



UPRN010031992018
In the Court of Sessions Judge, Ramabai Nagar (Kanpur Dehat)

Present:- Sri Ravindra Singh (H.J.S)

Sessions Trial No.-185/2018

State of U.P

.....Prosecution

Versus

1. **Ram Narayan** S/o Badlu Prasad (Father-in-law),
2. **Kamlesh** S/o Ram Narayan (Husband),

Both resident of village Paras, P.S Ghatampur, District Kanpur Nagar.

.....Accused Persons

Crime No.- 812/2017
U/s.498-A,304-B,328 IPC & ¾ DP Act
P.S- Ghatampur,
Distt.- Kanpur Nagar.

JUDGEMENT

1. The present Sessions Trial was committed to the Sessions Court by the Ld. C.J.M, Kanpur Dehat on 21.05.2018, for trial against the accused persons **Ram Narayan** and **Kamlesh** in case Crime No. 812/2017, under Sections 498A, 304B, 328 IPC and Sections 3/4 of the Dowry Prohibition Act, Police Station Ghatampur, District Kanpur Nagar.

2. In brief, the prosecution case is that the complainant, Umakant, submitted a typed written complaint dated 10.09.2017, Exhibit Ka-1, at Police Station Ghatampur, District Kanpur Nagar stating that he had married his sister Sanjana to Kamlesh, son of Ram Narayan, on 02.06.2017. Soon after the

marriage, the father-in-law Ram Narayan, mother-in-law Smt. Ramrani, husband Kamlesh, and brother-in-law Kallu Kushwaha started harassing her for dowry. She was threatened that they will not let her live in peace till their demand for more dowry was not satisfied. They demanded one lakh rupees in cash and a motorcycle in dowry. When his sister came home for the first time, after her marriage, she told about the harassment over the above-mentioned dowry. On knowing about this, they spoke to sister's father-in-law about this. Then, her in-laws came to his house and on the same day, they took his sister along with them. The mediator, Badshah Khan, also said that until a more dowry not given, they will not send Sanjana. Panchayats were held several times, but her in-laws did not agree. On 27.08.2017, under a conspiracy, they fed something poisonous to Sanjana, because of that her condition deteriorated. When neighbours came to know about her deteriorating condition, they informed complainant. His father Mannu Lal went to her in-laws house at village Paras and brought her along to admit her in District Hospital, Hamirpur. Her husband Kamlesh also reached at the hospital. In hospital, Sanjana told them that her in-laws were continuously harassing her for dowry and they fed her some poisonous pill. On 28.08.2017, during treatment his sister died at District Hospital, Hamirpur.

3. On the basis of the above typed complaint "Exhibit Ka-1", the Chik FIR "Exhibit Ka-2" was registered on 10.09.2017 at 16:00 hours at Police Station Ghatampur, District Kanpur Nagar, in Case Crime No. 812/2017, against accused persons Ram Narayan, Smt. Ramrani, Kamlesh, and Kallu Kushwaha under Sections 498A, 304B, 328 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act. The disclosure of the FIR was made in G.D. No. 34, "Exhibit Ka-9".

4. After the completion of investigation, Charge Sheet "Exhibit Ka-8" was filed in the court under Sections 498A, 304B, 328 IPC and Sections 3/4

of the Dowry Prohibition Act, against accused persons Ram Narayan and Kamlesh.

5. On 13.07.2018, previous Presiding Officer framed charges against accused persons Ram Narayan and Kamlesh under Sections 498A, 304B, 328 IPC and Sections 3/4 of the Dowry Prohibition Act. Charges were read out and explained to the accused persons. The accused persons denied the charges and demanded trial.

6. To prove the charges framed against the accused persons, the following witnesses were examined by the prosecution:-

Sr. No.	Name of Witnesses	Paper Proved
1.	P.W-1, Complainant Umakant	He is witness of fact and proved his signature on typed compliant (Tehrir) as Ex. Ka-1.
2.	P.W-2 Mannu Lal	He is witness of fact and proved marriage invitation card as material Ex. Ka-1.
3.	P.W-3 H.C Surendra Pal Singh	He is formal witness and proved Chick FIR as Ex. Ka-2
4.	P.W-4 Rampal	He is witness of fact.
5.	P.W-5 Dr. Anil Kumar Singh	He is formal witness and conducted post mortem of deceased Sanjana. He proved Postmortem Report Ex. Ka-3.
6.	P.W-6 Vijay Pratap Singh	He is formal witness and conducted panchayatnama of deceased. He proved Panchayatnama as Ex. Ka-3,

		Challan Nash as Ex. Ka-4 , Challan Lash as Ex. Ka-5 , Letter to R.I as Ex. Ka-6 , Letter to C.M.O as Ex. Ka-7 .
7.	P.W-7 Ram Krishna Chatruvedi	He is Investigation Officer this case. He proved Charge-sheet as Ex. Ka-8
8.	P.W-8 H.C Mukesh Kumar	He is formal witness and proved F.I.R as Ex. Ka-2 and G.D Entry as Ex. Ka-9 .
9.	P.W-9 Ajay Kumar	He is Investigation Officer this case. He proved Sit Plan as Ex. Ka-10 .
10.	P.W-10 Ravi Kumar (Circle Officer)	He proved F.S.L Report as Ex. Ka-11 .

