



ITEM NO.60

COURT NO.8

SECTION II

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition for Special Leave to Appeal (Crl.) No.13634/2023

[Arising out of impugned final judgment and order dated 06-04-2023 in CRLA No. 999/2013 passed by the High Court for The State of Telangana at Hyderabad]

JADHAV MAMATHA

Petitioner(s)

VERSUS

SINDE NAGO RAO & ANR.

Respondent(s)

IA No. 185456/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 185458/2023 - EXEMPTION FROM FILING O.T.

Date : 10-11-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s) :Mr. Sudhanshu S Choudhari, Sr. Adv.
Mr. Vatsalya Vigya, AOR
Ms. Gautami Yadav, Adv.
Ms. Pranjal Chapalgaonkar, Adv.
Mr. Yash Singhania, Adv.

For Respondent(s) :Mr. Kumar Vaibhaw, Adv.
Ms. Devina Sehgal, AOR
Mr. Yatharth Kansal, Adv.
Mr. Dhananjay Yadav, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. Exemption applications are allowed.
2. Leave granted.
- 3 The appellant before us is a 65 year old lady. She happens to be the mother-in-law of the deceased. The appellant along with her son and her husband was put to trial for the offence punishable under Sections 302 and 304-B of the Indian Penal Code, 1860 (for short "the IPC") respectively.
4. To put it briefly, it is the case of the prosecution that the appellant, along with her son and husband had killed the deceased.
5. We take notice of the fact that the father-in-law of the deceased has already passed away. The Trial Court acquitted all the three accused. The defacto complainant went in appeal before the High Court. The High Court reversed the acquittal and held all the three accused guilty for the offence of dowry death punishable under Section 304-B of the IPC.
6. The original charge framed by the trial court against the accused persons was for the offence punishable under Sections 302 and 304-B of the IPC respectively.

7. It appears that the High Court while reversing the acquittal held the appellant herein along with the other two co-accused guilty for the offence of Section 304-B of the IPC only. In short, the High Court has not brought the case within the ambit of murder but seems to have proceeded on the footing that the deceased committed suicide on account of harassment for want of dowry.

8. The manner in which the entire trial has proceeded is something really very disturbing. The cause of death as assigned in the post mortem report is intra-cranial hemorrhage as a post surgical sequel resulting in cardio respiratory arrest and death

9. The High Court has recorded the following in paras 17 and 18 respectively of its impugned judgment as under:-

"17. It is further testified by PW-5 that a haematoma measuring 3x4" was found between the under side of forebrain and sellaturcica. Cerebral hemispheres pale. The viscera which was collected during the course of autopsy, does not contain any toxic substance and the cause of death of the deceased can be attributed due to sudden intra-cranial hemorrhage as a post-surgical sequel, resulting in cardio respiratory arrest and death. Ex.P-3 is the postmortem report and Ex.P-4 is the FSL report.

18. In the cross-examination, it is specifically admitted by PW-5 that the deceased got an artificial left eye and the injury sustained by the deceased is a piercing injury touching inside of the brain and the

cause of death may be due to the accidental injury to the eye and the internal structures of the brain adjoining the back of the eye. Further, in the cross-examination, PW-5 deposed that the other injuries mentioned in Ex.P-3 may be caused when the body was transported after the death."

10. We heard Mr. Sudhanshu S. Choudhari, the learned senior counsel appearing for the appellant and Mr. Kumar Vaibhaw, the learned counsel appearing for the State of Telangana.

11. Without observing anything further we suspend the substantive order of sentence of 07 years rigorous imprisonment as imposed by the High Court and order release of the appellant on bail pending final disposal of her appeal before us.

12. The appellant shall be released on bail forthwith, if not required in any other case, subject to the terms and conditions that the original Trial Court may deem fit to impose.

(CHANDRESH)
ASTT. REGISTRAR-cum-PS

(POOJA SHARMA)
COURT MASTER (NSH)