



IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VIVEK AGARWAL

&

HON'BLE SHRI JUSTICE VINAY SARAF

ON THE 13th OF JANUARY, 2026

CRIMINAL APPEAL No. 1326 of 2023

THE STATE OF MADHYA PRADESH

Versus

KRISHNA SINGH MARAVI

.....
Appearance:

Shri Veer Vikrant Singh, Deputy Advocate General for the appellant-State.

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ORDER

Per. Justice Vivek Agarwal

Heard on I.A.No.1876 of 2023, an application for condonation of delay in filing the appeal.

On due consideration, I.A.No.1876/2023 is allowed. Delay of 150 days in filing the appeal is hereby condoned.

This appeal under Section 378 of the Code of Criminal Procedure, is filed by the State being aggrieved of judgment dated 22.07.2022, passed by the learned II Additional Session Judge, Anuppur, District Anuppur (M.P.), in S.T.No.73/2018, whereby the learned trial Court has acquitted the accused Krishna Singh Maravi from charges under Section 304-B, 498-A of IPC.

2. Learned Deputy Advocate General for the appellant-State submits that prosecution story is that accused had demanded a T.V. from the deceased wife and when that demand was not fulfilled, then he started



torturing her, as a result of which Victim had poured kerosene over herself and put herself on fire on 24.11.2017. It is submitted that though Executive Magistrate, M.N. Pandey (PW/7) had recorded dying declaration, but it is not trustworthy and, therefore, finding of acquittal recorded by the learned trial Court overlooking the oral testimony of witnesses requires to be set aside and appeal be allowed.

3. After hearing learned counsel for the appellant-State and going through the record, Seeta Dhurve (PW/1), stated that Savitri was daughter of her elder sister Sona Bai. In the year 2015, marriage of Savitri was performed with Krishna Singh Maravi. They have a daughter from the marriage aged about one and a half years at the time of her deposition. This witness stated that whenever Savitri used to meet her, then she used to inform that her husband comes under the influence of alcohol and on the aspect of dowry, enters into altercation with her. She stated that he was demanding a T.V. and used to beat her for not fulfilling the demand, as a result of which, Savitri had poured kerosene on 24th November 2017, and committed suicide.

4. In cross-examination, this witness i.e. Seeta Dhurve (PW/1), stated that when she had received information about the incident, then she had reached the Anuppur Hospital on 25th November, 2017. At hospital, she had seen mother of Savitri, her mother-in-law, grand-mother i.e. Nani of Savitri, Mousi and Nana. Savitri was talking and she was not having any trouble in talking. She admits that she had not given any statement to the police personnel in regard to demand of a T.V. and consequent torture. This



witness admits that not reporting the fact of demand of T.V. and other dowry items to the police, could not be explained by this witness. This witness admits that she had not lodged any report as per the statement given by Savitri to her. This witness admits that at the time of 'Rakshabandhan' Savitri had informed her about being beaten on account of demand of dowry. She stated that this fact was known to all the family members of Savitri, but they had not taken any action. Including lines of cross-examination, this witness stated that Savitri had not poured kerosene on herself and had not committed suicide, but later on, this witness on asking of Court, changed her version.

5. Sona Bai (PW/2), in examination-in-chief, stated that Savitri had informed her that while preparing meal, she caught fire. This witness stated that Savitri had not informed anything except that she caught fire while preparing meals. This witness has declared hostile and then she deposed that Krishna Singh used to demand a T.V. and used to cause harassment. But, in cross-examination, this witness admitted that Savitri had informed her that when she was preparing meal, light had gone off and as a result kerosene filled in a chimney had fallen over 'Chulha' as a result of which, her cloths caught fire. This witness further admitted in para 3, that Savitri and Krishna Singh were living cordially and never any complaint was made to her. This witness further admitted that Savitri never informed her that she was being tortured for demand of a T.V.

6. Dr. S.K. Khanna (PW/3), stated that he was working as a Medical Officer at Community Health Center, Jaitahri. After examining Savitri, he



had asked her to be taken to Anuppur for better management.

7. Dr. R.P. Soni (PW/4), stated that he was working as Medical Officer at District Hospital Anuppur. Savitri Bai died on 09.12.2017. Her postmortem was conducted on 10.12.2017. In cross-examination, this witness stated that Victim was already admitted in the hospital, cause of death was shock due to extensive burnt and septicemia resulting in secondary infection within 24 hours of postmortem.

8. M.N. Pandey (PW/7), stated that on 24.11.2017, he was posted as Naib Tehsildar/Executive Magistrate at Tehsil Anuppur. On receiving a letter from Police Station Jaitahra, he had recorded dying declaration of the Victim as contained in Ex.P/13. In the dying declaration, victim had informed this Executive Magistrate that she caught fire due to accidental reasons, namely, fall of chimney as light had gone off. There are no contradictions in the evidence of this witness.

9. When these facts are taken into consideration, then general and omnibus allegations of the prosecution in regard to demand of dowry are not sufficient to reject dying declaration Ex.P/13 on record. This dying declaration was properly recorded by the Executive Magistrate after due certification by the concerned doctor in regard to condition of the patient to give her dying declaration. We do not see any reason to discard the dying declaration to accept prosecution case especially when FIR Ex.P/20, was belatedly lodged on 22.01.2018, whereas it has come on record that deceased died on 09.12.2017. Since dying declaration of the Victim Savitri has remained unrebutted, we do not find any reason to show indulgence in this



appeal against acquittal.

10. However, it is worthwhile to mention here that filing of this Criminal Appeal is mere wastage of time of this Court. It reflects that State has irresponsibly filed this Criminal Appeal just to appease their own ego or somebody else to whom they claim themselves to be answerable, but at best they appear to be not answerable to the Court. Therefore, we not only dismiss the appeal affirming the judgment of the learned trial Court, but impose cost of Rs.25,000/- (Rupees Twenty Five Thousand) for such irresponsible act on the part of the State. State will be free to recover the above cost from the persons who had given opinion to file this Criminal Appeal and the same shall be deposited in the Indian Red Cross Society, Jabalpur, within thirty days from today.

11. In the result, appeal fails and is dismissed. Consequently, I.A.No.1731/2023 also stands dismissed.

(VIVEK AGARWAL)
JUDGE

(VINAY SARAF)
JUDGE

A.Praj.