7. After the closing of prosecution evidence, the statements of the accused persons were recorded under Section 313 Cr.P.C., in which the accused persons have stated the incident to be false. It was stated that the deceased was admitted to the District Hospital, Hamirpur for treatment and her death occurred due to illness. It was further stated that the statements of prosecution witness are totally false. The actual truth of the matter is that due to the illness Sanjana was admitted to CHC Ghatampur on 25.08.2017. From there she was referred to a higher hospital. However, deceased's father forcibly took her to Hamirpur District Hospital. No one ever harassed her and there was no demand of dowry. There were no injury marks on the body of deceased. Investigating Officer concluded wrong investigation and submitted wrong charge-sheet. PW-9 Ajay Kumar and PW-10 Ravi Kumar gave a wrong statements, which were not duly proved. It was stated that false case was filed

due to greed. They are innocent, allegations for the dowry demand and harassment are false. No poison was given to the deceased. False case was registered against them.

8. The following witnesses were examined in defence:-

Sr. No.	Name of Witnesses	Paper Proved
1.	D.W-1, Dr. Pawan Kumar Sachan	Nil
2.	D.W-2 Noor Mohammad	Nil

9. The following documentary evidence were presented in defence:-

Sr. No.	Documentary Evidence
1.	CHC Ghatampur Treatment paper dated 25.08.2017 paper no. 125Kha/2 & Referral Slip 125Kha/3
2.	District Hospital Hamirpur receipt book paper no. 125Kha/4 & patient case record-surgery 125Kha/5 to 9
3.	Hand written certificate of Pradhan paper no. 125Kha/10
4.	Original copy of Dainik Jagran Newspaper dated 29.08.2017 paper no. 125Kha/11.
5.	Affidavit of Noor Mohammad @ Badshah Khan 125Kha/12

Oral Evidence of Prosecution Witnesses

10. P.W.-1 Umakant has said in his testimony that his sister Sanjana was married to Kamlesh, son of Ram Narayan on 02.06.2017. As per their social capacity, dowry was given in the marriage. After marriage, Sanjana was unhappy at her in-laws house as her father-in-law Ram Narayan, husband Kamlesh, brother-in-law Kallu, and mother-in-law Ramrani demanded one lakh rupees cash and a motorcycle as more dowry. They used to beat and

harass her for dowry. Witness state that Sanjana had told them about this dowry demand by her in-laws. He and his father tried to convince Sanjana's in-laws, convened a panchayat with relatives. However, Sanjana's in-laws did not agree and remained adamant on their demand. On 27.08.2017, a phone call was received from his sister's in-laws' neighborhood informing about her critical condition. On this information, his father went to her in-laws' house. His sister's condition was very critical. His father forcibly took her from her in-law's home and admitted her to the District Hospital, Hamirpur for treatment. Meanwhile, he also reached the hospital and found his sister still alive in the hospital. She told him that accused persons forcibly made her consume poisonous pills. P.W-1 further stated that during the treatment his sister Sanjana died on 28.08.2017 at District Hospital, Hamirpur. Panchayatnama proceedings were done and he signed on witness in the panchnama. After performing the last rites of Sanjana, FIR was lodged at Kotwali Ghatampur against accused persons. P.W-1 stated that his sister Sanjana was killed by her husband Kamlesh, father-in-law Ram Narayan, brother-in-law Kallu and mother-in-law Ramrani as their demand for more dowry was not fulfilled. The witness proved his signature on the typed application (Tehrir) marked as **Exhibit Ka-1**.

11. P.W.-2 Mannu Lal stated on oath that his daughter Sanjana was married to Kamlesh, son of Ram Narayan, on 02.06.2017. As per his social status and capacity, dowry was given in the marriage. After marriage, his daughter was very unhappy at her in-laws' house as her father-in-law Ram Narayan, husband Kamlesh, mother-in-law Ramrani, and brother-in-law Kallu demanded a motorcycle and one lakh rupees as dowry. They used to harass her for not fulfilling their demand of dowry. He had tried to convince Sanjana's in-laws and had also convened a panchayat, but accused persons did not agree and continued to harass her for dowry. On 27.08.2017, he received a phone call

from someone in his daughter in-laws' neighborhood. He was informed that Sanjana was in critical condition. On this information, he went to her in-laws' house and there he found that his daughter's condition was very critical. He asked her in-law's to get her admitted in hospital and it was decided to take her to Hamirpur for treatment. Kamlesh and Ram Narayan accompanied him. Sanjana was admitted in District Hospital, Hamirpur. After some time, Kamlesh and Ram Narayan left from hospital without informing anyone. By then, his son Umakant had also reached Hospital. During the treatment Sanjana died on 28.08.2017 at hospital. P.W-2 stated that Sanjana was killed by her husband Kamlesh, father-in-law Ram Narayan, mother-in-law Ramrani, and brother-in-law Kallu as their demand for dowry could not be fulfilled. Witness proved the wedding card as **Material Exhibit-1**.

12. P.W.-3 Constable Surendra Pal Singh stated on oath that he is posted as Head Constable at P.S Sajeti, Kanpur Nagar. Prior to this, he was posted at Ghatampur Police Station, Kanpur Nagar. He was posted with Inspector Amit Kumar Singh and has seen him writing and reading during the work process. He recognizes the handwriting and signature of Inspector Amit Kumar Singh very well. The witness identified the signature of Inspector Amit Kumar Singh on Chik F.I.R as **Exhibit Ka-2**.

