



2026:AHC-LKO:50697-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW

CRIMINAL APPEAL No. - 1768 of 2016

Dinesh Kumar and Ors.

.....Appellant(s)

Versus

State of U.P.

.....Respondents(s)

Counsel for Appellant(s) : Deepshikha Singh, Dhananjay Kumar Singh, Ghulam Mohammad Kamil, Kunwer Dhananjay Singh, Piyush Kumar Singh, Vyas Narayan Shukla

Counsel for Respondent(s) : Govt. Advocate

Along with:

1. Criminal Appeal No. 1773 of 2016 :

Smt. Bitta Devi and another Versus State of U.P.

A.F.R.

Reserved on 28.04.2026

Delivered on 27.07.2026

Court No. – 9

HON'BLE RAJESH SINGH CHAUHAN, J.

HON'BLE ABDHESH KUMAR CHAUDHARY, J.

(Per: Hon'ble Abdhesh Kumar Chaudhary, J.)

1. The present Criminal Appeals arises out of a Dowry Death. The two Appeals have been filed under Section 374 (2) of the Code of Criminal Procedure, 1973 (in short 'Cr.P.C.') by the Appellants in the following manner:

Criminal Appeal No. 1768 of 2016	Has been filed by • Dinesh Kumar (Husband of the deceased) • Sheshraj (Brother-in-law/ Devar) • Nan Babu (Brother-in-law/ Devar)
Criminal Appeal No. 1773 of 2016	Has been filed by • Smt. Bitta Devi (Mother-in-law) • Bade Lal Kori (Father-in-law)

2. Both these Appeals arises out of a common judgment of conviction and order of sentence dated 19.10.2016, passed by the learned Additional Sessions Judge (F.T.C.), Shravasti in *Sessions Trial No. 137 of 2011 (State Vs. Dinesh Kumar and 4 others)*, arising out of *Case Crime No. 665 of 2011*, relating to Police Station - Gilaula, District – Shravasti, wherein all these Appellants have been convicted and sentenced for offence (i) under Section 304 B I.P.C. for life imprisonment, along with fine of Rs. 5,000/-, and in default of payment of a fine to undergo an additional imprisonment for 5 months; (ii) under Section 498-A I.P.C. for two years' imprisonment, along with fine of Rs. 1,000/-, and in default of payment of fine, to undergo an additional a month's imprisonment; and (iii) under Section 4 of the Dowry Prohibition Act for six months' imprisonment, along with fine of Rs. 500/- and in default of payment of the fine, to undergo an additional a month's imprisonment.
3. Notably, all these appellants have been acquitted under Sections 147, 148, 302 I.P.C. read with Section 149 I.P.C.
4. The case of the prosecution, as delineated by the learned Trial Court in the impugned judgment, is briefly enumerated in the succeeding paragraphs.
5. Vijay Karan (P.W.-1) is the informant, who has made a complaint that his sister, Meena Devi, aged about 25 years, was married according to Hindu

customs, since the last about six years to the Appellant-Dinesh Kumar, son of Bade Lal, village- Barova Bhadauli, police station Gilaula, District Shravasti.

6. His sister's father-in-law, Bade Lal, Husband-Dinesh Kumar, brother-in-law's Sheshraj and Nanbabu, and mother-in-law, Bitta Devi, kept demanding a motorbike and one lakh rupees in cash as dowry. According to the complainant the dowry was given as per their status of Rs. 2,26,000/- in cash and other items during the marriage. According to him, these people while demanding a motorcycle and one lakh rupees in cash, tortured his sister physically and mentally in various ways. His sister was beaten up several times, about which his sister told him, as well as to his father and brother, on several occasions. Due to non-fulfillment of demand of the said dowry, his sister Meena was beaten every off and on.
7. On 11-08-2011, at around 7 pm, all the aforesaid five persons together killed his sister (Meena Devi) and her daughter about 13 months old, by slitting their neck and throat with a sharp-edged weapon.
8. On the basis of the written complaint, a Chik F.I.R., as *Exhibit Ka-1*, was registered against the five accused/ appellants on 12-6-2011 at 00-30 hrs in Police Station- Gilaula under Section 498-A, 304B, 302 I.P.C. and 3/4 Dowry Prohibition Act. The copy of the said written complaint is the First Information Report, as *Exhibit-Ka-22*.
9. The case was investigated by Circle Officer, ASP Swaminath. The Naib Tehsildar prepared the *Panchayatnama* of the complainant's sister Meena Devi and her daughter (Soni), as *Exhibit-Ka-2* and *Exhibit-Ka-3* respectively. The Investigating Officer recorded the statement of various witnesses under Section 161 of the Cr.P.C. and also prepared the map of the place of the incident as *Exhibit-Ka-20*; Fard recovery report of the place of murder as *Exhibit-Ka-4*; recovery of blood-stained soil as *Exhibit-Ka-5* and *Exhibit-Ka-6*. Police seized the broken glass bangles as *Exhibit-Ka-7*. Sample Seal as *Exhibit-Ka-8*. Photo *lash* as *Exhibit-Ka-9* and *Exhibit-Ka-10*; sample seal as *Exhibit-Ka-11*; letter sent by Naib Tehsildar to Inspector of Records as *Exhibit-Ka-12*; and letter sent to Medical Officer in Charge as *Exhibit-Ka-13* and *Exhibit-Ka-14*; Police

Form No. 13 as *Exhibit-Ka-15*; letter sent by Naib Tehsildar to Inspector of records as *Exhibit-Ka-16* and *Exhibit-Ka-17*. Postmortem report as *Exhibit-Ka-18* and *Exhibit-Ka-19*; and copy G.D. as *Exhibit-Ka-23* were prepared and received. After investigation, charge sheet Exhibit as *Exhibit-Ka-21* was presented against all the accused in the Court.

PROCEEDINGS BEFORE THE TRIAL COURT

10. After the completion of investigation, charge-sheet was filed against all the Appellants and committed to the Sessions Court for Trial. On being committed to the Sessions Court charges were framed against the accused under Sections 498A, 304B of the Indian Penal Code and 3/4 of the Dowry Prohibition Act and, alternatively, charges were framed under Sections 147, 148, 302 read with Section 149 of the Indian Penal Code. The charges were read out and explained to the accused, to which they pleaded not guilty and accordingly the Trial commenced.
11. In order to substantiate its case, the prosecution examined the following witnesses, the details whereof are as under:

<i>P.W.-1</i>	<i>Vijay Karan</i>	<i>Complainant/ brother of the deceased- Meena</i>
<i>P.W.-2</i>	<i>Saroj Devi</i>	<i>The relationship between the P.W.-2 and the deceased is 'Bhabhi' and 'Nanad'.</i>
<i>P.W.-3</i>	<i>Ram Milan</i>	<i>Mediator of marriage between the Appellant and her deceased wife. Father-in-law of Kishore (brother of the complainant-Vijay Karan)</i>
<i>P.W.-4</i>	<i>Suresh Singh</i>	<i>Witness of the recovery of crime weapon, who was subsequently declared hostile by the prosecution.</i>
<i>P.W.-5</i>	<i>Smt. Lakhna Devi</i>	<i>Mother of the deceased- Meena/ Mother-in-law of the Appellant.</i>
<i>P.W.-6</i>	<i>Sudama Verma</i>	<i>Naib Tehsildar, Prosecution witnesses, who proved the Inquest report.</i>
<i>P.W.-7</i>	<i>Dr. Sarvesh Kumar Shukla</i>	<i>The doctor, who conducted the postmortem and prepared the report. Exhibit- Ka-4 and Exhibit-Ka-29.</i>

P.W.-8	Swaminathan	<i>The Additional Superintendent of Police/Circle Officer, who is Investigating Officer of the present case.</i>
P.W.-9	Constable 140 - Hazari Prasad Bhaskar	<i>The constable who has proved Chik First Information Report Exhibit-Ka-22 and copy GD Exhibit-Ka-23</i>

12. Apart from the oral testimonies tendered by the prosecution witnesses, a series of documentary exhibits, were duly marked and proved as *Exhibit Ka-1* to *Exhibit Ka-23*, which have been placed on record to substantiate the case of the prosecution.
13. **Prosecution witness/P.W.-1, Vijay Karan** deposed that his sister Meena was married to Dinesh Kumar, son of Bade Lal, resident of Barauwa Bhadauli, Gilaula police station, Shravasti, six years prior to the incident, according to Hindu customs. The marriage was performed as per the satisfaction of the groom side and they gave a dowry for an amount of ₹2,26,000/- in cash and other household goods at her sister's wedding, as per their family status. Within a year of the wedding, he performed his sister's *Gauna* ceremony. After his sister's *Gauna* ceremony, her husband Dinesh Kumar, her father-in-law Bade Lal, her brother-in-law's Sheshraj and Nanbabu and her mother-in-law-Bitta Devi were unhappy with the dowry given. They further demanded a motorcycle and ₹1,00,000/- in cash. However, when his family was unable to meet the dowry demand of in-laws of his sister, they subjected her to physical and mental harassment. Whenever his sister visited her parental home, she informed him about the demand of motorcycle and ₹1,00,000/- in cash. Whenever he visited his sister at her matrimonial home, she would inform him of the dowry demands from the Appellants.

Meanwhile, his sister gave birth to a baby girl (Soni). During this period, his sister again told his wife (P.W.-2) over the phone that her in-laws were harassing for dowry and that they would one day kill her and her daughter for the sake of dowry. P.W-1 also deposed that his wife over the phone explained his sister (deceased -Meena) that Nand Kishore, their

younger brother was ill and was undergoing treatment in Lucknow and as such persuaded and reasoned Meena to somehow manage during this period. The said information was given to P.W-1 over phone as he was at Lucknow at that point of time for the treatment of his younger brother. Subsequently, when he visited his sister's matrimonial home at Barauwa Bhadauli, on meeting his sister, she started crying and complaining that her in-law's would kill her for dowry someday. P.W-1 has deposed further that she thereafter persuaded and explained her Husband -Dinesh Kumar and his family that his brother was unwell presently and that after his recovery, he would fulfill their dowry demands. The witness further deposed that his sister has visited her parental home 5-10 days before the incident and has again cried and told him that her in-laws were harassing her for dowry and has threatened to kill her and her daughter, and her husband - Dinesh would marry another woman. P.W-1 deposed further that on that visit, he had counselled his sister and Dinesh and somehow persuaded Dinesh Kumar and sent his sister along with Dinesh Kumar on that day.

