

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Acquittal Appeal (DB) No. 45 of 2025

Victim **Appellant**

-Versus-

1. The State of Jharkhand.
2. Rajauddin Ansari, S/o. Late Sahabuddin Ansari, R/o. Vill-Barmundi, P.O.- Barmundi, P.S.- Karmatanr, Dist.- Jamtara, Jharkhand.
3. Sultan Ansari, S/o. Late Mantaj Ansari, R/o. Vill.- Devdih, P.O.- Devdih, P.S.- Karmatanr, Dist.- Jamtara, Jharkhand.
4. Md. Taleb Ansari, S/o. Rajauddin Ansari, R/o. Vill.- Barmundi, P.S.- Karmatanr, Dist.- Jamtara, Jharkhand.

..... **Respondents**

CORAM: HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY
HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA

For the Appellant	:	Mr. Prabhash Kumar, Advocate Mr. Ganesh Ram, Advocate Mr. Manish Sharma, Advocate
For the State	:	Mr. Abhay Kumar Tiwary, A.P.P.
For the Resp.No.2-4	:	Mr. Ashutosh Prasad Joshi, Adv.

Judgement

C.A.V. On : 20th February, 2026

Pronounced on 25/02/ 2026

Per- Pradeep Kumar Srivastava, J:

1. Heard Mr. Prabhash Kumar, learned counsel for the appellant and Mr. Abhay Kumar Tiwari, learned A.P.P. for the State as well as Mr. Ashutosh Prasad Joshi, learned counsel for the respondent no. 2 to 4.
2. The instant appeal is preferred by victim for setting aside the judgment dated 20.01.2025 passed by the learned Principal Sessions Judge, Jamtara in S.T. No. 89 of 2020, whereby and whereunder, the respondent nos. 2 and 3 have been acquitted from the charges levelled against them for the offences under Sections 498A/34, 376/511 of the I.P.C. and Sections 3/4 of

the Dowry Prohibition Act and respondent no. 4 Md. Taleb Ansari has been acquitted from the charges leveled against him for the offences under Sections 498A/34 of the I.P.C. and Sections 3/4 of the Dowry Prohibition Act.

- 3.** The factual matrix giving rise to this appeal is that the victim was married with Md. Taleb Ansari (Respondent No. 4) in accordance with Muslim rights and customs on 06.05.2017 and was blessed with a male child. It is alleged that since the year 2018, victim's husband Md. Taleb Ansari, father-in-law Rajauddin Ansari, and *nandoshi* Sultan Ansari started demanding from the victim to bring Rs. 1,00,000/- (One lakh rupees) as additional dowry from her father and due to non-fulfillment of which they subjected her to cruelty and torture in various ways. It is also alleged that father-in-law Rajauddin Ansari and her *nandoshi* Sultan Ansari used to molest her and also attempted to commit rape upon her and threatened her to make illicit relationship with them, otherwise they would perform second marriage of her husband Md. Taleb Asnari with another girl. It is further alleged that on 10.07.2020 at about 10:00 A.M., Sultan Ansari (Respondent No. 3) came on a *Bullet* motorcycle at parental home of the victim and forcibly tried to rape her, but on *halla* raised by the victim, he fled away and also threatened her not to disclose the said incident to anyone, otherwise she will be killed. The victim disclosed the above incident to her family members and her father tried to convene a *Panchayati* to resolve the matter with her in-laws, husband and other family members, but they flatly denied. Accordingly, the F.I.R. was lodged on 08.08.2020 on the basis of written report of the victim vide Jamtara (Mahila) P.S. Case No. 08 of 2020 registered under Sections 498A/34/376/511 of the I.P.C. and 3/4 of the Dowry Prohibition Act.
- 4.** On completion of the investigation, charge sheet was

submitted against the accused persons and after taking cognizance of the offence, the case was committed to the Court of Sessions, where it was registered as S.T. No. 89 of 2020. Charges were framed against the accused Rajauddin Ansari (Respondent No. 2) on 24.11.2021 for the offence under Sections 498A/34, 376/511 of the I.P.C. and Section 3/4 of the D.P. Act; accused Sultan Ansari (Respondent No. 3) on 04.08.2022 for the offence under Sections 498A/34, 376/511 of the I.P.C. and Section 3/4 of the D.P. Act and accused Md. Taleb Asnari, husband of the victim (Respondent No. 4) for the offence under Section 498A/34, of the I.P.C. and Section 3/4 of the D.P. Act, which were read over and explained to them in Hindi to which they pleaded not guilty and claimed to be tried.