13. P.W.-4 Rampal stated on oath that marriage of Mannu Lal's daughter Sanjana was solemnized with Kamlesh on 02.11.2017. In marriage, Mannu Lal gave dowry as per his financial capacity and status. He is the paternal uncle of the deceased Sanjana. After marriage, her in-laws started demanding one lakh rupees and a Pulsar motorcycle as additional dowry. As their demand could not be fulfilled, his niece was beaten up and harassed by her in-law's. Whenever Sanjana's brother Umakant went to her in-laws' house to bring her with him, they refused to send her. On 27.08.2017, Sanjana was given poison by her in-laws, due to which her condition got deteriorated. She

was admitted to Government Hospital, Hamirpur on 27.08.2017. Information about her admission in hospital was given to her parents telephonically by Ram Narayan. Deceased's brother Umakant, her father Mannu Lal, Ram Sajivan, Rampal Kushwaha, Jaikaran, Shivshankar and some other family members reached at hospital. When they reached hospital, Sanjana was still alive and told them that her husband Kamlesh had fed her some poisonous substance. Blood was oozing from Sanjana's nose and there were several injury marks on her body. P.W-4 stated that when they reached the hospital, Sanjana's in-laws fled from there.

13.1. The witness further deposed that Sanjana died during treatment at the hospital on 28.08.2017. Because by then it had become night, Sanjana's body was kept in the mortuary. Information of Sanjana's death was given to police by Mannu Lal. Police reached at hospital on 29.08.2017 at around 10:00 AM. Along with the police, Tehsildar and a woman constable also reached at hospital. Her body was examined by them, blood was oozing from her nose and there were injury marks on her body. Inquest report, comprising Ram Sajivan, Rampal, Jaikaran, Shivshankar, and Umakant, was prepared. P.W-4 stated that the Inquest report was prepared in his presence and he proved his signature on the Inquest report.

14. P.W.-5 Dr. Anil Kumar Singh deposed in his testimony that on 29.08.2017, he was posted as a Medical Officer at District Hospital, Hamirpur and was on postmortem duty. Body of deceased Sanjana Devi was brought by Constable Manoj Sahu and Lady Constable Savita Rajput along with papers for identification. P.W-5 conducted the postmortem of deceased Sanjana Devi.

General Examination:-

The deceased was 148 centimeters tall and of frail build. The body of the deceased had a salwar, kurta, three bangles, and two plastic bangles. Rigor mortis was present all over the body. Eyes and mouth were closed and

blood was oozing from both nostrils. There was no visible injury on the body of the deceased.

Internal Examination:-

The brain and its membranes were congested. Both lungs, pleura, spleen, liver, and both kidneys were congested. The right chamber of the heart was full and the left was empty. 200 ml of fluid was present in the stomach. Semi-digested food and gas were present in the small intestine. The urinary bladder was half full and the uterus was empty.

14.1 In the opinion of the doctor, the death of the deceased would have occurred about 24 hours prior to the postmortem. As the cause of death was not clear, so the viscera was preserved and sent to the Forensic Science Laboratory, Lucknow. The witness proved the Postmortem Report as **Exhibit Ka-3**.

15. P.W.-6 Vijay Pratap Singh deposed that on 29.08.2017, he was posted as Naib Tehsildar Sadar, Tehsil Hamirpur, District Hamirpur. On information from S.D.M. Sadar, he had initiated proceedings for the inquest of deceased Sanjana Devi. The panchayatnama, R.I. report, C.M.O. report, inquest challan, sample seal were got prepared by S.O. Sangeeta Yadav. The body was sealed and handed over to Constable Manoj Sahu and Lady Constable Savita Rajput for postmortem. The witness proved his signatures on the Panchayatnama, Photo Nash, Challan Nash, Letter R.I., Letter C.M.O. from **Exhibit Ka-3 to Exhibit Ka-7** respectively.

16. P.W.-7 Ram Krishna Chaturvedi, Investigating Officer, stated in his testimony that he received the investigation of this case on 15.10.2017. After examining the case diary, prepared by the previous I.O, he recorded inquest report and Postmortem Report of deceased in the case diary. He recorded the statements of panch witnesses Ram Sajeevan, Rampal, Shivshankar, and Umakant. During the investigation, he arrested and recorded the statements of accused persons Kamlesh and Ram Narayan. During

investigation he also recorded statements of Constable Manoj Kumar Sahu, Naib Tehsildar Vijay Pratap Singh, Dr. Anil Kumar Singh, and S.O. Sangeeta Yadav. Based on the investigation, he submitted the charge sheet against accused persons Ram Narayan and Kamlesh. P.W-7 proved charge sheet as **Exhibit Ka-8**.

17. P.W.-8 Head Constable Mukesh Kumar deposed that on 10.09.2017, he was working as a Constable at C.C.T.N.S., Police Station Ghatampur, Kanpur Nagar. He typed Chik F.I.R. of Case Crime No.-812/2017, under Section 498A, 304B I.P.C. and Section 3/4 Dowry Prohibition Act and mentioned its disclosure on G.D. No. 34 on the same day. The witness proved the certified copy of G.D. No. 34 as **Exhibit Ka-9**.

18. P.W.-9 Ajay Kumar, Investigating officer, stated in his testimony that on 10.09.2017, he was posted as Circle Officer, Ghatampur, District Kanpur Nagar. He received the investigation of dowry death case against Ram Narayan and 04 others. After examining the First Information Report, he recorded the statements of F.I.R. scribe Lady Constable Renu, complainant Umakant, Mannu Lal, and Jaikaran in the case diary. He inspected the place of incident at the instance of the complainant and prepared site plan. The witness proved site plan as **Exhibit Ka-10**.

19. P.W.-10 Ravi Kumar Singh, Circle Officer, Gorakhnath, District Gorakhpur, stated in his testimony that on 24.12.2019, he was posted as Circle Officer, Ghatampur, District Kanpur Nagar. He had received the viscera examination report of deceased in the above-mentioned case from the Forensic Science Laboratory, Lucknow, U.P. Same was sent to the court along with the investigation report. As per the viscera examination report, Organo-Phosphorus Insecticide Poison was found in the body of deceased. The witness proved the viscera examination report as **Exhibit Ka-11**.