14. The said P.W-1 further deposed that on 13.6.2011, at around 8-9 PM, he received a call from someone in Barauwa village stating that his sister and niece had been murdered with sharp weapons by Dinesh Kumar, Bade Lal Kori, Sheshraj, Nanbabu, and Mrs. Bitta Devi at around 7 pm. On receiving this information, he and his entire family went to his sister's in-laws' house in Barauwa Bhadauli by tractor trolley at 8-9 pm and found the bodies of his sister and her daughter lying in a pool of blood near the dehri/dahleej/threshold of the thatched house. His sister's throat was slit and there were two injuries on her body and the niece's throat and temple were slit. Her sister's bangles were lying broken nearby and her hair was cut. The police had arrived and many people have gathered and the men of the house were hiding somewhere in the village. P.W.-1 proved the complaint as *Exhibit-Ka-1* and the *Panchayatnama* as *Exhibit-Ka-2* and *Exhibit-Ka-3*. He is a witness of the Inquest/*Panchayatnama* report prepared by Tehsildar.

15. The said witness in his cross-examination deposed that he had two siblings one brothers and one sister- deceased Meena. His brother- Nand Kishore has also died. He also deposed that on hearing the death of his sister and niece, he along with his mother, father, brother and other 20-30 people of his village had gone to the matrimonial village of his sister. He reached his sister's matrimonial village after 2 hours of the information and found that there were 40-50 people at the crime-site. He admits that he accompanied the dead bodies for post mortem. He also deposed that there was a quarrel between his family and the in-law of his sister on the very day of marriage for dowry and it was only when Rs. 2,26,000/- was paid that a settlement was arrived. He says that thereafter his sister and his brother-in-law has been visiting his house of and on. He also reiterates that he had visited his sister's matrimonial home some 8-9 days prior to the unfortunate incident. The witness remained unpreached in his cross-examination and nothing useful was elicited from him during his cross-examination, which could be in favour of the Appellant.
16. ***Prosecution Witness No. 2/P.W.-2, Smt. Saroj Devi***, deposed that the deceased Meena was her sister-in-law (Nanad) and had been married to accused Dinesh, son of Bade Lal, resident of Village Barauwa Bhadauli, Police Station Gilaula, approximately six years prior to the occurrence. She stated that she had attended the marriage and that, at the time of the wedding, the bride's family had provided household articles, clothes, jewellery, furniture and other customary gifts, besides an amount of ₹2,26,000/- in cash towards dowry. P.W.-2 further stated that within one year of the marriage, the customary *Gauna* ceremony was performed and thereafter, Meena started residing at her matrimonial home. Whenever Meena visited her parental home, she informed that her husband Dinesh, father-in-law Bade Lal, mother-in-law Bitta Devi and brothers-in-law Nanbabu and Sheshraj were persistently demanding an additional dowry consisting of ₹1,00,000/- and a motorcycle. According to the witness, the family members advised Meena to maintain peace and, whenever her in-laws came to take her back, they counselled them not to harass or torture her

and thereafter sent Meena along-with them.

17. P.W.-2 further deposed that Meena had given birth to a female child, namely Soni, who was about fifteen months old at the time of the incident. According to the witness, Meena frequently telephoned her while weeping and complained that her in-laws continued to press for the demand of ₹1,00,000/- and a motorcycle and subjected her to cruelty on account of non-fulfillment of the said demand. At the relevant time, the witness's brother-in-law was undergoing treatment at Lucknow and the family members were preoccupied with his medical care. Consequently, whenever Meena complained over the telephone, she was advised to somehow tolerate the harassment for the time being, and the witness informed her husband so that he could visit Meena after returning from Lucknow.
18. P.W.-2 further deposed that about eight to ten days prior to the occurrence of the incident, Meena telephoned her in a distressed condition and informed her that the accused persons were threatening that if the demand for ₹1,00,000/- and a motorcycle was not fulfilled, both she and her daughter would be killed. According to the witness, on the date of occurrence, at about 8.00–9.00 P.M., she received a telephone call from the matrimonial home of Meena, although she could not identify the caller. She was informed that accused Dinesh, Bade Lal, Sheshraj, Nanbabu and Bitta Devi had murdered Meena and her daughter Soni by slitting their throats. Upon receiving the said information, she along with other family members immediately proceeded to the matrimonial home of the deceased, where they found the dead bodies of Meena and her minor daughter lying in a grievously mutilated condition.

In her cross-examination, she withstood her deposition relating to the marriage of the deceased with the Appellant-Husband to have performed six years ago on her own accord. She admits that her husband has a Mobile and she gave a call to him on that Mobile phone. She clarified that deceased Meena called her on the phone of a co-villager named Keshav., who came and told that Meena was being harassed in her matrimonial home. After

talking to Meena from the mobile of Keshav, she had also informed P.W.-1, her husband stationed at Lucknow about the harassment of Meena from the Mobile of Keshav. She also clarified that the dowry of Rs. 2,26,000/- was paid after making arrangement of the same from different people. The said amount was collected after selling domestic animals and raising a loan from some people; however, she was not able to name these people. She also deposed that her husband was a farmer and did not know his income. She also has admitted that some time an amount of Rs. 50,000/- is given to her for keeping safely by her husband and sometimes no money comes from him. She remained uncontroverted relating to her going to the deceased's matrimonial home after hearing of her death, or not having visited the crime scene.

19. **Prosecution Witness No. 3/P.W.-3, Rammilan**, deposed that his niece was married to Kishore, the real brother of VijayKaran (P.W.-1), and the sister of Kishore had been married to Dinesh. He stated that he had arranged the marriage of Meena with accused Dinesh and was present at the marriage ceremony solemnized about six years before the incident. According to him, he was fully aware of the dowry articles and cash of ₹2,26,000/- given by Chhotey Lal at the time of marriage. The P.W.-3 further deposed that Meena's *Gauna* was performed within one year of the marriage. Thereafter, her in-laws began demanding an additional dowry of ₹1,00,000/- and a motorcycle and subjected her to harassment on account of non-fulfilment of the said demand. Meena used to complain that quarrels frequently took place in her matrimonial home over the said demand. The witness stated that the family members attempted to pacify Meena by informing her that her brother was undergoing treatment at Lucknow and, after his recovery, they would make efforts to arrange the demanded amount.
20. P.W.-3 further stated that Meena had an infant daughter, aged about one year at the time of occurrence. According to him, on the date of occurrence at about 8.00 P.M., while he was present at his brother-in-law's house, some villagers informed him that Bade Lal and his sons, namely Dinesh, Sheshraj

and Nanbabu, had murdered Meena and her daughter. Upon receiving the information, he immediately went to the house of Bade Lal, where he found the dead bodies of Meena and her daughter lying inside the house. Thereafter, he telephonically informed Meena's brother, Vijay Karan, regarding the incident and requested him to reach the spot immediately.

In his cross-examination, the witness clarified that after visiting Bade Lal's house, where he saw the dead body of deceased Meena and her 15 months old Baby, he had called Vijay Karan from his own Mobile on the said fateful night. However, he did not go to Bade Lal's house after informing Vijay Karan about the said incident on the said night. He deposed that on the morning about 8 AM he went for some work of his co-villager- Jay Chand Singh and did not visit the crime-scene. He deposed that there were several villagers present on the crime-spot, but he was not present and as such did not know as to who brought the photographer. He also deposed that the marriage between the deceased Meena and the Appellant- Dinesh Kumar was performed some six years ago. He also confirmed that Meena had informed to him some two months ago, about the dowry demand of the Appellants for rupees one lakh and a motor cycle. The said information was given to him while Meena had gone to her parental home, on which he had told Meena to talk to her father and brother about the said dowry demand.

21. ***Prosecution Witness No. 4/P.W.-4, Suresh Singh***, did not support the prosecution case. In his examination-in-chief, he denied that the Investigating Officer had taken accused Bade Lal, Dinesh Kumar, Sheshraj and Nanbabu to Village Barauwa Bhadauli, in his presence or that any blood-stained sickle had been recovered beneath the threshold of the house of accused Sheshraj at his instance. He further stated that the Investigating Officer had merely obtained his signatures on three or four blank papers.

The P.W.-4, however, admitted that the signatures appearing on documents marked as *Paper Nos. A-8/1 to A-8/4* were his signatures, which were exhibited as *Exhibits Ka-4, Ka-5 and Ka-6*. In view of his departure from his previous statement, he was declared hostile and was cross-

examined by the prosecution. During such cross-examination, the witness admitted that the blood-stained sickle had in fact been recovered from beneath the threshold.

In his cross-examination, the said witness although stated that he did not see the recovery of “hasiya”, but admitted that the said “hasiya” was lying at a little distance from the dead body. He also deposed that the police had got his signature and that of one Jitendra Singh on a blank paper, but also admits that he had not made any complaint regarding the same to any higher officer of police. He also deposed that he could not see, if the “hasiya” was blood strained or not. He admits that the police had collected the blood strained soil and plain soil from the crime-scene. He also admits his presence on the crime spot after the incident at about 7:30 in the evening and staying there till the parents and other family members of the deceased Meena arrived at the crime-spot.

