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CRA-1157-2024

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VIVEK AGARWAL

&

HON'BLE SHRI JUSTICE RATNESH CHANDRA SINGH BISEN

ON THE 6th OF FEBRUARY, 2026

CRIMINAL APPEAL No. 1157 of 2024

THE STATE OF MADHYA PRADESH

Versus

SAJAN SHUKLA AND OTHERS

Appearance:

*Shri Manas Mani Verma - Government Advocate for the
appellant/State.*

ORDER

Per. Justice Vivek Agarwal

The appeal is heard finally.

Appellant is aggrieved of the judgment dated 12.10.2023, passed by learned Fourth Additional Session Judge, Sidhi in S.T. No.124/2021, whereby learned trial Court has wrongly acquitted the accused persons Sajjan Shukla and Savita Shukla of the charges under Sections 304 B/34 in alternative 302/34, 498-A/34 of IPC and 3/4 of the Dowry Prohibition Act.

2. It is submitted that marriage of the victim deceased Shraddha Shukla was performed on 27.06.2019. She died on 29.06.2021, therefore death taking place within two years of marriage is to be presumed as to be one on account of dowry harassment and cruelty meted out to the deceased. Therefore, it is submitted that finding of acquittal be reversed and the



judgment of conviction be passed.

3. After hearing learned Government Advocate for the State and going through the record, it is an admitted fact that dying declaration Ex.P/21 is available on record. It was recorded by Dr. Anashwara M. (PW-13). In the dying declaration, deceased Shraddha Shukla wife of Sajan Shukla, aged about 22 years stated that at about 11 p.m. behaviour of her mother-in-law Savita Shukla was inappropriate. She used to always scold her and as a result of which she was perturbed. Her husband was also having doubts over her character, therefore, she put herself on fire.

4. Thus, it is evident that as far as dying declaration is concerned, there is no allegation of demand of dowry or associated cruelty.

5. Anuradha Pandey (PW-1) wife of Shri. Nageshwar Pandey stated that Sajan Shukla is her son-in-law whereas Savita Shukla is her *Samdhan*. Marriage of Shraddha was performed with Sajan on 27.06.2019 after making allegations in regard to demand of dowry at the time of marriage. In cross-examination this witness admits that Shraddha was blessed with a child. She admits that after marriage there was no demand of dowry. She has admitted that a child was born to Shraddha on 30.12.2019. She had gone to the hospital to nurse her daughter and grand child. In paragraph-10, she admits that at the time of marriage, no dowry was fixed. She admits that on 27.06.2021 and 28.06.2021, no complaint was made in regard to demand of Scorpio and she had also not made any complaint to anybody.

6. Laxmikant Shukla (PW-2) denied preparation of spot map Ex.P/5 in front of him, so also seizure memo Ex.P/6. He was declared hostile. He



has not supported the prosecution case. In cross-examination, this witness has stated that when Shraddha caught fire at the time of preparation of meals, then on cries being raised, he had reached the place of incident and had seen that Sajan Shukla got his hand burnt while saving Shraddha.

7. Ajay Kumar Shukla (PW-3) has also not supported the prosecution case and in cross-examination has admitted that Shraddha caught fire while preparing meals.

8. Vishwas Pandey (PW-4) stated that Shraddha was his cousin sister. He stated that for one year of the marriage everything was fine. Shraddha used to visit them. Later on there was a demand of Scorpio vehicle. He admits that at the time of marriage there was no talk in regard to Scorpio vehicle. This witness in paragraph-8 admits that his statements were recorded only once on 19th and he had stated to the police, what was asked by his *Chachi* to be stated before the police.

9. Nageshwar Prasad Pandey (PW-5) father of the deceased after making allegations of demand of dowry and that his daughter was murdered, admits in paragraph-6 that during her life time Shraddha had not made any complaint against any accused person.

10. When these facts are taken into consideration and read in conjunction with the dying declaration of Shraddha, so also the statements of Dr. Anashwara M. (PW-13), he had recorded the dying declaration and admitted that there was no allegation of demand of dowry or related cruelty, then in view of such unrebutted dying declaration available on record, finding of the acquittal cannot be faulted with. Therefore, learned trial Court



after going through the material evidence available on record, has rightly acquitted the accused persons of the charges under Sections 304-B/34 in alternative Section 302/34, and 498-A of IPC and Section 3/4 of the Dowry Prohibition Act. Thus, no interference in the impugned judgment is called for, in view of the law laid down by the Hon'ble Apex Court in *Mahabir and others Vs. State of Haryana (2025 SCC OnLine SC 184)*.

11. In the result, appeal fails and is dismissed.

12. Record of the learned trial Court be sent back.

(VIVEK AGARWAL)
JUDGE

(RATNESH CHANDRA SINGH BISEN)
JUDGE

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