Description of Oral Evidence of the Defence

20. D.W.-1 Dr. Pawan Kumar Sachan stated on oath that he was posted as Medical Officer at C.H.C. Record Ghatampur, on 25.08.2017. Sanjana was brought by her husband for treatment at 5:20 A.M on 25.08.2017. As per record, Sanjana's address was recorded as village Paras, Ghatampur, Kanpur Nagar. The patient was suffering from stomach pain. First aid was given to her but when she did not recover from treatment, she was referred to Ursula Hospital, Kanpur Nagar at 7:55 A.M on the same day. D.W-1 has stated that as per the record of hospital, patient was treated by Dr. Kripashankar. The referral letter was prepared by Dr. Kripashankar after examining the patient.

21. D.W.-2 Noor Mohammad examined by the defence deposed that he knows both the families well as he had arranged this marriage. He was involved from the marriage ceremony to the last rites of the deceased. He also knows the financial conditions of both the families. Financial condition of the family of the deceased was not very good. Accused Ram Narayan's wife often remained ill and had difficulty in performing daily household tasks, so he had arranged marriage of his son Kamlesh with Sanjana. Kamlesh is a vehicle driver having his own house, a tempo-like vehicle, a motorcycle, and three bighas of land. After the marriage, Sanjana often used to remain ill. Due to her illness there was dispute between both the families, but it was decided to carry on with the marriage. D.W-2 stated that before the marriage, Sanjana's father used to get her treated in a hospital at Hamirpur. When Sanjana got ill, deceased father insisted for her treatment at hospital in Hamirpur. At their insistence, treatment of Sanjana was arranged at Hamirpur hospital by her in-laws. The witness stated that there was no demand for dowry from her in-law's. Complainant Umakant had demanded ten lakh rupees for not filing this case. The deceased's father Mannu Lal also asked to arrange five lakh rupees to avoid this case. D.W-2 stated that this false case was filed as their demand for

money was not fulfilled by accused persons.

22. Learned D.G.C (Criminal), argued that the incident occurred on 28.08.2017, for which the First Information Report was filed by complainant at the police station on 10.09.2017. In the complaint itself, it is mentioned that this complaint was given at police station after performing the last rites of her deceased sister. It was argued that deceased was married to accused Kamlesh on 02.06.2017 and within three months of the marriage, she died on 28.08.2017 in unnatural circumstances. It was also argued that after marriage, the deceased was unhappy at her in-laws' house as the accused persons used to harass her for dowry and demanded one lakh rupees cash and a motorcycle. P.W.-1 Umakant, P.W.-2 Mannu Lal, and P.W.-4 Rampal were examined by the prosecution, who proved the fact that immediately after marriage, the accused persons demanded one lakh rupees cash and a motorcycle in dowry. From the statements of the witnesses, this fact is also proved that because Sanjana's parents could not fulfill the additional demand for dowry, the accused persons killed her by administering poisonous substance. Viscera examination report received from the Forensic Science Laboratory, Lucknow, wherein Organo-Phosphorus Insecticide poison was found in her body also confirmed it. P.W.-10 Ravi Kumar Singh proved the viscera examination report as Exhibit Ka-11. The First Information Report, G.D. entry, site plan, postmortem report and charge sheet etc., were dully proved by prosecution witnesses. It was also argued that no documentary evidence has been submitted in reference to the explanation given by the accused persons that the deceased was suffering from T.B died due to it. It is proved from the prosecution evidence that the deceased was administered poisonous substance at her in-law's house, due to which she died during treatment. Although the defence has claimed that a false case was filed out of greed for money, no reliable evidence has been provided by the defence in this regard. Therefore, prosecution prayed for the conviction of the

accused persons.

23. The learned counsel for the defence argued that the First Information Report was lodged after a delay of thirteen days after much deliberation, and no clear explanation has been given for the delay. The death of the deceased occurred due to illness; no poison was given. Due to illness, she was admitted to C.H.C. Hospital Ghatampur, but the deceased's father forcibly took her to Hamirpur District Hospital, this fact is proved by the testimony of D.W.-1 Dr. Pawan Kumar Sawan and D.W.-2 Noor Mohammad. It is also proved from the testimony of D.W.-2 that this false case was filed by the complainant out of greed for money. There are serious contradictions in the statements of the prosecution witnesses. From postmortem report and other medical paper it is clear that there was no injury on the body of the deceased. The allegation of dowry demand are not proved. There is no eyewitness to the incident. Thus, the prosecution could not prove the essential elements required for dowry death, i.e., there is neither any evidence of the deceased being harassed for dowry. False charge sheet has been submitted by the Investigating Officer.

24. In the present case, the court must first ensure whether within in the initial 7 years of marriage abnormal unnatural death of deceased Sanjana occurred in such circumstances that it could be termed as '**Dowry Death**' and whether soon after her marriage on 02.06.2017 and before her death on 28.08.2017 her husband accused Kamlesh and Father-in-law accused Ram Narayan subjected her to cruelty for additional dowry demand of one lakh rupees cash and a motorcycle (Pulsar).

25. Section 304B I.P.C provides as under:-

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 purpose 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.

Section 304B I.P.C has following essential ingredients:-

- (i) Such death must have occurred within 7 years of marriage;
- (ii) That the death of a woman must have been caused by burns or bodily injury or otherwise than under normal circumstances;
- (iii) Soon before her death, the woman was subjected to the cruelty or harassment by her husband or any relative of her husband; and
- (iv) Cruelty or harassment must be in connection with the demand of dowry.