22. ***Prosecution Witness No. 5/P.W.-5, Smt. Lakhna Devi***, the mother of the deceased Meena, deposed that she had two sons, namely Vijay Karan (P.W.-1) and Nand Kishore, and one daughter, Meena. She stated that Meena had been married to accused Dinesh Kumar, son of Bade Lal, resident of Village Barauwa Bhadauli. According to the witness, whenever Meena visited her parental home after the marriage, she complained that her husband Dinesh, father-in-law Bade Lal, brothers-in-law Sheshraj and Nanbabu, and other members of the matrimonial family were demanding ₹1,00,000/- and a motorcycle as additional dowry. P.W.-5 stated that at the time of marriage, the family had provided household articles, ornaments and cash amounting to ₹2,26,000/- according to their financial capacity. She further deposed that whenever her son Vijay Karan visited Meena at her matrimonial home, he returned and informed the family that Meena was being subjected to physical assault and harassment by the accused persons on account of non-fulfillment of the dowry demand. P.W.-5 further stated that Meena had a daughter named Soni, who was approximately fifteen months old at the time of the incident. According to P.W.-5, accused Dinesh occasionally visited the parental home of Meena and whenever he visited,

P.W.-5 used to repeatedly request Dinesh to take proper care of her daughter and maintain cordial relations in view of the fact that they already had a child. She stated that on one occasion Meena telephoned and complained that the accused persons were persistently demanding ₹1,00,000/- and a motorcycle. As the witness herself could not speak to Meena, her daughter-in-law attended the call and advised Meena to somehow continue living in her matrimonial home. At the relevant time, her son was at Lucknow in connection with medical treatment of her other son, and after his return he visited Meena's matrimonial home, brought her to the parental house and found her weeping inconsolably. Thereafter, after counselling both Meena and accused Dinesh, she was again sent back to her matrimonial home.

P.W.-5 further deposed that on the date of occurrence, at about 8.00 P.M., she received telephonic information that both her daughter Meena and granddaughter Soni had been murdered. Upon receiving the information, she, along with her family members, travelled by tractor-trolley to Village Barauwa Bhadauli. On reaching the spot, she found that Meena had sustained deep incised injuries on her neck, armpit and back, while Soni had suffered grievous cut injuries on her neck and cheek, with flesh hanging from the wounds. Thereafter, she proceeded to Police Station Gilaula, along with her son Vijay Karan, where the First Information Report was lodged. Subsequently, they returned to the place of occurrence, where the police had already reached, and the dead bodies were thereafter sent to Bahraich for post-mortem examination on the following morning.

In her cross-examination, the said witness supported the prosecution case and the factum of phone call having received by her daughter-in-law by deceased Meena about demand of dowry. She also confirmed that her daughter-in-law has accordingly called her son Vijay Karan and informed about the dowry demand. She although has stated that both deceased Meena and Dinesh used to visit her house of and on and there was no fight between Dinesh and Vijay Karan or her other son, but she also deposed that the dowry demand of Rs. One lakh and a motorcycle was told to her by her deceased daughter Meena. She also confirmed her visit at the crime-spot

along with other family members. She also told that at the spot, she was told by the appellant-Dinesh that he killed Meena because of dowry.

23. **Prosecution witness / P.W.-6, Sudama Verma** is a formal witness and has proved *Panchayatnama*, sample seal, letter to R.I., letter of C.M.O and Police Form, which are *Exhibit-Ka-8* and *Exhibit-Ka-17*. The deposition of the said witness remained intact during his cross-examination.
24. **Prosecution witness / P.W.-7, Dr. Sarvesh Kumar Shukla** stated in his evidence that the post-mortem of the deceased Meena Devi, aged about 25 years, wife of Dinesh Kumar, resident of Barkhya Bhadauli, Police Station Gilaula, District Shravasti, which was brought by Constable Shobh Singh and Constable Ram Prakash Singh, was conducted by him on 12-6-2011 at 12:45 PM. The body was of normal height, with Rigor Mortis present in both hands and feet, eyes closed, and mouth half open. The body had the following injuries:

“1. Incised wound of 19 cm x 3.6 cm upto bone deep present over back of Neck extending Rt Ear to left Ear under bone (Cervical vertebra) 2nd and 3rd cut margin clean cut

2. Multiple Incised wound present over back of Neck just below Injury No 1 of varying size 7 cm x 0.5 cm to 3 cm x 0.2 cm Skin and muscle deep Margin clean cut and everted.”

P.W.-7 deposed that the body was of average height, with Rigor Mortis present in the hands and feet. The eyes were slightly open. The post-mortem surgeon opined that the cause of death of the deceased Meena Devi was ***coma resulting from the ante-mortem injuries*** sustained by her. According to the medical opinion, the death had occurred approximately one day prior to the post-mortem examination, placing the probable time of death at about **7:00 p.m. on 11.06.2011**, which was consistent with the prosecution case regarding the time of occurrence. The P.W.-7 further deposed that all the injuries found on the body of the deceased had been caused by a **sharp-edged weapon**. P.W.-7 clarified that a **sickle**, being a

sharp-edged cutting instrument, was capable of causing the injuries noticed during the post-mortem examination and, therefore, the possibility of the injuries having been inflicted by such a weapon could not be ruled out.

25. P.W.-7 further deposed that on the same day, at about 1:15 p.m., the post-mortem examination of the body of the deceased Soni, a female child aged about 15 months, was conducted by him. The body had been brought for post-mortem examination by the aforesaid police constables. During the external examination, P.W.-7 found that the body was of average build. Rigor mortis was present in both the upper and lower limbs, and the eyes were found to be partially open. On examination, the following ante-mortem injuries were noted on the body of the deceased:

“1. Incised wound of 11 cm x 2 cm x bone deep present on Right face Neck extremities from 2 cm lateral to angle of mouth upto mid line on back of Neck underlying Vertebra muscle and vessel exposed.

2. Three Incised wound of each size varrying from 4 cm x 5 cm bone deep present on top of Rt Shoulder.”

The Medical Officer opined that the deceased had died due to *shock and haemorrhage resulting from the ante-mortem injuries* sustained on her body. The doctor further stated that the injuries were consistent with those caused by a sharp-edged weapon, and the possibility of having been inflicted by a sickle could not be ruled out. The post-mortem reports pertaining to the deceased Meena Devi and the deceased Soni were duly proved and exhibited as ***Exhibits Ka-18*** and ***Ka-19***, respectively.

The deposition of the said witness remained intact during his cross-examination.

26. ***Prosecution witness/P.W.-8, Additional Superintendent of Police Swaminath***, who is the Investigating Officer of the present case, has proved the site map *Exhibit-Ka-20* and charge sheet *Exhibit-Ka-21*. The deposition of the said witness remained intact during his cross-examination, except that

he stated that the complainant did not give any definite date of marriage, all the statements recorded in the charge-sheet are not in his hand-writing and that the recovery of the weapon was not made in his presence.

27. ***Prosecution witness / P.W.-9, Constable Hazari Prasad Bhaskar is a formal witness***, who has proved the Chik First Information Report as *Exhibit-Ka-22* and copy G.D. as *Exhibit-Ka-23*. The deposition of the said witness remained intact during his cross-examination.
28. After recording the statement of the Prosecution Witnesses, the statement of the Accused-husband was recorded under Section 313 of the Cr.P.C., wherein all the circumstances were put to them, to which he denied. The Accused-husband, when asked the axiomatic question as to why the present case has been filed against him, he claimed innocence and having been falsely implicated. He also stated that there was no demand of dowry at the time of marriage. According to him, the murder of his wife and child had been done by unknown person, while trying to sexually assault the deceased, which was duly informed by him to his wife's parents, for which they had arrived immediately after the incident on that very day. He stated that his brother-in-law- Vijay Karam demanded Rs. 5 lakhs, however, due to his poverty he could not pay the said amount and as such a false case was lodged against him by the said Vijay Karan. He had also informed the police, but however due to greed of money, they also did not help him. As far as the other Appellants are concerned, all of them claimed that they have been falsely implicated and that they are innocent. Although, the Appellants were permitted to produce evidence in defence, however, it seems none of the accused/appellants produced any defence witnesses in their support.
29. After considering the submissions advanced on behalf of the prosecution and the defence, and upon a comprehensive appraisal of the oral as well as documentary evidence available on record, the learned Trial Court recorded a finding that the prosecution had succeeded in establishing its case beyond reasonable doubt. The Trial Court held that the testimonies of the prosecution witnesses were cogent, reliable and duly corroborated

by the documentary and medical evidence, thereby completing the entire chain of circumstances in a consistent and unbroken manner. The medical opinion tendered by the doctor was also found to be trustworthy and in consonance with the prosecution case.

30. The learned Trial Court further examined the evidence, in the light of the essential ingredients required to constitute an offence punishable under Section 304-B of the Indian Penal Code. It observed that three foundational facts were required to be established by the prosecution, namely:

(i) that the death of the deceased had occurred within seven years of her marriage;

(ii) that the death was otherwise than under normal circumstances; and

(iii) that soon before her death, the deceased had been subjected to cruelty or harassment in connection with a demand for dowry.

31. Upon an analysis of the evidence on record, the learned Trial Court concluded that all the aforesaid ingredients stood duly established. It recorded a finding that the deceased had died within seven years of her marriage and that her death had occurred under unnatural circumstances. The Trial Court further held that the prosecution had successfully proved that the deceased was subjected to cruelty and harassment in connection with the demand for dowry soon before her death. Consequently, the statutory presumption under Section 113-B of the Indian Evidence Act became applicable. The learned Trial Court further observed that the appellants had failed to furnish any plausible explanation regarding the circumstances in which the deceased met with her unnatural death within the privacy of her matrimonial home. In the absence of any satisfactory explanation, the burden cast upon the appellants under Section 106 of the Indian Evidence Act remained undischarged.

32. In view of the aforesaid findings, the learned Trial Court held that the prosecution had proved the guilt of the appellants beyond reasonable doubt and, accordingly, recorded their conviction and sentenced all the Appellants in the following manner:

- (i) under Section 304 B I.P.C. for life imprisonment, along with fine of Rs. 5,000/-, and in default of payment of a fine to undergo an additional imprisonment for 5 months;
 - (ii) under Section 498-A I.P.C. for two years' imprisonment, along with fine of Rs. 1,000/-, and in default of payment of fine, to undergo an additional a month's imprisonment; and
 - (iii) under Section 4 of the Dowry Prohibition Act for six months' imprisonment, along with fine of Rs. 500/- and in default of payment of the fine, to undergo an additional a month's imprisonment.
33. However, all these appellants have been acquitted under Sections 147, 148, 302 I.P.C. read with Section 149 I.P.C.

