ble Supreme Court has observed that:

*"33. "Intention", as per Cross and Jones in Introduction to Criminal Law (11th Ed.), is not defined in any statute and its meaning must therefore be derived from judicial decisions. They observe, "It is now clear from the House of Lords decisions in **Moloney** ([1985] 1 All ER 1025 HL) and **Hancock and Shankland** ([1986] 1 All ER 641 HL) that foresight of probability, or even of certainty, is not intention in a legal sense nor the equivalent of it."*

*They then refer to Court of Appeals decision in **Nedrick** ([1986] 3 All ER 1, CA), where it was stated that "foresight of a consequence as "for all practical purposes inevitable" could give rise to an irresistible inference of intention (as opposed, in other words, to being intention itself)." They conclude that "the irresistible inference mentioned in Nedrick (supra) is likely to mean in practice that foresight of inevitability, at least, will be equated with intention in the minds of a jury". They however, cautioned "In some offences, the inference of intention may not be drawn where the jury [or the Court] are not satisfied that the prohibited consequence was the accused's aim or purpose."*

*34. Decisions of the Indian Courts are more illustrative and delineate the distinction between "intention" and "knowledge" in significantly finite and articulate manner. The Supreme Court in **Kesar Singh versus State of Haryana**, (2008) 15 SCC 753, concluded to draw the distinction as, "30. It can thus be seen that the "knowledge" as contrasted with "intention" signifies a state of mental realisation with the bare state of conscious awareness of certain facts in which human mind remains supine or inactive. On the other hand, "intention" is a conscious state in which mental faculties are aroused into activity and summoned into action for the purpose of achieving a conceived end. It means shaping of one's conduct so as to bring about a certain event. Therefore in the case of "intention" mental faculties are projected in a set direction. Intention need not necessarily involve premeditation. Whether there is such an intention or not is a question of fact."*

The said judgment quotes the following portion from Kenny in Outlines of Criminal Law (17th Edn. at P.31) as:-

"Intention: To intend is to have in mind a fixed purpose to reach a desired objective; the noun 'intention' in the present connection is used to denote the state of mind of a man who not only foresees but also desires the possible consequences of his conduct. Thus if



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one man throws another from a high tower or cuts off his head it would seem plain that he both foresees the victim's death and also desires it: the desire and the foresight will also be the same if a person knowingly leaves a helpless invalid or infant without nourishment or other necessary support until death supervenes. It will be noted that there cannot be intention unless there is also foresight, since a man must decide to his own satisfaction, and accordingly must foresee, that to which his express purpose is directed. Again, a man cannot intend to do a thing unless he desires to do it. It may well be a thing that he dislikes doing, but he dislikes still more the consequences of his not doing it. That is to say he desires the lesser of two evils, and therefore has made up his mind to bring about that one."

*Earlier in **Jai Prakash vs. State (Delhi Admn.)** (1991) 2 SCC 32, it was elucidated that knowledge is bare awareness and not something as intention, for the latter requires something more than a mere foresight of the consequences namely, the purposeful doing of a thing to achieve a particular end."*

28. The prosecution's case primarily rests upon the testimony of PW-1, the victim, who has deposed that the Appellant, during the course of a quarrel, first attempted to make her consume Baygon insecticide through a steel tumbler and, upon her resistance and consequent failure poured the insecticide directly into her mouth from the container. Being the injured witness, her testimony undoubtedly commands due weight. At the same time, it is equally well settled that the testimony of an injured witness, though entitled to great evidentiary value, is not immune from Judicial scrutiny and has to be tested on the anvil of the surrounding circumstances and the medical and scientific evidence available on record.

29. The contemporaneous medical evidence assumes significance in the facts of the present case. The complainant was removed to Sunder Lal Jain Hospital immediately after the alleged occurrence. The medical record reveals that gastric lavage was preserved and sent for forensic examination. Significantly, the prosecution has not brought on record any medical opinion



indicating that the complainant exhibited symptoms ordinarily associated with poisoning or insecticide ingestion of such severity as would ordinarily follow forcible administration of Baygon. Though the absence of such symptoms may not, by itself, be conclusive, it nevertheless constitute relevant circumstance while evaluating whether the ocular version inspires confidence.

30. The forensic evidence, instead of lending complete assurance to the prosecution case, introduces an element of uncertainty. The FSL report, albeit, not formally proved but admissible under Section 294 Cr.P.C can certainly be looked into. The gastric lavage does not detect the presence of any common poison. Learned APP is justified in contending that a negative forensic report is not, by itself, sufficient to discard the prosecution case, particularly where the substance involved is an insecticide.

