

**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR**

CRA No. 2990 of 2025

(KHUSHBOO @ DISHA AWASTHI AND OTHERS Vs THE STATE OF MADHYA PRADESH)

Dated : 20-02-2026

Ms. Neelima Giri Goswami, learned counsel for the appellant.

Shri B.K. Upadhyay, learned Government Advocate for
respondent/State.

Heard on I.A. No.6750/2025, which is first application under Section 430(1) of BNSS/389(1) of Cr.P.C. for suspension of sentence and grant of bail to appellants No.1 & 2 namely Khushboo and Rahul.

This appeal is filed by the appellant being aggrieved of judgment dated 18.12.2024 passed in SC No.41/2023 by the learned Additional Session Judge, Gadarwara, Narsinghpur, Mandla whereby appellants No.1 & 2 stands convicted and sentenced as under :-

Appellant No.1- Khushboo

<u>Conviction</u>		<u>Sentence</u>		
<u>Section</u>	<u>Act</u>	<u>Imprisonment</u>	<u>Fine</u>	<u>Imprisonment in lieu of fine</u>
302/34	IPC	Life imprisonment	Rs.1000/-	six months additional RI
201	IPC	7 years	Rs.1000/-	six months additional RI
120-B	IPC	NIL	NIL	NIL

Appellant No.2- Rahul

<u>Conviction</u>		<u>Sentence</u>		
<u>Section</u>	<u>Act</u>	<u>Imprisonment</u>	<u>Fine</u>	<u>Imprisonment in lieu of fine</u>

302/34	IPC	Life imprisonment	Rs.1000/-	six months additional RI
201	IPC	7 years	Rs.1000/-	six months additional RI
120-B	IPC	NIL	NIL	NIL

Counsel for the appellant submits that present is a case of false implication. As per the prosecution case, on 22/02/2023, report was furnished by Dr. Ananya Chouksey posted at Government Hospital, Sai Kheda that Shikha Awasthi D/o Shri Shivsagar Awasthi R/o Sai Kheda was brought to her and after examination, she declared her to be dead. According to the relatives of Shikha Awasthi namely present appellant Khushboo and her mother informed that Shiksha died because of fall in the bathroom but in the opinion of the doctor, she stated that since there were stab wounds on the head and neck, the cause of death was shock and haemorrhage as a result of multiple stab injuries caused by hard and shard object. Thus, it has come on record that cause of death was not a slip in bathroom but something else. Counsel for the appellant submits that present is a case of no evidence. There is no eye witness and there was no reason to doubt the version of sister and mother of the victim that she had died because of slip in the bathroom. It is also pointed out that Dr. Ananya (PW/28) in para 9 admitted that she had not given separate description as to which of the injuries found on the body of Shikha could have been caused, by which of the weapons of the offence. She also admitted that she cannot say as to when the seized knife had broken. She admitted that handle could not have been used to cause incised wounds. She also admitted that the knife, which was sent to her is readily available in the

market and she did not remember as to whether they was sent in a sealed condition or not.

Shri B.K. Upadhyay, learned Public Prosecutor for the State opposes the prayer for suspension of sentence and grant of bail to the appellant and submits that human blood was found on shirt of Rahul Singh. It is submitted that Khushboo Awasthi admitted that she was suffering from a complex on account of more importance being given to her sister Shikha and that enmity and jealousy resulted in gruesome incident.

After hearing learned counsel for the parties and going through the record.

The argument raised by the counsel for the appellant is irrelevant in view of recovery of knife and its handle from the house of Khushboo on the basis of her memorandum.

Looking to the facts and circumstances of the case, when we expressed our inability to extend benefit of suspension of sentence, learned counsel for the appellant prays for withdrawal of I.A.6750/2025. Accordingly, I.A. No.6750/2025 is dismissed as withdrawn.

However, before parting, it will be appropriate for us to direct the authorities of the State to make an endeavour to appoint Mental Health Experts in schools and colleges and ensure their availability in atleast district level hospitals because present appears to be a case of mental depravity arising out of sibling jealousy which needs to be addressed before it takes

unruly dimensions in the society.

Let a copy of this order be supplied to the Chief Secretary of the State to frame a policy in regard to issues of mental health of its citizens with special focus on youth and elderly and direct the concerned departments to take appropriate action for establishment of Mental Health Clinics equipped with competent persons & infrastructure in schools and colleges so also atleast in District hospitals of the State within its resources within a time bound manner, with a action taken report to be submitted to this Court within ninety days.

(VIVEK AGARWAL)
JUDGE

(RATNESH CHANDRA SINGH BISEN)
JUDGE

RS