PROCEEDINGS BEFORE THIS COURT

34. Challenging the aforesaid impugned Judgment and order of conviction and sentence dated 19.10.2016, the present appeals being *Criminal Appeal Nos. 1768 of 2016* and *1773 of 2016* came to be filed by the appellants.
35. With respect to the bail applications filed in the ***Criminal Appeal No. 1768 of 2016***, the *first* bail application filed by the appellants was *rejected* by this Court vide an order dated 30.01.2018, passed in *Criminal Misc. Bail Application No. 108505 of 2016*.

Subsequently, the *second* bail application filed by the appellants also came to be *rejected* by this Court vide an order dated 25.01.2023, passed in *Criminal Misc. Application No. (I.A.) 05 of 2023*.

The *third* bail application, on behalf of the appellants came to be filed on 12.04.2024, in *Criminal Misc. Application No. (I.A.) 06 of 2024*. However, while arguing the third bail application, learned Counsel for the appellants submitted that he is not willing to address the bail application on merits and rather wishes to address his arguments on the appeals and, therefore, the bail application may be dismissed as not pressed. Resultantly,

the *third* bail application of the appellants came to be *dismissed being not pressed*, vide an order dated 08.12.2025.

36. Similarly, in ***Criminal Appeal No. 1773 of 2016***, the *first* bail application filed by the appellants was *dismissed being not pressed* by this Court vide an order dated 30.01.2018, passed in *Criminal Misc. Case No.108517 of 2016*.

Subsequently, the *second* bail application filed by the appellants also came to be *dismissed for want of prosecution* by this Court vide an order dated 29.09.2022, passed in *Criminal Misc. Application No.143124 of 2018*.

Thereafter, the *third* bail application, on behalf of the appellants came to be filed on 17.01.2023, in *Criminal Misc. Application No. 10 of 2023*. The third bail application filed on behalf of the appellants – Bitta Devi and Bade Lal Kori was *allowed* by a Co-ordinate bench of this Court vide an order dated 25.01.2023 and therefore, both the Appellants of the Criminal Appeal No. 1773 of 2016 are presently on bail.

37. It is also pertinent to mention at this point that taking into account the Custody Certificate dated 08.11.2025 filed the prosecution, the total period of sentence served including remission, by the appellants can be depicted in the following tabular chart:

Appellant	Actual years of custody	Year of Custody including remission
Dinesh Kumar (Husband)	15 Years 1 Month	Above 18 Years (17 Years 11 Months 21 Days)
Sheshraj (Brother-in-law)	15 Years 1 Month	Above 18 Years (17 Years 11 Months 21 Days)
NanBabu (Brother-in-law)	11 Years 5 Months 13 Days	14 Years 3 Months 19 Days
Bade Lal Kori (Father-in-law)	11 Years 8 Months 5 Days	13 Years 3 Months 17 Days
Bitta Devi (Mother-in-law)	8 Years 1 Months 3 Days	9 Years 8 Months 15 Days

SUBMISSION ON BEHALF OF THE PARTIES

38. At the very outset, the learned Counsel for the appellants highlighted the long incarceration of the appellants namely, Dinesh Kumar and Sheshraj. who have undergone more than 17 years of custody (including remission), Nanbabu more than 14 years, Bitta Devi more than 8 years and Badey Lal more than 11 years, as well as to the fact that the parents-in-law are aged about 62 years and are suffering from various old-age ailments. According to the learned Counsel, even if the conviction of the appellants are upheld, it is available from the records that each of the appellants have already suffered a sentence of more than seven years, which is the minimum sentence prescribed under Section 304 I.P.C. and there is no reasoning by the learned Trial Court for imposing the gravest punishment of life, which according to the learned Counsel can be given in a rarest of the rare case. Thus, it has been submitted that the present appeals may be partly allowed for the ends of justice. In order to buttress his arguments, reliance has been placed on the dictum of the hon'ble Supreme Court, rendered in the cases of *V.K. Mishra v. State of Uttarakhand*, reported in (2015) 9 SCC 588; and *Hem Chand v. State of Haryana*, reported in (1994) 6 SCC 727; *State of Karnataka v. M.V. Manjunathgowda*, reported in (2003) 2 SCC 188; and *G.V. Siddaramesh v. State of Karnataka*, reported in (2010) 3 SCC 152; to contend that maximum sentence of life imprisonment was not warranted in the facts of the present case.
39. On the merits of the present case, the Learned Counsel for the appellants has strenuously argued that the prosecution has miserably failed to prove the ingredients of Section 304- B I.P.C., particularly the crucial requirement of cruelty or harassment "soon before death" in connection with dowry demand. It has been submitted that there are only general and omnibus allegations of demand of dowry and cruelty in the F.I.R. and in the depositions of the prosecution witnesses, with no specific allegation or role attributed to any individual appellant. It has been further contended that there is no cogent and reliable evidence establishing any demand of dowry or cruelty meted out to the deceased immediately preceding her death. The evidence of all the fact witnesses (P.W.-1, P.W.-2, P.W.-3 and P.W.-5) is

replete with improvements, contradictions and is largely hearsay, as none of them had witnessed any direct demand of dowry.

40. Learned Counsel for the appellants has also highlighted that the exact date of marriage has not been disclosed with precision and as such the same has to be to the advantage of the defence. It is next submitted that the F.I.R. is ante-timed and manipulated. P.W.-1 has admitted in his cross-examination that they reached the spot at about 11:00 PM on 11.06.2011, whereas the F.I.R. was lodged at 00:30 hrs on 12.06.2011. The distance between the police station and the place of occurrence being 15 kms, the timing raises serious doubt about the promptness and genuineness of the F.I.R.
41. Learned Counsel for the appellants has also submitted that the name of the person who allegedly informed the informant's family about the incident through telephone has not been disclosed by any witness. Keshav, on whose mobile phone the deceased had allegedly complained of cruelty, has also not been examined. There are contradictions regarding the financial arrangements of the Rs. 2,26,000/- made at the time of marriage between P.W.-1 and P.W.-2. Furthermore, the recovery of the 'Hasiya' at the instance of appellant Sheshraj is highly doubtful because P.W.-4 (Suresh Singh), the recovery witness, has turned hostile and has not supported the prosecution case. Moreover, the weapon was never shown to the doctor (P.W.-7, Dr. Sarvesh Kumar Shukla), who categorically stated in his cross-examination that he could not opine whether the injuries were caused by the recovered 'Hasiya' or any particular sharp weapon.
42. Learned Counsel for the appellants has argued that P.W.-5 (Smt. Lakhna Devi, mother of the deceased) has deposed about a cordial relationship between the parties and has denied any demand of dowry. The medical evidence does not fully support the prosecution story regarding the weapon used. The entire case rests on circumstantial evidence with no direct evidence of the appellants' involvement in the crime.
43. It has been lastly argued that the findings of the learned Trial Court are perverse, based on assumptions, and suffer from misreading of evidence.

The prosecution has failed to prove its case beyond reasonable doubt and the appellants deserve to be acquitted.

44. *Per contra*, learned Additional Government Advocate appearing for the State has submitted that the impugned judgment is well-reasoned and based on proper appreciation of evidence. The prosecution has successfully established that the death of the deceased Smt. Meena Devi and her minor daughter Kumari Soni occurred within seven years of marriage under unnatural circumstances in the matrimonial home. It has been submitted that the consistent oral evidence of P.W.-1 (brother), P.W.-2 (bhabhi), P.W.-3 (relative) and P.W.-5 (mother) clearly establishes persistent demand of dowry and cruelty by all the appellants soon before the death. Minor contradictions and improvements in the testimony of interested witnesses, who are natural witnesses, do not demolish the core of the prosecution case.
45. It has been further argued that with respect to the date of marriage, the Trial Court has correctly relied upon the statements made during the examination-in-chief and other attending circumstances to hold that the marriage took place within seven years. Any minor discrepancy in cross-examination does not outweigh the overall evidence.
46. It has been further contented that the F.I.R. was lodged promptly after the informant reached the spot and received information about the incident. The slight variation in timing is natural and does not render the F.I.R ante-timed, especially when the distance to the police station is 15 kms. Non-examination of the informant's source or Keshav is not fatal, as the deceased's complaints to her family members have been consistently proved. Also, the recovery of the blood-stained crime weapon 'Hasiya' at the instance of appellant Sheshraj, even if P.W.-4 turned hostile, is supported by other circumstances and the Investigating Officer. The doctor (P.W.-7) has confirmed the injuries to be incised wounds caused by a sharp-edged weapon, consistent with the use of a 'Hasiya'.
47. Learned A.G.A. has further submitted that the presumption under Section 113-B of the Indian Evidence Act has been rightly drawn against the appellants, in view of the death occurring in the matrimonial home within seven years of marriage coupled with evidence of cruelty and dowry demand

soon before the incident. The medical evidence fully supports the prosecution case regarding the homicidal nature of the deaths of the deceased.

48. Lastly, it has been argued that the appellants have been rightly convicted on the basis of the material available on record. The sentences awarded to the appellants are commensurate with the gravity of the offence i.e. a brutal double murder, involving a young mother and her infant daughter, in a dowry-related crime. The long custody period and age of the appellants do not justify interference with the conviction of the appellants.