- 5.** In the course of trial, all together twelve witnesses were examined by the prosecution.

Apart from oral testimony of the witnesses, the following formal and documentary evidences were adduced.

- i) Exhibit P-1/PW-2- Signature on written application of PW-2.
- ii) Exhibit P-2/PW-12- Endorsement on written application for registration of F.I.R.
- iii) Exhibit P-3/PW-12- Formal F.I.R.
- iv) Exhibit- 'X'- Xerox copy of *Nikahnama*.

- 6.** The plea of the defense is denial from the occurrence and false implication. However, no oral and documentary evidence has been adduced by the defence.

- 7.** The learned Trial Court after evaluating the oral as well as documentary evidence led by the prosecution recorded the findings that prosecution has miserably failed to establish charges leveled against the accused persons through cogent and reliable evidence and acquitted them from all the charges, which has been assailed in this appeal.

- 8.** It has been submitted by the learned counsel for the appellant

that the star prosecution witnesses namely PW-2 informant–cum-victim, PW-1 Jahiran Bibi (mother of the victim), PW-5 Samim Ansari (maternal uncle of the victim) and PW-10 Karim Ansari (father of the victim) have supported the prosecution story and their testimonies suffers from no material discrepancies or contradictions. The learned Trial Court has committed serious error of law in discarding the testimonies of the aforesaid witnesses as non-believable on the ground that they are interested/relative witnesses.

Apart from cogent and reliable evidence of witnesses of facts, the investigating officers, namely, PW-3 Monika Tudu, PW-4 Goldi Bhagat and PW-12 Manila Devi have also supported the prosecution case and it is specifically stated that about four times *Panchayati* were held to resolve the matter, but the accused persons failed to attend the *Panchayati*. Therefore, the impugned judgment and order of acquittal of the Respondent Nos. 2-4 is not tenable under the law and fit to be set aside.

9. Per contra; learned counsel appearing for the respondent nos. 2 to 4 as well as learned A.P.P. for the State defending the impugned judgment have argued that the learned Trial Court has very meticulously examined the testimonies of the ocular witnesses, who happen to be family members and close relative of the victim and has arrived at right conclusion. Admittedly, the victim was residing at her parental home since long along with her male child. She has admitted in her written report itself (Exhibit P-1) that at the time of occurrence, only Sultan Ansari (respondent no. 3) had gone to her parental home on a *Bullet* motorcycle and attempted to rape on her in absence of her parents and other family members. F.I.R. was lodged after delay of 28 days from the date of alleged occurrence without any reasonable explanation. The factum of the *Panchayati* as alleged in the F.I.R. has also not been proved. Hence, the learned Trial Court has found that the allegation of attempt to commit rape against Sultan Ansari (respondent no. 3) and Rajauddin Ansari

(respondent no. 2) has not been proved. So far the allegations of cruelty and demand of dowry against all the accused are concerned, the learned Trial Court has found general and omnibus allegations without stating any specific date and time as to how and when it happened. This case was instituted as a matter of pressure tactics to humiliate the respondents. Therefore, there is no illegality or infirmity in the impugned judgment and order calling for any interference by way of this appeal, which is fit to be dismissed.

- 10.** We have given thoughtful consideration to the points of argument placed on behalf of the respective parties and also perused the record.