25.1 As per section 2 D.P Act, 1961, “Dowry” means any property or valuable security given or agreed to be given either directly or indirectly—

- (a) by one party to a marriage to the other party to the marriage; or
- (b) by the parent of either party to a marriage or by any other person, to either party to the marriage or to any other person, at or before or any time after the marriage in connection with the marriage of the said parties, but does not include dower or mahr in the case of persons to whom the Muslim Personal Law (Shariat) applies.

25.2 Section 113B Evidence Act provides as under:-

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 has 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.

25.3 Section 498A I.P.C states as under:-

Husband or relative of husband of a woman subjecting her to cruelty:- Whoever, being the husband or the relative of the husband of a woman, subjects such women to cruelty shall be punished with imprisonment for a term which may extend to 3 years and shall also be liable to fine.

Explanation -- For the purpose of this section cruelty means-

- (a) any willful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or
- (b) harassment of the woman where such harassment is with a view to coercing or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.

25.4 Section 328 I.P.C provides as under:-

Causing hurt by means of poison, etc., with intent to commit an offence.-Whoever administers to or causes to be taken by any person any poison or any stupefying, intoxicating or unwholesome drug, or other thing with intent to cause hurt to such person, or with intent to commit or to facilitate the commission of an offence or knowing it to be likely that he will thereby cause hurt, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

25.5 In the leading case of **Kansraj vs State of Punjab & Others (2000) 5 SCC 207** Hon'ble Supreme Court has laid down that-

“In dowry death cases, the circumstances indicating cruelty or harassment towards the deceased are not limited to specific examples, but refer to the course of conduct in general. Such conduct may extend to the entire period. If cruelty or harassment or demand for dowry is shown to have been continuous, then it will be deemed to have occurred "soon before death." Therefore, demand of dowry is a continuing offence.”

25.6 In another leading case of **Dyan Singh & Others vs State of Punjab (2004) 7 SCC 759** Hon'ble Supreme Court has laid down that-

“If it is proved that cruelty was caused due to demand for dowry, then such cruelty would be considered to have occurred soon before death and there should be a possible link between the alleged cruelty and the death of the deceased. It is true that the prosecution has to prove that there should be a close linkage or nexus between cruelty and suicide, and the cruelty inflicted should be such that it induces the victim to commit suicide.”

26. Before accepting the death of deceased Sanjana as a dowry death under Section 304B IPC, the burden lies on the prosecution to prove that Sanjana's death occurred within seven years from the date of her marriage. In this regard, it is noteworthy that in **Exhibit Ka-1**, it is mentioned that Sanjana was married to Kamlesh, on 02.06.2017. In this regard, PW-1 Umakant has deposed that his sister Sanjana was married to Kamlesh, on 02.06.2017. Similarly, witness PW-2 Mannu Lal, who is the father of the deceased, has also deposed that his daughter Sanjana was married to Kamlesh, on 02.06.2017. The 'Wedding card' is available on record, which was proved by PW-2 Mannu Lal as **Material Exhibit-1**. The original Wedding card, Material Exhibit-1,

mentions the date of marriage of Sanjana, with Kamlesh, as 02 June 2017. On behalf of the prosecution, it has been alleged that the deceased died on 28.08.2017, i.e., within three months of her marriage. There is no objection raised by the defence with respect to the date of marriage and as well as date of death. So, it is well proved that the deceased was married to accused Kamlesh on 02.06.2017 and she died on 28.08.2017, i.e., within three months of the marriage.

27. The question before the court is whether the husband Kamlesh and father-in-law Ram Narayan committed such cruelty with the deceased soon before her death, which falls under Section 304B IPC, and whether her death occurred due to such bodily injuries out of such cruelty and harassment with respect to demand of dowry or in under abnormal unnatural circumstances or not?

28. In the present case, a written complaint (Tehrir) **Exhibit Ka-1** was submitted by the complainant Umakant, brother of the deceased at Police Station Ghatampur, Kanpur Nagar. According to the complaint, he had married his sister Sanjana to Kamlesh, on 02.06.2017, giving gifts and dowry as per his social status and capacity. Immediately after marriage, her husband Kamlesh, father-in-law Ram Narayan, and other family members started harassing his sister for additional dowry and eventually, began demanding an additional one lakh rupees and a motorcycle and would often beat his sister for this demand. On 27.08.2017, all of them conspired and fed her something poisonous, due to which her condition deteriorated as a result his sister died at District Hospital, Hamirpur on 28.08.2017 at about 4:00 PM.

29. The contents of the complaint are supported by complainant P.W-1 Umakant on oath in his testimony before the court. According to P.W-1, they had given gifts and dowry at the wedding as per their social capacity and status, but the in-laws/accused persons harassed, beat and tortured his sister

Sanjana while demanding additional dowry of One lakh rupees and a Motorcycle. According to the witness, his sister Sanjana had told him about the dowry demand by the accused persons, and a panchayat was also held between both the parties regarding this, but the accused persons did not agree to the persuasions and continued their cruel ways to harass his sister. PW-1 Umakant also stated that when his sister was admitted to District Hospital, Hamirpur, she told him that she was forcibly made to consume poison. In this regard, the defence counsel conducted a detailed Cross-examination of the complainant. In Cross-examination, the witness has stated that sister Sanjana mostly stayed with her in-laws' as they did not send her to parental home after marriage. When his sister came home for the first time (Chauthi) after her marriage, she told him that her in-laws were demanding one lakh rupees and a motorcycle as dowry and used to beat and harass her. According to the witness, he had called relatives to his house and held a panchayat. In that panchayat, Ram Narayan, Kamlesh, Kallu, and mediator Badshah Khan and his other relatives were present. Ld. Defence Counsel suggested witness that his deceased sister Sanjana was suffering from T.B. disease, which was denied by the witness.