DISCUSSION AND FINDINGS

49. Heard Shri Dhananjay Kumar Singh, learned Counsel appearing for and on behalf of the accused/appellants, as well as Shri S.P. Singh, learned Additional Government Advocate appearing for and on behalf of the State-respondent. This Court has given its anxious thoughts to the facts and the submissions made by both the parties and perused the material available on records.
50. Admittedly, the present case is related to dowry death, of a young lady of 25 years and her infant daughter of 15 months, who had been done to death in their own home, wherein they ought to have thought of being fully secured and protected. The greed of dowry knows no limits and turns human being to beast and they can go to any extent. The Hon'ble Supreme Court in its Judgment titled *In Re: Enforcement and Implementation of Dowry Prohibition Act, 1961*, reported in (2005) 4 SCC 565; made the following observation relevant to the context:

“10. When there is failure on the part of the Executive to strictly implement a law like the one in question, enacted to tackle a social problem which has assumed menacing proportions, the Court has a duty to step in with a mandamus to direct its implementation rigorously and effectively. In that context, we find that it is necessary to step in and issue some more directions to the respondents in addition to incorporating the directions already issued by this Court by way of interim measure as part of this final judgment.

11. Therefore, in addition to directing the respondents to implement all the interim directions which were issued in this case thus far, we further direct the Union of India and the States to take more effective steps to implement the provisions of the [Dowry Prohibition Act, 1961](#) with particular reference

to [Sections 3 and 4](#) thereof and the various rules framed thereunder. In that process, they are also directed to activate the Dowry Prohibition Officers. We also direct the Central Government to frame rules under [Section 9\(2\)\(b\)](#) of the Act if it has not already been framed. We direct the respondents to take steps to ensure that submitting of the list as contemplated by the Act and the Rules is strictly implemented. We direct the Union of India and the State Governments to consider whether appropriate rules cannot be framed for compelling males, seeking govt. employment, to furnish information on whether they had taken dowry and if taken, whether the same has been made over to the wife as contemplated by [Section 6](#) of the Act, calling for such information also from those already in employment. Since, it is also necessary to arouse the conscience of the people against the demand and acceptance of dowry, we also direct the Union of India and the State Governments to take steps for the effective stepping up of Anti Dowry Literacy among the people through Lok Adalats, Radio Broadcasts, Television, and Newspapers. These directions will be implemented and continue to be implemented rigorously by the respondents.

12. *The conscience of the society needs to be fully awakened to the evils of the dowry system so that the demand for dowry itself should lead to loss of face in the society for those who demand it. We have no doubt that our young and enlightened women would rise to the occasion to fight the evil which tends to make them articles of commerce. We also hope that our educated young males would refuse to be sold in the marriage market and come forward to choose their partners in life in a fair manner.*
13. *The establishment of a committed and sincere machinery to implement the Act and the Rules can hasten the eradication of the evil. The Union of India and the State Governments are directed to devise means to create honest, efficient and committed machinery for the purpose of implementation of the [Dowry Prohibition Act, 1961](#) and the various Rules framed thereunder.”*

51. Even after lapse of more than 21 years, since the aforesaid Judgment has been passed by the Hon’ble Supreme Court, the social and cultural menace of dowry has refused to recede from our society. The so called cultural practice of dowry, which was to ordinarily support the newly wedded couple, has now resulted in assigning a secondary status to women leading to various social ills, which often forces a woman to continue in abusive marriages either due to family or peer pressure or at times due to her own accord, resulting sometime to grave results of death.

52. This Court finds that the aforesaid Dowry Prohibition Act, 1961, which made the offering or accepting of dowry illegal, remained ineffective as the practice of dowry thrived unabated with some expedition, however, during the supervening period Section 498A I.P.C. came to be inserted in the year

1983, which made the ill-treatment of women by her husband or in-laws, a punishable offence. Apparently, the said insertion also did not make much wonders, leaving the legislature to enact more stringent and heavier provision for curbing the said menace of dowry, leading to the insertion of Section 304B in the Indian Penal Code, which made dowry death punishable for a minimum sentence of 7 years and also a maximum punishment for life and raised a presumption against the person for all kinds of unnatural deaths, if the same has been occasioned within seven years of marriage, under Section 113-B of the Indian Evidence Act. Both these Sections were inserted in the year 1986 and ever since then, contrary to the ordinary fundamental cannon of criminal jurisprudence of ‘presumption of innocence’ that prosecution ought to prove the case beyond reasonable doubt stands transformed to ‘presumption of guilt,’ if certain conditions are fulfilled as per Section 304B of the I.P.C. for culpability of the accused person. The law states that a foundational fact has to be merely proved against the accused person and by virtue of the legal presumption, the burden of proof stands shifted to the accused to prove his innocence by explanation and evidentiary proof, in view of Section 113 B of the Indian Evidence Act.

53. The landmark case on this issue is the judgment of the Hon’ble Supreme Court in the case of ***Kashmir Kaur v. State of Punjab***, reported in **(2012) 13 SCC 627**; wherein the Apex Court after tracing the law and various judgments on dowry death, culled out the following principles at paragraph 17 of the said judgment as follows:

“17. From the above decisions the following principles can be culled out:

17.1. To attract the provisions of Section 304-B IPC the main ingredient of the offence to be established is that soon before the death of the deceased she was subjected to cruelty and harassment in connection with the demand of dowry.

17.2. The death of the deceased woman was caused by any burn or bodily injury or some other circumstance which was not normal.

17.3. Such death occurs within seven years from the date of her marriage.

17.4. That the victim was subjected to cruelty or harassment by her husband or any relative of her husband.

17.5. Such cruelty or harassment should be for or in connection with demand of dowry.

17.6. It should be established that such cruelty and harassment was made soon before her death.

17.7. The expression “soon before” is a relative term and it would depend upon circumstances of each case and no straitjacket formula can be laid down as to what would constitute a period of soon before the occurrence.

17.8. It would be hazardous to indicate any fixed period and that brings in the importance of a proximity test both for the proof of an offence of dowry death as well as for raising a presumption under Section 113-B of the Evidence Act.

17.9. Therefore, the expression “soon before” would normally imply that the interval should not be much between the cruelty or harassment concerned and the death in question. There must be existence of a proximate or live link between the effect of cruelty based on dowry demand and the death concerned. In other words, it should not be remote in point of time and thereby make it a stale one.

17.10. However, the expression “soon before” should not be given a narrow meaning which would otherwise defeat the very purpose of the provisions of the Act and should not lead to absurd results.

17.11. Section 304-B is an exception to the cardinal principles of criminal jurisprudence that a suspect in the Indian law is entitled to the protection of Article 20 of the Constitution, as well as, a presumption of innocence in his favour. The concept of deeming fiction is hardly applicable to criminal jurisprudence but in contradistinction to this aspect of criminal law, the legislature applied the concept of deeming fiction to the provisions of Section 304-B.

17.12. Such deeming fiction resulting in a presumption is, however, a rebuttable presumption and the husband and his relatives, can, by leading their defence prove that the ingredients of Section 304-B were not satisfied.

17.13. The specific significance to be attached is to the time of the alleged cruelty and harassment to which the victim was subjected, the time of her death and whether the alleged demand of dowry was in connection with the marriage. Once the said ingredients are satisfied it will be called “dowry death” and by deemed fiction of law the husband

or the relatives will be deemed to have committed that offence.”

54. Keeping the above principles in mind, this Court proceeds to marshal the evidence and material brought on record by the prosecution, so as to examine the culpability of the appellants under Section 304B I.P.C., 498A I.P.C. read with Section 4 of the Dowry Prohibition Act, 1961.
55. Having already noted the Evidence brought on records of the present case, we find that P.W.-1 (Vijay Karan) is the brother of the deceased, P.W.-2 (Saroj Devi) is the sister-in-law/Bhabi, P.W.-3(Ram Milan) is the mediator of the marriage between the deceased and Appellant/Dinesh (Husband), who is also the co-villager of the Appellants, P.W.-5 (Lakhna Devi) is the mother of the deceased. These are the fact witness of the case and a meaningful reading of their statement does not show any kind of inconsistency.

P.W.-1 is the de-facto complainant of the F.I.R. and has stated that he got his sister (deceased-Meena) married to Dinesh (Appellant No.1 of Criminal Appeal No. 1768 of 2016) about six years prior to the incident. He stated that dowry amount of Rs. 2,26,000/- was arranged and made during the marriage of the deceased as per his family's capability. He has further deposed that thereafter additional dowry demand of Rs. 1,00,000/- and a Motorcycle was made by the Appellants and the said dowry not having been paid by him due to the ongoing medical expenses of his brother being carried at Lucknow, his sister was killed. According to P.W.-1, he had visited his sister's matrimonial home and it was with great pampering and effort that he sought some time from the Appellants and the Husband of the deceased namely, Dinesh Kumar for fulfilling the demand of dowry. According to P.W.-1, his sister was harassed and beaten at her matrimonial home for not bringing the said dowry of Rs. 1,00,000/- and a motor cycle, which was told to him by his sister and even his wife (P.W.-2) over mobile phone, when he was at Lucknow. The said witness has also stated that his deceased-sister was done to death along with her daughter of 15 months brutally with a Sickle in the night of 11.06.2011. He has exhibited the written *Tehrir (Exhibit- Ka—1)* and confirmed the date of incident and place of incident being the matrimonial home of the deceased. The version of this witness

remained intact, although, he has been put to extensive cross-examination. There appears to be no inconsistency in the statement made by the said witness.

Similarly, P.W.-2 (Saroj Devi) is the sister-in-law/ Bhabhi of the deceased. She has stated that her sister-in-law/*Nanad* was married to convict-Dinesh Six years before the incident. She also supported the version of demand of dowry of Rs. 100000/- and a Motor cycle and deposed that the deceased have been continuously harassed by her in-laws for that said reason. She stated that her deceased *Nanad* had told her that she was being beaten for not bringing the said dowry.