It appears that most important witness of this case is PW-2, informant-cum-victim. She has categorically stated that she was married on 06.05.2017 with Md. Taleb Ansari (respondent no. 4) and resided at her matrimonial home for one year and was blessed with one male child. Thereafter, demand of Rs. 1,00,000/- (One lakh rupees) in cash for purchasing *Bullet* motorcycle was raised by her husband, father-in-law and *nandoshi* Sultan Ansari and due to non-fulfillment of above demand, she was driven away from her matrimonial home and she started residing at her parental home. She also admits that her husband is working as Hotel Manager in Kolkata. She has also stated that when her husband was out from home, her *nandoshi* Sultan Ansari and father-in-law Rajauddin Ansari used to tease her and also attempted to commit rape on her, but due to fear, she did not disclose the above incident to anyone. She complained to her husband but he also did not pay any heed to it. Then, she went to her parental home alongwith her child. She has further deposed that on 10.07.2020, her *nandoshi* Sultan Ansari came on a *Bullet* motorcycle at her parental home when all the family members of the victim had gone outside to work at field and she was alone in the house. She went to prepare tea for him, but in the meantime, her *nandoshi* Sultan Ansari came from behind and

tore her clothes and attempted to commit rape upon her gagging her mouth. She disclosed the above incident to her father, mother, brother and other villagers and also attempted to convene a *Panchayat* but the accused persons were not convinced. Then, she lodged the case against them at Jamtara Mahila police station.

In her cross-examination, she categorically admits that prior to the incident of 20.07.2020, she has made no complaint regarding any demand of dowry, consequent torture or anything against any of the accused persons or before any authority. About six months prior to the alleged occurrence, she came to her parental home alongwith her husband. Thereafter, her husband went to Kolkata. She also admits that when she raised alarm at the time of incident, none of the villagers arrived there except her mother and father.

P.W-1 Jahiran Bibi, mother of the victim, has also not stated any specific event regarding demand of dowry or consequent torture meted out to her daughter at her matrimonial home and no case was lodged prior to this incident. She also admits that since 1½ - 2 years, her daughter was residing at her parental home. She came to know about the incident from her daughter.

PW-5 Samim Ansari, maternal uncle of the victim has also no personal knowledge about the incident rather he came to know from the victim.

PW-6 Lal Mohammad, who is local villager, is also not an eye witness rather he has also come to know about the incident from the victim that Rajauddin Ansari and Sultan Ansari (respondent nos. 2 & 3 respectively) came to parental home of the victim and molested her.

PW-10 Karim Ansari, father of the victim, is hearsay witness regarding the occurrence of 20.05.2020 and has stated nothing specific against Rajauddin Ansari and Md. Taleb Ansari respondent no. 3 & 4 respectively.

P.W.- 7 Gulam Rasul, PW-8 Md. Chiraguddin @ Chirauddin, PW-9 Kalul Mian @ Salul Mian and PW-11 Md. Irshad Ansari have been declared hostile.

11. The evidence of witnesses as discussed above categorically goes to show that there was tense relationship between the victim and her husband and her husband had gone to Kolkata at the relevant time of occurrence. It is also revealed that the victim was residing at her parental home for about two years prior to the occurrence and left her matrimonial home just after one year of her marriage. It is also quite obvious that several attempts were made for conciliation through *Panchayati* but no fruitful result yielded. Thereafter, this case was lodged. The genesis manner and place of occurrence as depicted in the F.I.R. and the presence of accused Sultan Ansari (*nandoshi*) at the relevant time of occurrence has not been proved through cogent and reliable evidence. We further find that the learned Trial Court has examined the witnesses in threadbare manner and has rightly concluded that possibility of false implication cannot be ruled out in the facts and circumstance of case. We concur with the findings and conclusion recorded by the learned Trial Court as there is no valid reason to take a different view.

In view of above discussions and reasons, we do not find any merit in this appeal. As such, the present Acquittal Appeal stands **dismissed** at the stage of 'Admission' itself.

(Rongon Mukhopadhyay, J.)

(Pradeep Kumar Srivastava, J.)