30. Similarly, P.W-2 Mannu Lal also supported the testimony of the complainant and has deposed that the accused persons used to demand dowry, beat and harass his daughter Sanjana in this regard. This witness in his examination in chief clearly stated that the accused persons demanded one lakh rupees in cash and a motorcycle. The witness has also stated that although a panchayat was held in this regard, the accused did not agree and continued to harass his daughter for additional dowry demands. The witness clearly stated in Cross-examination that when she returned home for the first time (Chauthi) after marriage, she told him that her in-laws were demanding dowry. According to the witness, his daughter did not come to her parental home again. On 27.08.2017 at 9:00 AM, he received information about his

daughter's illness, upon which he forcibly took his daughter from the house of her in-laws, in an ill condition and took her for treatment and got her admitted to District Hospital, Hamirpur.

31. Similarly, P.W-4 Rampal has also supported the statements made by P.W-1 Umakant and P.W-2 Mannu Lal in his evidence. P.W-4 Rampal clearly stated in his testimony that on 27.08.2017, his niece Sanjana was fed something by her in-laws due to which her health deteriorated. The witness also stated that the accused were demanding additional dowry in the form of one lakh rupees and a Pulsar motorcycle and subjected her to cruelty, harassment and beatings to fulfill additional demand of dowry. According to the witness, upon information of Sanjana's illness, her family members reached the house of her in-laws and got her admitted to the Government Hospital, Hamirpur. According to the witness, when they reached the hospital, Sanjana was alive and she told them while crying that her husband Kamlesh had given her poison. In the cross-examination of this witness, he stated that when they reached the hospital, they saw injury marks on Sanjana's neck, chest, and back. The witness denied the defence suggestion that Sanjana was suffering from T.B. disease and she died due to the extremely critical condition as a result of this disease.

32. Therefore, all three witnesses presented by the prosecution P.W-1 Umakant, P.W-2 Mannu Lal, and P.W-4 Rampal have clearly stated in their evidence that the accused were not satisfied with the dowry given at Sanjana's wedding, and were demanding additional dowry of one lakh rupees in cash and a Pulsar motorcycle and used to beat and harass Sanjana for additional demand of dowry. According to the prosecution witnesses, they had also called a panchayat in this regard, but even after being persuaded, the accused persons continued to harass Sanjana for additional demand of dowry. At this stage, it is pertinent to mention that defence witness D.W-2 Noor Mohammad also

mentioned that a settlement had taken place between both the parties after the marriage. Although, he stated that the settlement occurred due to Sanjana's illness and that the marriage was to be continued, his statement makes it clear that a panchayat had indeed taken place with Sanjana's in-laws in which there was an agreement to continue with the marriage. The defence stated that this settlement took place due to a dispute as Sanjana's was suffering from T.B. disease. However, the prosecution witnesses categorically denied the fact that Sanjana had T.B. disease. The defence has also not presented any medical evidence regarding Sanjana suffering from T.B. disease, which would confirm that Sanjana was undergoing treatment for it.

33. Therefore, from the analysis of the above evidence of key prosecution witnesses of fact it is proved that additional demand of dowry was made by Sanjana's in-laws and she was harassed for it. Now it has to be seen whether the death of the deceased occurred under unnatural abnormal circumstances?

34. In the present case, it becomes important for this court to examine the inquest report regarding the death of the deceased whether it happened under unnatural abnormal circumstances and in this regard the post mortem report of the deceased and the evidence of medical witness P.W-5 Dr. Anil Kumar Singh, as well as the report of the Forensic Science Laboratory (FSL). After the death of the deceased, her inquest report was prepared on 29.08.2017 by witness P.W-6 Vijay Pratap Singh, Tehsildar, who visited the mortuary at District Hospital, Hamirpur. The Inquest report Exhibit Ka-3 on record, in which bleeding from the nose is mentioned in the column for injuries. According to medical witness P.W-5 Dr. Anil Kumar Singh, rigor mortis was present all over the body before death, the eyes and mouth were closed, and there was bleeding from both nostrils. As per the doctor's opinion the cause of death could not be ascertained, hence viscera was preserved and later sent to

the Forensic Science Laboratory, Lucknow. According to the Forensic Science Laboratory report available on record, which was proved by prosecution witness P.W-10 Ravi Kumar Singh as Exhibit Ka-11, **Organo-Phosphorus Insecticide poison** was found in parts 01 to 08 of the preserved viscera. Thus, it is well established from the Forensic Science Laboratory report that the deceased died under unnatural abnormal circumstances due to consumption of Organo-Phosphorus Insecticide poison.

35. In the present case, Sanjana's death occurred within three months of her marriage. P.W-1 Umakant and P.W-2 Mannu Lal, who are the brother and father of the deceased respectively, clearly stated in their testimony that when the deceased came home on the occasion of "Chauthi" after marriage, she told her family members that her in-laws used to beat and harass her for additional demand of dowry. According to the prosecution witnesses, deceased Sanjana had also told them that the accused were demanding additional dowry of one lakh rupees in cash and a motorcycle. It also came out in the testimony of the prosecution witnesses that a panchayat was called in this regard and a settlement took place, but even after that the accused persons did not agree to their persuasions and continued to beat and harass Sanjana. Sanjana's death occurred within three months after marriage under unnatural abnormal circumstances. Since the cause of death could not be ascertained in the postmortem report of the deceased, the viscera was sent for examination, in which Organo-Phosphorus Insecticide poison was found in her body. This itself clearly proves that she was continuously subjected to cruelty and harassment during this short period of marriage, and such behavior continued till her death.