In her cross-examination, P.W.-2 states :

“मीना के मृत्यु के आठ-दस दिन पहले मेरे यहां फोन आया था। मीना रो-रो कर कह रही थी कि मेरे ससुराल वाले, मेरे पति कह रहे हैं कि मां-बेटी को काट डालेंगे नहीं तो एक लाख रुपये व एक मोटर साइकिल अपने मायके वालों से मगवाओ।)”

P.W.-3 (Ram Milan) is the mediator of marriage between the deceased-Meena and Dinesh. The said witness is also the relative of the P.W.-1 and a co-villager of the Appellants. He has supported the case of the prosecution and deposed in his examination-in-chief:

"मीना के ससुराल वाले मीना के मायके वालों से एक गाड़ी व एक लाख रुपये मांग रहे थे। अतिरिक्त दान दहेज न देने पर उसे प्रताड़ित करते थे। मीना बताती थी कि दहेज के वावत लड़ाई झगड़ा करते हैं। हम लोगों ने मीना को समझाया कि तुम्हारे भाई की तबीयत खराब चल रहा है और उनका दवा लखनऊ चल रहा है, हो सकता है कि जब वो ठीक हो जाय तो इधर उधर से रुपये का इन्तजाम करके तुम्हारे ससुराल वालों को दे दें।"

P.W.-5 (Lakhna Devi) is the mother of the deceased -Meena Devi. She has supported the case of the prosecution and deposed in her cross-examination:

“एक लाख रुपये व एक मोटर साइकिल मांगने की बात मुझसे मीना ने बताई थी। यह बात मुझसे मीना ने गौने से विदा होने के बाद जब तीसरे दिन अपने ससुराल से मेरे यहाँ आई तब बताई थी। इसके पहले इस बात की जानकारी हम लोगों को नहीं थी। तभी दिनेश को समझा बुझा दिया था। जब छः साल बाद मरने की सूचना आई तब दिनेश कुमार ने कहा इसी वजह से मीना को मार डाला है।)”

56. The statements of all these four fact-witness appears to be natural and their statement remained intact, although they were subjected to extensive cross-examination. This witness stood the test of veracity and this Court does not find any reason to disbelieve the version of the brother, sister-in-law and Mother, who had lost their beloved 25 years old married sister/daughter, in the hands of menace of dowry.
57. Further, P.W.-6 (Sudama Verma) is the Naib Thesildar, who has proved the Inquest report of deceased Meena Devi as *Exhibit- Ka-2* and that of 15 months old daughter (Soni) of deceased as *Exhibit- Ka-3*, to have been written in his own hand-writing. The said witness along with other witnesses, visited the crime spot and on his instruction recovery memo was prepared by the concerned Police station and the dead bodies were sent for post-mortem. The said report mentions the date, time and place of dead bodies recovered at the matrimonial village. It also mentions that pieces of broken bangles and hair and lot of blood was also found at the crime site. As far as the status of the body is concerned, the said report mentioned that the body was found lying inside a *khapral*/thatched house at the very threshold. P.W.-6 gathered information to the effect that the in-laws have killed the deceased and her innocent daughter due to non-fulfillment of dowry demand. Body had large incised wound on the neck. Altogether five

panchas have signed the *panchayatnama* and all of them opined that the deceased had been killed with a sharp weapon by her in-laws for nonfulfillment of dowry demand. Therefore, there is no dispute relating to the place of recovery of the dead bodies.

- 58.** On the conspectus of the aforesaid evidence, the following uncontroverted facts evolve from the aforesaid version of the fact witness, P.W.-1, P.W.-2, P.W.-3 P.W.-5 and P.W.-6:
- (a) The marriage of deceased with the convict- Dinesh was solemnized six years before the incident and as such the incident of death was within seven years of marriage;
 - (b) The dead body of the deceased was found at her matrimonial home, as proved by the Inquest report (*Exhibit Ka-2* and *Ka-3*) and Site plan (*Exhibit- Ka-20*).
 - (c) There was demand of dowry immediately (9-10 days) before the incident of death. The demand of dowry of Rs. 1,00,000/- and motor cycle existed even before 9-10 days of death of the deceased i.e. soon before her death.
- 59.** Before proceeding any further, this Court is conscious that the usage of the word “soon” in Section 304B I.P.C. ought not to be interpreted in terms of days or months or years, but as necessarily should indicate that the demand of dowry should not be stale or an aberration of the past, but rather should be a continuing cause for the death under Section 304B of the I.P.C. However, on an appreciation of the evidence of P.W.-2, P.W.-3 and P.W.-5, it is apparent that the demand of dowry was within 10 days of the death of the deceased and as such it can be well construed that the demand of dowry was “soon before her death”.
- 60.** The next question which falls for our consideration is the cause of death because Section 304B of the I.P.C. prescribed that death should be otherwise than under normal circumstances. It would be profitable to quote Section 304 B I.P.C., which inter-alia states:

“304B. Dowry death. -- (1) *Where the death of a woman is caused by any burns or bodily injury or occurs otherwise than under normal circumstances within seven years of her marriage and it is shown that soon before her death she was subjected to cruelty or harassment by her husband or any relative of her husband for, or in connection with, any demand for dowry, such death shall be called "dowry death", and such husband or relative shall be deemed to have caused her death.*

Explanation. *For the purposes of this sub-section, "dowry" shall have the same meaning as in section 2 of the Dowry Prohibition Act, 1961 (28 of 1961).*

(2) *Whoever commits dowry death shall be punished with imprisonment for a term which shall not be less than seven years but which may extend to imprisonment for life.”*

61. As far as the cause of death of the deceased persons are concerned, there is no dispute that the injuries sustained by them were not natural. The injuries recorded by the doctor, who conducted and proved the post mortem report (*Exhibits Ka-18 and Ka-19*) i.e. P.W.-7 (Dr. Sarvesh Kumar Shukla) deposed as follows:

“Injuries of deceased- Meena:

1. Incised wound of 19 cm x 3.6 cm upto bone deep present over back of Neck extending Rt Ear to left Ear under bone (Cervical vertebra) 2nd and 3rd cut margin clean cut

2. Multiple Incised wound present over back of Neck just below Injury No 1 of varying size 7 cm x 0.5 cm to 3 cm x 0.2 cm Skin and muscle deep Margin clean cut and everted.”

The post-mortem surgeon opined that the cause of death of the deceased Meena Devi was ***coma resulting from the ante-mortem injuries*** sustained by her. The P.W.-7 further deposed that all the injuries found on the body of the deceased had been caused by a **sharp-edged weapon**. P.W.-7 clarified that a **sickle**, being a sharp-edged cutting instrument, was capable of causing the injuries noticed during the post-mortem examination and, therefore, the possibility of the injuries having been inflicted by such a weapon could not be ruled out.

As far as injuries sustained by the 15-month-old baby (Soni) is concerned, the said P.W.-7 enumerated the following injuries:

“1. Incised wound of 11 cm x 2 cm x bone deep present on Right face Neck extremities from 2 cm lateral to angle of mouth upto mid line on back of Neck underlying Vertebra muscle and vessel exposed.

2. Three Incised wound of each size varying from 4 cm x 5 cm bone deep present on top of Rt Shoulder.”

The doctor further stated that the injuries were consistent with those caused by a sharp-edged weapon, and the possibility of having been inflicted by a Sickle could not be ruled out.

Further, the said injuries also find support from the Inquest report proved by P.W.-6 (Sudama Verma), Naib Tehsildar, who exhibited and proved the same as *Exhibit- Ka-2* and *Ka-3*. The P.W.-6 along with other witnesses of the *Panchayatnama* (Inquest), visited the crime spot and on his instruction recovery memo was prepared by the concerned Police station and the dead bodies were sent for post-mortem. The said report mentions the date, time and place of dead bodies recovered at the matrimonial house. It also mentions that pieces of broken bangles and hair and lot of blood at the crime scene. As far as the status of the body is concerned, the said report mentioned that the body was found lying inside a *khapral*/ thatched house at the very threshold. He gathered information to the effect that the in-laws have killed the deceased and her innocent daughter due to non-fulfillment of dowry demand. Body had large incised wound on the neck. Even, the five *panchas* have signed the *panchayatnama* and all of them opined that the deceased had been killed with a sharp weapon by her in-laws for nonfulfillment of dowry demand.

62. In view of the above, for the cause of death, we find that the death having been caused otherwise than under normal circumstances, an important ingredient to attract the penal provision of Section 304B of the I.P.C is proved against the Appellants.
63. The moment, we arrive at a proposition that the death of the deceased- Meena Devi has occurred otherwise than under normal circumstances, within seven years of her marriage and it is shown that soon before her death

she was subjected to cruelty or harassment by her husband or any relative of her husband for, or in connection with, any demand for dowry, such death shall be called "dowry death", and therefore, such husband or relative shall be deemed to have caused her death.

64. Once the presence of this concomitants are established or shown or proved by the prosecution even to their foundational effect by preponderance of possibility, the initial presumption of innocence is faded and replaced by an assumption of guilt by the deeming provision of law, thereby shifting the burden of proof upon the guilty to dislodge his guilt beyond reasonable doubt as per Section 113B of the Indian Evidence Act, which *inter-alia* states as herein under:

“113B. Presumption as to dowry death. -- *When the question is whether a person has committed the dowry death of a woman and it is shown that soon before her death such woman had been subjected by such person to cruelty or harassment for, or in connection with, any demand for dowry, the court shall presume that such person had caused the dowry death.*

Explanation: *For the purposes of this section, dowry death shall have the same meaning as in section 304B of the Indian Penal Code (45 of 1860).”*

65. As far as the explanation and evidence led by the convict to dispel the presumption raised against them under Section 113B of the Indian Evidence Act is concerned, this Court does not find any witness has been produced by the Appellants in defence. The Accused-husband, when asked in his statement recorded under Section 313 of the Criminal Procedure Code, as to why the present case has been filed against him, he claimed innocence and having been falsely implicated. The Appellant-Husband claimed that, when he married the deceased there was no demand of dowry. According to him, the murder of his wife and child had been done by unknown person, while trying to sexually assault the deceased, which was duly informed by him to his wife’s parents, for which they had arrived immediately after the incident on that very day. He further stated that his brother-in-law- Vijay Karan demanded Rs. 5 lakhs, however, due to his poverty he could not pay the said

amount and as such a false case was lodged against the said Vijay Karan after advice. The Accused-husband had also stated in his statement that although he had informed the police, but however due to greed of money, the police also did not helped him. As far as the other Appellants are concerned, all of them claimed that they have been falsely implicated and that they are innocent.