31. Contradiction relating to the recovery of the alleged Baygon container, has been pointed out. The Investigating Officer has deposed that the container recovered from the place of occurrence was empty. However, the FSL report records that the container examined by it contained approximately 4 ml of Baygon insecticide. The prosecution has offered no explanation as to how a container described as empty at the time of seizure was found to contain residue when examined by the forensic laboratory.

32. Another circumstance which cannot be ignored is the conduct attributed to the Appellant immediately after the occurrence. The material available on record indicates that the victim was promptly taken to Sunder Lal Jain Hospital where medical treatment was arranged. Such conduct, though not by itself determinative of innocence, is nevertheless a relevant circumstance while examining the ingredients of Section 307 IPC. Criminal liability under Section 307 IPC is to be determined from the intention of the



accompanying act, and post-occurrence conduct, which cannot be ignored while appreciating such intention.

33. There is yet another aspect which merits consideration. The learned Trial Court itself found the prosecution's version relating to cruelty and dowry demand to be suffering from material inconsistencies and, consequently, acquitted the Appellant of the charge under Section 498A IPC. While such acquittal does not ipso facto render the prosecution case under Section 307 IPC unacceptable, the inconsistencies noticed cannot be completely ignored while evaluating the overall credibility of the prosecution's evidence. PW-1 herself made certain improvements and admissions during cross-examination, including with regard to the allegations concerning her abortion, which admittedly had occurred naturally contrary to the version blaming the Appellant. These inconsistencies may not individually demolish the prosecution's case but they do require the evidence to be appreciated with greater caution.

34. Upon a cumulative appreciation of the evidence, this Court finds that the prosecution has undoubtedly established that an altercation had taken place between the parties. However, the evidence falls short of establishing beyond reasonable doubt that the Appellant had forcibly administered Baygon insecticide with the intention or knowledge necessary to attract Section 307 IPC. The inconclusive medical evidence, the negative forensic findings qua the gastric lavage, the unexplained discrepancy regarding the seized container, and the conduct of the Appellant in ensuring immediate medical treatment put together create such a situation, which cannot be ignored in a criminal trial. And then the testimony of the victim herself is not credible. She has changed her stand about abortion. In her examination-in-chief it was due to the beatings given to her, she aborted on 09.12.2000,



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but in cross-examination she turned around completely and absolved the Appellant. She not only admitted that the abortion took place naturally but expressly admitted that it was not the result of beatings given by the Appellant. Similarly, she blames the Appellant / his mother for spreading obnoxious things about her character in the neighborhood but in her cross-examination she admitted that she did not hear either the Appellant or his mother telling anything about her character in the neighborhood. She admits in cross-examination that no dowry was demanded at the time of marriage, but in her examination-in-chief, she has deposed that a scooter was demanded, but when? She fails to answer or specify about such demand.

She was admitted to hospital where according to DW-1 Vijay Singh out of the total medical bill of Rs.10,870/-, a sum of Rs.10,000/- was deposited in advance. Appellant's claim that it was he who deposited, seems correct. The victim Asha expressly admits that except nausea she did not vomit. The medical papers reflects that she was referred to a psychiatrist, qua which no clarification or explanation is there. In such circumstances, the suggestion to the victim Asha (PW-1) about her being under the influence of some supernatural spirit cannot be ignored, albeit, PW-1 obviously denied it.

35. The mother of the Appellant had lodged a complaint with the police apprehending something was wrong, as the parents of the victim had visited their house and a quarrel took place. Appellant and her mother both were threatened of their life and from that date her son (Appellant) is missing. The complaint (Ex. DW-2/A) was made on 30.03.2001 and has been admitted by PW-1 in her cross-examination though she has pleaded her ignorance about contents of the same. The document exhibited as Ex.DW-2/A further reflects that the complainant PW-1 used to threaten the Appellant and his mother that she will commit suicide.



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36. In view of the foregoing, it is evident that the case of the prosecution lacks cogent evidence about the intention and knowledge as contemplated in Section 307 IPC and for that matter the corroborative evidence is also not forthcoming to support the proposition floated by the prosecution. It is highly unsafe to act upon the kind of shaky evidence brought on record. Appellant is certainly entitled to the benefit of doubt.

37. As such, the appeal is allowed and the Appellant stands acquitted of the charge. Bail bond(s) stand discharged. Appeal, alongwith pending applications, if any, stands disposed of accordingly.

38. Copy of the judgment be transmitted to the concerned Trial Court and Prison Authorities, for information and necessary compliance.

VIMAL KUMAR YADAV, J

AUGUST 24, 2026/ps/hk/NY