36. From the above analysis, it is clear that the prosecution has successfully proved that Sanjana's death occurred within three months of her marriage under unnatural abnormal circumstances due to administration of

Organo-Phosphorus Insecticide poison. The prosecution has also proved through evidence that just before her death, she was harassed for demand of dowry and was treated with cruelty.

36.1 Therefore, from the above evidence, the essential ingredients of the offence under Section 304B IPC are well established. Hence, under Section 113B of the Indian Evidence Act, a presumption arises against the accused persons. The burden to disprove and rebut this presumption now shifts to the accused persons.

36.2 The accused persons argued that Sanjana was suffering from T.B. disease and died during treatment, and therefore the liability for the offence of dowry death cannot be fixed on them. However, in the present case, the accused persons have completely failed to prove that Sanjana was suffering from T.B. and that her death occurred due to this illness. The accused persons failed to present any medical document on record regarding Sanjana's having T.B disease. Brother and father of deceased Sanjana completely denied that she was suffering from T.B disease. From the perusal of the Forensic Science Laboratory report **Exhibit Ka-11**, it is also clear that Sanjana's death occurred due to consumption of **Organo-Phosphorus Insecticide** poison and not from any disease. Therefore, the presumption under Section 113B of the Evidence Act fully applies in the present case, which the accused persons have not been able to disprove or rebut in any manner.

37. The defence argued that the death of the deceased was due to illness, no demand for dowry was made, nor was she ever harassed for dowry. The accused persons have their own Eco car, Tempo, and motorcycle, and own house and land, so why would they demand an additional one lakh rupees and a motorcycle as dowry? D.W-2 Noor Mohammad stated in his testimony that the deceased often remained ill and her father used to get her treated in Hamirpur. However, no medical document was presented by the defence in

support of the statement of defence witness by which it is proved that the deceased had a serious illness prior to her marriage. On behalf of the defense, D.W-1 Dr. Pawan Kumar Sachan was examined, the said witness only stated about bringing of Sanjana for treatment at CHC, Ghatampur Hospital on 25.08.2017. No statement was made by D.W-1 regarding any treatment of Sanjana (deceased) prior to this, nor were any previous treatment papers presented, which prove that prior to the alleged incident, Sanjana (deceased) was treated for T.B or any other disease. This fact is also confirmed and corroborated by the documentary evidence presented on behalf of the defense, the Inpatient Case Record - Surgery Paper No. 125Kha/5 to 125Kha/9 of District Hospital, Hamirpur, in which it is mentioned that Sanjana (deceased) was admitted to the said hospital by her husband Kamlesh on 27.08.2017 at 4:15 PM. In this paper No. 125Kh/6, in front of the column for '**History of previous treatment**', it is mentioned '**No History given**'.

38. At this stage, it is also pertinent and noteworthy that D.W-1 Dr. Pawan Kumar Sachan has stated that on 25.08.2017 Sanjana was given primary treatment for complain of abdomen pain by Dr. Kripa Shankar at CHC Ghatampur and when she did not recover from that treatment, she was referred to Ursula Hospital, Kanpur. But the accused persons, despite knowing her critical condition did not get her admitted to any other hospital for treatment. According to P.W-2 Munnu Lal, on receiving information of his daughter's serious ill condition, he reached Sanjana's marital home on 27.08.2017 and after putting pressure on her in-laws, took Sanjana to Hamirpur District Hospital for treatment and got her admitted there. The fact that the accused persons did not get Sanjana treated properly anywhere w.e.f. 25.08.2017 to 27.08.2017, presence of Organo-Phosphorus Insecticide poison in her body in the viscera report and the clear mention of this fact by Sanjana to her brother and father that her in-laws had fed her poison substance, clearly brings out

their involvement in the crime.

39. In the testimony of D.W-2 Noor Mohammad, it came forth that after marriage Sanjana often used to fall sick and there was tensions between both the sides of marriage over this issue. As per D.W-2, a compromise was reached between families that since the marriage has already taken place, it should be sustained. But in this regard, no compromise deed or any documentary evidence was presented by the defense. However, in the cross-examination D.W-2 has stated that the compromise was oral and was made in front of four to avoid filing an FIR in the matter. But, neither the name of those four persons were disclosed by defence witness nor were they produced to disprove the prosecution case before this court, which might have proved that there was some kind of compromise regarding the illness of the deceased between the families.

40. On behalf of the defense, it was stated that the post-mortem report mentions that no ante-mortem injury was found on the body of the deceased. Defence counsel argued that, P.W-5 Dr. Anil Kumar Singh, has also stated in his evidence that there was no visible injury on the body of the deceased. On this basis, Ld.counsel argued that there is no evidence of the deceased being beaten up or harassed prior to her death. In this context, it is evident that in the testimony of P.W-4 Rampal, it came forth that upon information of Sanjana's death, the police arrived at the hospital on 29.08.2017 at approximately 10:00 AM. The police had turned the body over and examined it and noticed that, blood was oozing from the nose. In the testimony of P.W-5 Dr. Anil Kumar Singh, this fact has come forth that blood was oozing from the nostrils of the deceased. In the evidence of PW-6 Vijay Pratap Singh, who conducted panchayatnama, it also came forth that a slight blood mark was visible on the nose of the deceased.