66. Although, the Appellants were permitted to produce evidence in defence, however, none of the accused/appellants produced any defence witnesses. There is absolutely no material on record to substantiate the aforesaid assertion of the Appellants as stated by the convict-Husband in his statement recorded under Section 313 Cr.P.C. Neither, the husband has lodged any complaint/F.I.R. relating to the alleged sexual assault of his wife and his 15 months old, nor he was able to explain as to how can the said incident take place at about 7 PM in the evening, when the entire village was awake. It is not the case of the Appellants that their house was located in a secluded place or that they were leaving in a Jungle. The said theory is also unbelievable as a person, whose wife and 15-month-old daughter has been murdered would in the first instance try to save them. There is no word from the husband or any of the Appellants, five in number, as to where were they when the alleged attack had happened, wherein the wife and 15-month-old baby was brutally killed by a “hasiya”. There is no evidence or any endeavour on the part of the husband to save his wife and baby nor any prove as to what steps he had taken after the discovery of two dead bodies in his house. These subsequent conduct of the Husband and the other Appellants is a relevant fact in view of Section 8 of the Indian Evidence Act. Further, this Court cannot be oblivious to the fact that there is afresh injury sustained by one of the *Devar* (Shesh Raj), who got recovered the “Hasiya” on his pointing. There is absolutely no evidence led to explain the said injury.
67. Moreover, it was quite strange that even the noise of the deceased persons while their throat was being cut was not heard by any of its neighbour, although it has come in the site-plan that there are many houses adjoining to the crime spot. There appears to be something amiss and flawed in the statement of the Husband built around the dead body and most importantly,

if the story of sexual assault had been, the doctor (P.W.-7), who conducted the post-mortem would have reported of any external struggle or any injury caused. Further, certain provocative question still remains to be answered as to why the assaulter would had cut the hair and why he would have killed the baby? According to this Court, the threshold of presumption under dowry death having been met and the basic foundational fact proved against the appellants. It was incumbent on the Appellants to prove that the death had been caused due to other reasons and not any reason connecting their culpability.

68. Further, this Court also could not shut its eyes to the fact that the Husband ought to be the protector of his wife and 15 months old girl child. It is he who is responsible for their safety and well-being. Further, we cannot be oblivious to the fact that two dead bodies were found at the house of the Appellants and they were unable to give any plausible explanation as is required under Section 108 of the Indian Evidence Act from them.
69. The contention of the learned Counsel for the Appellants that the ingredients of Section 304B I.P.C. have not been proved against the Appellants is misconceived. Once, the foundational facts are proved by the prosecution, there is a presumption in law and as such the burden to prove otherwise lies entirely on the defence i.e. the Appellants herein. Admittedly, no evidence has been led to discharge their burden of proof. As far as the date of marriage is concerned, no doubt no specific dates were available of marriage, but the fact witnesses, namely P.W.-1, P.W.-2, P.W.-3 and P.W.-5 have stated that the marriage was six years old. It has also been proved that there was a demand of dowry soon before the death. It was also proved by P.W.-7 that the death was caused not in normal circumstances, therefore this Court does not find any ground as to why the provision of Section 304B I.P.C. cannot be invoked to avail the presumption against the Accused/Appellants, who all are husband and relatives of the husband of the deceased-Meena Devi.
70. The contention of the Appellants that Keshav, on who's mobile the P.W.-2 was informed by the deceased- Meena, about the dowry demand having

been not examined is also not fatal, as we find that besides the said evidence, there are other evidence on record to substantiate that there was a dowry demand by the Appellants. The deposition of P.W.-1 and P.W.-3 as far as the dowry is concerned remained unchallenged. The contradiction relating to the financial arrangement of Rs. 2,26,000/- at the time of marriage, some six years ago amongst the witnesses is not crucial as the law provides to examine as to whether there was any dowry demand soon before the death of the victim or not. Since, it has come in the evidence of P.W.-1, P.W.-2, P.W.-3 and P.W.-5 that the demand for dowry was 9-10 days before the said incident, the same has to be construed to be soon before the death of the deceased. As far as the witness of recovery of 'Hasiya' i.e. P.W.-4 is concerned, no doubt he has been declared hostile by the prosecution. However, the same is also not fatal as the said witness has himself also told that the 'hasiya' was lying at "*Thodi dur*" (little distance) from the dead body, in his cross-examination. As far as the consideration of the evidence/deposition of a hostile witness is concerned, the rejection of the entire testimony of a prosecution witness, who has been cross-examined by the prosecution, would not only harm the case of the prosecution but perhaps also of the defence in a given case. This is because as the law stands today, the benefit of the testimony of such witness can be taken by both the prosecution and the defence, allowing them to use it to build their case [See: *Paulmeli v. State of T.N. (2014) 13 SCC 90, Ramesh Harijan v. State of U.P. (2012) 5 SCC 777*]. In any case, ultimately, it will be the cause of justice that will suffer if the testimony of such witness is totally discarded. It is, therefore, rightly left to the discretion of the Court to test the evidentiary value of such a testimony. The Hon'ble Supreme Court in the case of *Bhajju v. State of M.P.*, reported in *(2012) 4 SCC 327*; discussed the worth of the evidence of a hostile witness in the following words:

"36. It is settled law that the evidence of hostile witnesses can also be relied upon by the prosecution to the extent to which it supports the prosecution version of the incident. The evidence of such witnesses cannot be treated as washed off the records, it remains admissible in trial and there is no legal bar to base the conviction of the accused

upon such testimony, if corroborated by other reliable evidence. Section 154 of the Evidence Act enables the court, in its discretion, to permit the person, who calls a witness, to put any question to him which might be put in cross-examination by the adverse party.”

In the present case, we find that P.W.-4, has deposed in his cross-examination that the crime weapon ‘hasiya’ was lying at “*Thodi dur*”, which means near the body, which can be simply construed to be a recovered crime weapon, especially when it has also come in evidence that P.W.-4 has been at the crime-spot immediately after the death of the deceased at 7:30 P.M.

71. One of the contentions raised by the learned Counsel for the Appellants that there are only general and omnibus allegations of demand of dowry and cruelty in the F.I.R. and in the depositions of the prosecution witnesses, with no specific allegation or role attributed to any individual appellant. This Court finds that a plain reading of Section 304-B I.P.C. would envisage that when a question arises whether a person has committed an offence of dowry death of a woman, what all that is necessary is, it should be shown that soon before her unnatural death, which took place within seven years of the marriage, the deceased had been subjected, by such person, to cruelty or harassment for or in connection with demand for dowry. If that is shown then the Court shall presume that such a person has caused the dowry death. It can therefore be seen that irrespective of the fact whether such person is directly responsible for the death of the deceased or not by virtue of the presumption, he is deemed to have committed the dowry death if there were such cruelty or harassment and that if the unnatural death has occurred within seven years from the date of marriage. Likewise, there is a presumption under Section 113-B of the Indian Evidence Act as to the dowry death. It lays down that the Court shall presume that the person who has subjected the deceased wife to cruelty before her death caused the dowry death if it is shown that before her death, such woman had been subjected, by the accused, to cruelty or harassment in connection with any demand for dowry. Practically, this is the presumption that has been incorporated in Section 304-B I.P.C. also. It can therefore be seen that irrespective of the fact

whether the accused has any direct connection with the death or not, he shall be presumed to have committed the dowry death provided the other requirements mentioned above are satisfied. Therefore, the argument of learned Counsel that the allegations are general and no specific role has been assigned to the individual appellant is also without any basis and as such the same is rejected.

72. For all the aforesaid reasons and taking into account all the above supervening factors, the evidence brought on records clearly established the legal requirements for an offence falling under Sections 304B and 498A of the I.P.C. with the aid of Section 113B of the Indian Evidence Act to be conclusively proved against the appellant and the conviction, therefore, do not call for any interference.
73. Further, nothing was pointed out to hold that the conclusion arrived by the learned Trial Court was perverse or was there any illegality or irregularity in the impugned judgment. Thus, the judgment as far as the conviction by the learned Trial Court under Section 304-B I.P.C., 498-A I.P.C. and Section 4 of the Dowry Prohibition Act is concerned the same are *upheld*.
74. Now, the question arises as to whether this Court can reduce the appellant's sentence and if so, to what extent, as urged by the learned Counsel for the appellant, keeping in view the rule of proportionality of sentencing, prayer of leniency and the Evidence brought on record.
75. The learned Counsel for the Appellants has relied on various judgments to buttress his submission that the sentence under Section 304B I.P.C. merits interference by this Court. The learned Counsel has submitted that in the case of ***Hem Chand*** (*supra*), the Trial Court had awarded life term to the accused under Sections 304B read with 498A I.P.C., however, the Supreme Court reduced the sentence to 10 years and held that Section 304-B I.P.C. only raises presumption and lays down that minimum sentence should be seven years and it may extend to imprisonment for life. Therefore, awarding extreme punishment of imprisonment for life should be in rare cases and not in every case. The said proposition of law was consistently followed by the Hon'ble Supreme Court in the case of ***M.V. Manjunathgowda*** (*supra*) and

G.V. Siddaramesh (supra), wherein in both the cases the life term was reduced to 10 years.

