



2026:AHC:30346-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL U/S 413 BNSS DEFECTIVE No. - 23 of 2026

Padmakar Singh

.....Appellant(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Appellant(s)	:	Dilip Kumar Singh
Counsel for Respondent(s)	:	G.A.

Court No. - 43

**HON'BLE SALIL KUMAR RAI, J.
HON'BLE DR. AJAY KUMAR-II, J.**

The present appeal has been filed against the judgment and order dated 09.04.2025 passed by the Additional Session Judge / Fast Track Court - I, Chandaulli acquitting the opposite party nos. 2 to 4 in Session Trial No. 438 of 2022 (State of U.P. vs. Praveen Kumar & Ors.) arising out of Case Crime No. 83 of 2021 and registered under Sections 498A, 304B IPC and Section 3/4 of Dowry Prohibition Act and in the alternative (option) under Section 302 IPC.

The appeal is reported to be beyond time by 210 days.

The averments ostensibly explaining the delay in filing the appeal are contained in Paragraph nos. 3 and 4 of the affidavit which are reproduced below : -

"3. That appellant/ informant is an old aged person and after acquittal of accused by the court concerned, the appellant went to depression and passing of some time when he was feeling well, he contacted to his counsel and the counsel of appellant called him for preparation of photo verification in the first week of December, 2025 and he said he is not able to travel due to old age and winter season. Thereafter anyhow he manage his cousin brother /deponent, thereafter he sent to him at Allahabad.

4. That thereafter the deponent came to Allahabad on 17.12.2025 and contacted to his Counsel for preparation of present appeal and on same day the clerk of the counsel brought to him photo verification Centre and prepared his photo verification, but he has not possession some relevant papers for filing of present appeal and also due to winter vacation, so some delay has been occurred, and after collecting the necessary

papers came to Allahabad again on 23.1.2026, the delay in filing the present appeal is not deliberate or intentional on the part of appellant, therefore it is expedient in the interest of justice that this Hon'ble Court may be pleased to condone the delay if any in filing the present appeal, treat it well within time, so that justice may be done."

It is evident that the affidavit does not satisfactorily explain the day-to-day delay in filing the appeal.

We have also perused the judgment of the trial court which shows that the prosecution was not able to prove its case beyond doubt as claimed in Session Trial No. 438 of 2022 registered under Sections 498A, 304B IPC and Section 3/4 of Dowry Prohibition Act and in the alternative Section 302 IPC.

The claim of the first informant that his daughter had been killed by opposite party nos. 2, 3 and 4 who are the husband, the father-in-law and mother-in-law respectively of the deceased was not supported by the prosecution witness themselves. PW-3 who is the mother of the deceased did not support the prosecution case and in her testimony, stated that no demand for dowry was made by the in-laws of the deceased and the deceased was never subjected to any cruelty or harassment for dowry. In her testimony, the witness stated that the deceased had told the witness that her in-laws were demanding some money as loan but no demand for dowry was made. The other prosecution witnesses which included PW-2, PW-4 and PW-5 also did not support the prosecution and stated that the marital relationship between the deceased and her husband was cordial and no complaint was made to them by the deceased regarding any demand for dowry. The trial court has also taken note of the fact that it is the husband of the deceased who had informed the first informant that the deceased had committed suicide and further, the deceased was under treatment of a gynecologist for intestinal tuberculosis and was also being treated for depression. The concerned medical practitioner engaged by the in-laws of the deceased had been produced as defence witness in the case. The trial court has also taken note of the fact that there were no injuries on the body of the deceased other than ligature mark on her neck which indicated suicide. After considering all the aforesaid evidence, the trial court has acquitted the accused / opposite party nos. 2 to 4 holding that the prosecution case had failed to prove its case beyond doubt. *Prima facie*, we do not find any perversity in the judgment of the trial court. We are not going into further details of the judgment because,

as noted earlier, the day-to-day delay in filing the appeal has not been satisfactorily explained.

The delay condonation application is ***dismissed***. Consequently, the appeal stands ***rejected***.

Let the file be consigned to records after certifying a copy of the present judgment to the trial court.

February 11, 2026
Satyam

(Dr. Ajay Kumar-II,J.) (Salil Kumar Rai,J.)