



2026:AHC:19707-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL U/S 413 BNSS No. - 47 of 2026

Amar Singh

.....Appellant(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Appellant(s)	:	Ansar Ahmad
Counsel for Respondent(s)	:	G.A.

Court No. - 43

**HON'BLE SALIL KUMAR RAI, J.
HON'BLE SANJIV KUMAR, J.**

This is an appeal under Section 413 BNSS filed against the judgment and order of acquittal dated 05.01.2026 passed by the Additional Sessions Judge/ Fast Track Court No. 1, Etawah in Session Trial No. 1105 of 2022 arising out of Case Crime No. 67 of 2021, registered under Sections 498A, 323/34, 313/34, 504 and 506 IPC and Section 4 of Dowry Prohibition Act, Police Station Civil Lines, District Etawah.

The prosecution case in short is that Subodh Kumar @ Rahul was married to Omwati @ Santoshi on 15.02.2020 according to Hindu rites. The appellant is the father of Omwati, i.e., the bride. The groom and the in-laws of the bride were not satisfied with the dowry given to them in marriage, therefore, they used to harass the bride and subjected her to cruelty. The bride was living at her parental home and was five months pregnant when on 18.01.2021, Subodh Kumar, @ Rahul accompanied by Sarvesh Kumar, Munna Lal, Abhishek Kumar and Sunny @ Sanjay went to the house of the appellant and started abusing Omwati. Subodh Kumar @ Rahul and Sarvesh also kicked the daughter of the first informant, i.e., Omwati, in her abdomen due to which the foetus was aborted. When the

daughter of the appellant shouted for help, the appellant and his son came on the spot on which the assailants fled after threatening the daughter of the appellant. A first information report was lodged by the father of the victim on 21.01.2021 and Case Crime No. 67 of 2021 was registered under Sections 498A, 323, 313, 504 and 506 IPC and Section 3/4 of Dowry Prohibition Act at Police Station Civil Lines, District Etawah.

The daughter of the appellant was also examined in Dr. Bhim Rao Ambedkar Hospital, Etawah. The injury report noted a contusion of size 1.5 cm x 1.0 cm on the right side of upper abdomen, abrasion 1.5 cm x 1.0 cm on the left arm, a dark red scarb of 1.0 cm x 1.0 cm on the right side of scapella and dark red contusion of size 1.5cm x 1.0 cm, 6 cm below the scapella. The injury report also noted that the victim, i.e., the daughter of the appellant experienced vaginal bleeding after assault. The daughter of the appellant also underwent ultrasound test and other radiological examinations, the report of which disclosed that the foetus of the victim had aborted because of the assault and the resultant injury.

After investigation, the police submitted a charge-sheet on which the concerned Magistrate took cognizance and the case was committed for trial by the session court and consequently, Session Trial No.1105 of 2022 was registered under Sections 498A, 323/34, 313/34, 504 and 506 IPC and Section 4 of Dowry Prohibition Act.

In trial, the father of the bride/ victim was examined as PW-1 and the brother of the victim was examined as PW-5. The victim herself was examined as PW-3. The medical experts were examined as PW-2, PW-4 and PW-6. PW-7 to PW-9 were police witnesses and were also investigating officers of the case. The injury reports of the victim was

filed by the prosecution and marked as Ex.Ka 2 and Ka 3 in the trial court and the film and the ultrasound report were also filed by the prosecution and were marked as Ex.Ka 4 and Ka 5 in the trial court. The trial court after considering the evidence on record which included the injury reports and the oral testimony of the prosecution witnesses, convicted the accused Subodh @ Rahul under Sections 498A, 313/34, 323/34, 506 IPC and Section 4 of Dowry Prohibition Act but acquitted him of the charge under Section 504 IPC. The trial court also convicted Sarvesh Kumar under Section 313/34, 323/34, 506 IPC but acquitted him of the charges under Sections 498A, 504 IPC and Section 4 of Dowry Prohibition Act. The trial court by its judgment and order dated 05.01.2026 also acquitted Munna Lal, Abhishek Kumar and Sunny @ Sanjay from charges under Sections 498A, 313/34, 323/34, 504 and 506 IPC and Section 4 of the Dowry Prohibition Act. The present appeal has been filed against the judgment and order dated 05.01.2026 of the trial court acquitting Munna Lal, Abhishek Kumar and Sunny @ Sanjay who are opposite party nos. 2 to 4 in the present appeal.

Before proceeding further, it would be relevant to note that Sarvesh Kumar is the maternal uncle of Rahul. Munna Lal, i.e., the opposite party no. 2 in the present appeal is also the maternal uncle of Rahul. Abhishek Kumar and Sunny @ Sanjay are the maternal brothers of Rahul.

The trial court acquitted the opposite parties from charges under Sections 313/34 and 323/34 IPC on the ground that in her testimony, PW-3, i.e., Victim had alleged that Sarvesh and Subodh @ Rahul had kicked her in her abdomen because of which the foetus of the victim got aborted. No allegation of assaulting the victim was made by the witness against the

opposite parties. The other prosecution witnesses also did not allege any assault by the opposite parties. The other witnesses were also not eye-witnesses of the incident. The witness do prove that the opposite parties had accompanied Sarvesh and Subodh @ Rahul to the house of the first informant and the victim but their evidence does not prove that the opposite parties had assaulted the victim. In the circumstances, we do not find any error in the findings of the trial court acquitting the opposite parties from charges under Sections 313/34, 323/34 and also Sections 504 and 506 IPC.

So far as offence under Section 498A IPC and Section 4 of Dowry Prohibition Act is concerned, the trial court noted that the opposite parties and Subodh @ Rahul lived separately and the other accused were not living with the victim. In her testimony the victim has also not narrated any specific incident where the opposite parties had together or separately, for dowry, subjected the victim to cruelty. The trial court had also taken note of the fact that no benefit would have accrued to the opposite parties by the dowry which the husband of the victim would have received and there was no evidence that the opposite parties had ever assaulted or subjected the victim to mental and physical cruelty. The trial court has also taken note of certain improvements in the evidence of the victim in her attempts to implicate the opposite parties.

Considering the aforesaid aspects, the trial court held that the prosecution had not been able to prove the charge under Section 498A IPC and Section 4 of Dowry Prohibition Act against the opposite parties. The trial court had the opportunity to watch the demeanor of the witness and we do not find any perversity or illegality in the findings of the trial court. The

grounds raised in the appeal does not persuade us to re-examine evidence and to substitute our opinion in place of findings of the trial court.

The appeal lacks merit and is ***dismissed*** summarily without issuing notice to the opposite parties.

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

(Sanjiv Kumar,J.) (Salil Kumar Rai,J.)

January 29, 2026

Vipasha