76. This issue has engaged the attention of this Court, as well as the Hon'ble Supreme Court in several cases, which arose out of Section 304B read with 498A I.P.C. and wherein the Hon'ble Supreme Court while interpreting the expression 'may' mentioned in Section 304B I.P.C. held that it is not mandatory for the Courts in every case to award life imprisonment to the accused, once he is found guilty of offence under the said provision. It was held that the Courts could award sentence in exercise of its discretion between seven years to life imprisonment, depending on the facts of each case, which must not be less than 7 years and the extreme punishment of life terms should be awarded in 'rare cases' but not in all cases as a routine. The Hon'ble Supreme Court in the case of *Hari Om v. State of Haryana*, reported in **(2014) 10 SCC 577**; after tracking the various precedents holding the ground reduced the life term awarded by the Trial Court and the High Court to a term of 10 years, while recording that Courts below did not assign any reasons as to why the case was found to be a rare case for conviction under Section 304B I.P.C.
77. This Court is also unable to find any reason in the impugned judgment as to when the prescription under law is that punishment under Section 304B I.P.C. cannot be less than 7 years and may extend to Life Imprisonment, as to why all the Appellants have been placed in the same bracket and awarded the maximum punishment of life under Section 304B I.P.C. There is no automatic award of life imprisonment under Section 304B I.P.C. after conviction. Some finding and/or reasoning ought to be given by the learned Trial Court for arriving at such a belief for awarding a life imprisonment under the provisions of Section 304B I.P.C. This Court does not find any plausible reason appended by the learned Trial Court as to why the maximum punishment of life imprisonment had been awarded to the appellants in this present case.
78. Once, we come to the conclusion that the sentence of life imprisonment is not proper by the learned Trial Court, the next course of action would be to

examine and test the case on the various mitigating factors, which has been evolved in various judgments of the Hon'ble Supreme Court. As far as the present case is concerned, considering the aforesaid proposition of law and the overall facts and circumstances, keeping in view the evidence brought on record, by virtue of which the appellants were convicted, we in our considered view need to set a chord of balance between the culpability of the convict on the basis of evidence collected and brought on record on the one hand with the amount of punishment inflicted due to the said culpability. In this regard, it would be profitable to quote the ratio of the judgment of the Hon'ble Apex Court in the case of *Navas v. State of Kerala*, reported in **(2024) 14 SCC 82**; wherein an illustrative list of mitigating circumstances have been enumerated in the following words; relevant to the context:

- “78. *A journey through the cases set out hereinabove shows that the fundamental underpinning is the principle of proportionality. The aggravating and mitigating circumstances which the Court considers while deciding commutation of penalty from death to life imprisonment, have a large bearing in deciding the number of years of compulsory imprisonment without remission, too. As a judicially trained mind pores and ponders over the aggravating and mitigating circumstances and in cases where they decide to commute the death penalty they would by then have a reasonable idea as to what would be the appropriate period of sentence to be imposed under the Swamy Shraddananda [Swamy Shraddananda (2) v. State of Karnataka, (2008) 13 SCC 767 : (2009) 3 SCC (Cri) 113] principle too. Matters are not cut and dried and nicely weighed here to formulate a uniform principle. That is where the experience of the judicially trained mind comes in as pointed out in V. Sriharan [Union of India v. V. Sriharan, (2016) 7 SCC 1 : (2016) 2 SCC (Cri) 695] .*
79. *Illustratively, in the process of arriving at the number of years as the most appropriate for the case at hand, which the convict will have to undergo before which the remission powers could be invoked, some of the relevant factors that the courts bear in mind are:*
- (a) the number of deceased who are victims of that crime and their age and gender;*
 - (b) the nature of injuries including sexual assault if any;*
 - (c) the motive for which the offence was committed;*
 - (d) whether the offence was committed when the convict was on bail in another case;*

- (e) the premeditated nature of the offence;*
- (f) the relationship between the offender and the victim;*
- (g) the abuse of trust if any;*
- (h) the criminal antecedents; and whether the convict, if released, would be a menace to the society.*

Some of the positive factors have been:

- (1) age of the convict;*
- (2) the probability of reformation of convict;*
- (3) the convict not being a professional killer;*
- (4) the socio-economic condition of the accused;*
- (5) the composition of the family of the accused; and*
- (6) conduct expressing remorse.*

80. *These were some of the relevant factors that were kept in mind in the cases noticed above while weighing the pros and cons of the matter. The Court would be additionally justified in considering the conduct of the convict in jail; and the period already undergone to arrive at the number of years which the Court feels the convict should serve as part of the sentence of life imprisonment and before which he cannot apply for remission. These are not meant to be exhaustive but illustrative and each case would depend on the facts and circumstances therein.”*

79. From the conspectus of the matter, we find that the appellants have no prior history of engaging in any criminal activities. The Custody Certificate itself exhibits long incarceration. There is no untoward conduct and/or activities reported against any of the Appellants. The entire male members of the family of the Appellant along with the mother is reported to be involved in the present case. We also find that at the relevant time of incident in 2011, the Dinesh Kumar (Husband) was 25 years; Shesh raj (Brother-in-law) was 21 years; Nan Babu (Brother-in-law) was 20 years; Bade Lal (father-in-law) and Bitta Devi (Mother-in-law) were 46 years.

80. No doubt, the age by itself is not a determinative factor, however, it remains that the Apex Court has held that age at the time of crime is also a mitigating factor for consideration while assessing the possibility of reformation and reintegration of the convict into society. The probability of the accused being reformed and rehabilitated, and the likelihood of his and/or her not indulging

in criminal conduct again, are equally important considerations while evaluating whether continued incarceration for the remainder of natural life would serve the ends of justice.

It has come on record that the Appellants have been in Jail for term spanning more than seven years, which is the minimum prescribed under Section 304B I.P.C. Their conduct in jail does not indicate any adverse remarks, may be demonstrating remorse and reflecting a genuine possibility of reformation. The socio-economic condition of the Appellants also deserves consideration. The material on record reflects that the family of the accused belonged to a financially weak background and are villagers engaged in agricultural activities.

81. Thus, keeping in view the totality of the facts and considering the balance sheet of aggravating and mitigating circumstances and there being no criminal background and adverse history against the convict/appellants, we consider that the ends of justice would be met in this case, if the maximum sentence of life under Section 304B of the I.P.C is reduced to the period already undergone, by the appellants. However, the sentence under Section 498A I.P.C., and Section 4 of the Dowry Prohibition Act, 1961 including the fine amount imposed shall remain unaltered.
82. As a sequel to the above, the present appeal as far as the conviction of the Appellants under Sections 304B, 498A of the I.P.C. read with Section 4 of the Dowry Prohibition Act, 1961 are concerned, the same is *dismissed* and the Judgment of the Trial Court is *upheld*; however, on the point of sentence, both the Appeals are ***partly allowed*** to the extent of sentence of the period already undergone by the appellants. However, the entire amount of fine awarded by the Trial Court shall be deposited by the appellants, within four weeks from the date of their release, in default, they shall be liable to undergo the same punishment of imprisonment, as the learned Trial Court has awarded.
83. Having said so, it is directed that the appellant- Dinesh Kumar, Sheshraj, Nan Babu, may be released forthwith, having already undergone the sentence of punishment under the present *Sessions Trial No. 137 of 2011*

(*State Vs. Dinesh Kumar and 4 others*), arising out of *Case Crime No. 665 of 2011*, relating to Police Station - Gilaula, District – Shravasti, if they are not required in any other case(s). Appellant- Bitta Devi and Bade Lal Kori are already on Bail. Their Bail bonds are discharged.

All the Appellants shall be subject to compliance of Section 437-A Cr.P.C./481 BNSS.-2023.

84. Let the Trial Court record, along with copy of this judgment and order, be transmitted to the Court concerned for compliance.
85. There shall be no order as to cost(s).
86. All pending application(s) shall stand *disposed of*.

EPILOGUE

87. The present case is one such case wherein the deceased, on several occasions, communicated to her family members, particularly her brother, sister-in-law and mother, the persistent dowry demands and the cruelty to which she was being subjected by her in-laws. According to this Court, such repeated complaints ought not to have been treated as ordinary matrimonial disagreements; rather, they must have been recognized as genuine cries for help, protection and timely intervention. This Court is of the view that the facts of the present case serves as a reminder that whenever a daughter repeatedly approaches her family seeking assistance and expresses the harassment, fear and humiliation she is facing in her matrimonial home, her concerns deserve to be heard with empathy, seriousness and urgency. It is the moral as well as the social responsibility of the family to support her, believe her version and take all necessary steps to ensure her safety and dignity. According to this Court the safety, well-being and welfare of the married daughter should be of paramount concern for her family.
88. This Court cannot be oblivious to the fact and as is also available from the present case that, quite often a victim of dowry-related harassment is advised to adjust, compromise or save the marriage, despite repeatedly informing their families about the cruelty being inflicted upon her. This Court is of the view that seldom such advice may unintentionally embolden the perpetrators

and expose the victim to continued abuse, ultimately resulting in tragic and irreversible consequences of even death of the victim. The present case highlights the unfortunate reality that meaningful action is frequently initiated only after the death of the victim. No doubt, the pursuit of justice through legal proceedings is both necessary and commendable, but it cannot substitute the timely intervention that might have prevented the loss of life.

89. The legislative intent behind provisions such as Sections 498A and 304B of the Indian Penal Code was not merely to punish offenders after the commission of the offence, but also to deter such conduct and provide effective legal protection to married women. The present case is not merely about holding the accused accountable and convicting them as per law, rather it conveys a larger message that every plea for help made by a daughter must be treated with compassion, seriousness and prompt action. Timely intervention can prevent irreparable loss, whereas delayed remorse and litigation cannot bring back a life that has already been lost.
90. Ultimately, this case reminds us that combating the social evil of dowry extends beyond the courtroom. It is a shared responsibility of families, communities and society to ensure that no woman is compelled to suffer in silence and that every call for help is answered before it culminates in tragedy of death of the victim. No judicial pronouncement, however just, can restore a life once it has been lost. This case also reflects the broader societal responsibility of responding to a woman's plea for help. Families, relatives and society at large must recognize that every complaint of dowry harassment or domestic cruelty deserves immediate attention, so as to have meaningful and effective resolution, before it is too late.

(Abdhesh Kumar Chaudhary, J.) (Rajesh Singh Chauhan, J.)

July 27, 2026

Anuj Singh