



**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO. OF 2026
(@ Special Leave Petition (Crl.) No. 21118 of 2025)

Gandadhipa Sahu

...Appellant

Versus

State of Odisha & Ors.

...Respondents

J U D G M E N T

K. VINOD CHANDRAN, J.

Leave granted.

2. Suicide for sure, whether on volition or driven to it by the husband and in-laws, was the question posed before the trial court. The husband and the in-laws were the accused charged of continuous torture and harassment on demands of dowry. The trial court acquitted the accused of the charges under Section 304-B of the Indian Penal Code, 1860 (the IPC) finding that there is no evidence on the aspect of demand of dowry and that the letter produced, alleged to be a demand made by

the father-in-law, A2, was not proved. However, relying on the oral testimony of PW2 to PW5 and the letters said to have been written by the deceased to her brother, PW3, and her father, torture was found to have been meted out to the deceased by the accused for non-fulfilment of unlawful demands. The finding was despite holding that there were only general and omnibus statements made without any specific or definite instances or the particular day or time having been pointed out. The trial court convicted the accused and sentenced the accused to three years rigorous imprisonment (RI) and a fine of Rs.5,000/- with default sentence of three months RI under Section 498-A read with Section 34 of the IPC, as also under Section 4 of the Dowry Prohibition Act, 1961 (the DP Act), with no separate sentence passed under the DP Act.

3. At the outset, we notice that the conviction under the DP Act is inconsistent with the finding of the trial court that there is no demand of dowry established. It is also bewildering that the trial court entered a conviction under Section 498-A of the IPC on general and omnibus allegations raised, without specific substantiation. The High Court having considered the

evidence affirmed the conviction of the accused but modified the sentence to six months of RI for A1 and one month and 15 days respectively for A2 and A3; both were also released under Section 4 of the Probation of Offenders Act, 1958, on execution of a bond for the fine amount, their conduct kept under supervision of the Probation Officer for three months.

4. We have heard Sri Kailash Vasdev, learned Senior Counsel appearing for the appellant who alone has chosen to file the appeal and Ms. Ankita Chaudhary, learned State Counsel.

5. The High Court rightly found that in the totality of the circumstances, the conviction under Section 4 of the DP Act cannot be sustained. The High Court also found that though there were no specific or definite instances pointed out, which alone would bring the case under the mischief of Section 498-A of the IPC, still convicted the accused on the ground of "*certain particulars regarding the cruelty meted out to her having come out in the evidence*". We have thus to examine the evidence insofar as the charge alleged of torture and harassment, which again we have to emphasize is not relating to any demand

made of dowry, which was found to be non-existent by the trial court, thus acquitting the accused under Section 304-B of the IPC.

6. That the death occurred by suicide is clear from the evidence of the Doctor, PW11 and PW9, a neighbour. PW9 deposed that she was holding the child of the deceased while standing near her when suddenly she consumed something from a bottle. PW9 snatched away the bottle, when the liquid splashed on her, which she realized was a pesticide. PW9 swooned on the spot and only later, she came to know that her neighbour had died. PW11 spoke of the frothy discharge from the mouth and nose and cyanosis of the nails and lips found in the postmortem, stated to be clear symptoms of poisoning. The death was by suicide, whether impelled by the conduct of the husband or not is the question posed.

7. For finding the allegation under Section 498-A, the trial court relied on the evidence of PW2 to PW5 and the letters produced as Exts. 6 & 7 which were alleged to have been written by the deceased to her father and brother. Here, we have to notice that PW2 to PW5 spoke about demands of

dowry, instances when their sister returned to her family and then after mediation in which the village elders participated, having returned to her marital home on the assurance of the husband to ensure that the acts complained of would never be repeated.

8. As was noticed by the trial court and the High Court, we too find that the testimony regarding demand of dowry was general and omnibus. PW3, the brother speaks of the deceased having spoken of the demand of dowry and torture on that count, ten days after her marriage when her father visited her. Subsequently, she gave birth to a child in her paternal home and refused to go to her marital home. A *Samaj* was convened in which the husband assured that there would be no such complaints hereafter.

9. PW5, a cousin of the deceased speaks of six people having participated in the mediation among which the name of PW6 figures but the Investigating Officer, PW10 states that PW6 had never spoken of the *Samaj* or his participation, in the statement before police. PW6 hence was disbelieved by the trial court and the High Court. PW3, PW2 & PW5 were the

brother and cousin brothers of the deceased whose allegations were omnibus in nature; neither was there the specific demands spoken of nor the persons who made such demands pointed out or specific instances testified, as rightly found by the High Court. An independent witness examined, PW4 said that he was a part of the *Samajam* convened but he is not one of the six persons spoken of by PW5.

10. Much reliance was placed on Exts. 6 and 7, the letters alleged to have been written by the deceased. PW3 deposed that he produced them before the police. However, PW10, the I.O and the witnesses to the seizure, PW6 and PW8 spoke of the same having been produced by the father. The trial court specifically noticed that there was no date seen from the letters. PW3 stated before court that the letters were received by post and the postal covers were handed over to the I.O. The I.O denied it and more importantly took no steps to ascertain whether the handwriting is of the deceased. The contents of the letter, extracted in vernacular and English in the impugned orders again are vague and no clear case of harassment or torture comes out, though there is an indication of discord

between the two families. Abiding dismay at the conduct of both the families, comes out; but not the reason behind it, even if the letters are believed. In the totality of the circumstances, especially the proof of the handwriting having not been established as of the deceased, no reliance can be placed on the alleged letters.

11. We are conscious of the fact that to attract Section 498-A, there need not be a demand of dowry, since any unlawful demand made by the husband or his family is covered under Explanation (b). Explanation (a) of Section 498-A also brings in any mindless action, willful in nature, driving the wife to commit suicide under 'cruelty'. But the evidence led by way of oral testimony, here, does not put forth any unlawful demand or such mindless acts of physical or mental torture as rightly found by the High Court. Why then the conviction, is the vexing question.

12. The evidence led, both the oral testimony and the documents, fall short of establishment of the crime under Section 498-A which compels us to acquit the appellant herein. The appeal stands allowed reversing the impugned judgments

of both the trial court and the High Court and acquitting the appellant/accused. The accused shall be released forthwith if not released on orders passed by us on the last date of hearing, subject to his continued incarceration not being required in any other case.

13. The appeal is allowed with the above directions.
14. Pending application(s), if any, shall stand disposed of.

..... J.
(SANJAY KUMAR)

..... J.
(K. VINOD CHANDRAN)

**NEW DELHI;
MAY 26, 2026.**