41. The learned advocate for the defense argued that the FIR was

lodged after much delay and deliberation, and no proper explanation for the delay was given by the prosecution. Whereas the prosecution's argument is that the delay is natural. In this regard, **Exhibit Ka-1**, the FIR records the fact that Sanjana was married on 02.06.2017 and on 27.08.2017 condition of his sister deteriorated at the house of her in-laws and she was admitted to the District Hospital, Hamirpur, where she died in the hospital on 28.08.2017. After performing the last rites of his sister, the plaintiff gave a written complaint. P.W-1 Umakant complainant, has also stated in his evidence that after the last rites he lodged FIR at Ghatampur Kotwali. No questions were raised by the defense to challenge the delay during cross examination of this witness. Generally, in cases where a family member dies suddenly or under suspicious circumstances, the mental state of the deceased's family members is not such that they can immediately lodge an FIR. In the present case as well, the married sister of complainant died under unnatural abnormal circumstances at her in-law's house within three months of her marriage. Therefore, the delay that occurred in lodging the FIR is natural and justifiable.

42. During arguments and in the statement under Section-313 Cr.P.C, it was stated that the complainant side demanded money from the accused persons, and upon refusal, a false case was lodged. D.W-2 Noor Mohammad, stated in his chief examination that complainant Umakant had said, "Get us ten lakh rupees, we will not file the case." The father of the deceased Munnu Lal also began saying, "Get us five lakh rupees, we will not get the case filed." But neither the said defense witness stated in his evidence when, before whom, and where the complainant Umakant and Munnu Lal made this demand. Although, on behalf of the defense, P.W-1 Umakant was given the suggestion that he had demanded twenty lakh rupees from the family of the accused, and upon not receiving it, filed this case; P.W-2 Munnu Lal was also given the suggestion that they demanded five lakh rupees from accused persons, and since it was not

given, the case was filed. Similarly, P.W-4 Rampal was also given the suggestion that after Sanjana's death, they demanded ten lakh rupees from her in-laws and, upon not receiving it, got a false case filed. But the defense did not present any facts before this court in evidence regarding these suggestions, and the fact that separate amounts of money were allegedly demanded from different persons for the compromise also renders this argument of the defense unreliable.

43. The learned defence counsel has also argued that, the accused persons have not harassed the deceased for dowry. This was argued that prior to the incident, no one from her parental side filed any complaint in this regard. Generally, it is observed that the victim's side tries to avoid any kind of dispute so that their sister or daughter does not face unnecessary trouble at her marital home. Normally, people try to resolve the matter through conversation and persuasions itself. Therefore, merely because no complaint or case was registered prior to the incident regarding the demand for dowry and harassment related to it, it cannot be said that the fact placed regarding the demand for dowry is entirely false. At this stage, it is also important to mention that Sanjana's death occurred under suspicious circumstances within very short period of three months of her marriage.

44. In the present case, during arguments, the learned defense counsel took the plea that all the witnesses examined by the prosecution are family members of the deceased and are interested witnesses and there is no independent witness of the incident, therefore their testimony cannot be believed. In this regard in **Namdeo vs. State of Maharashtra (2007) 14 SCC 150:2007(2) CCSC 634 (SC)**, the Hon'ble Supreme Court has laid down that-

"It is clear that a close relative cannot be described as an 'interested' witness. He is a 'natural' witness. However, his testimony should be carefully scrutinized. If, upon such scrutiny,

his testimony is found to be intrinsically reliable, inherently probable, and wholly trustworthy, then conviction can be based even on the 'sole' testimony of such a witness. The close relationship of the witness with the deceased or the victim is not a ground to reject his testimony."

44.1. In this regard, it is clear that witness P.W-1 complainant Umakant is the brother of the deceased Sanjana, witness P.W-2 Munnu Lal is the father of the deceased Sanjana, and witness P.W-4 Rampal is the paternal uncle of the deceased Sanjana. All three witnesses have supported the prosecution story in their respective statements. The case relates to dowry harassment and the death of the deceased under unnatural abnormal circumstances. In dowry harassment cases, the concept of an independent witness cannot be envisaged. Generally, in dowry-related cases, people from the deceased's parental side are the witnesses. The deceased died under unnatural abnormal circumstances at her marital home. The testimony of the said fact witnesses cannot be discarded merely on the ground that they are interested witnesses. In light of the testimony of the above witnesses and the legal provision cited, the defense's argument that the fact witnesses examined by the prosecution are family members of the deceased, are interested witnesses, and are falsely implicating the accused by recording false testimony, becomes untenable.

45. Therefore to sum up the prosecution has succeeded in proving on the basis of its reliable oral and documentary evidence that the accused persons Ram Narayan and Kamlesh demanded additional dowry of one lakh rupees and a motorcycle from the deceased Sanjana at her marital home, and on account of that demand, the deceased was harassed by the accused, and during her stay at the marital home and soon before her death the deceased was administered a poison named Organo-Phosphorus Insecticide, due to which she died under unnatural abnormal circumstances within just three months of her marriage.

46. Thus, the prosecution has succeeded in proving the charges leveled against accused persons Ram Narayan and Kamlesh under Sections 498A, 304B, 328 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act beyond reasonable doubt. Consequently, accused persons Ram Narayan and Kamlesh are liable to be convicted under Sections 498A, 304B, 328 IPC and Section 3/4 D.P Act.

ORDER

47. The Accused persons Ram Narayan and Kamlesh are convicted under sections 498A, 304B, 328 I.P.C and Section 3/4 D.P Act in Sessions Trial No.-185/2018 State of U.P Vs. Ram Narayan & Others, Case Crime No.-812/2017, Police Station Ghatampur, District Kanpur Nagar.

48. Accused persons Ram Narayan and Kamlesh are on bail. Their Bail Bonds are cancelled and Sureties are discharged. Accused persons are present in Court. Accused persons Ram Narayan and Kamlesh are taken into judicial custody. Put up after lunch for hearing on sentence.

Date – 08.07.2026

(Ravindra Singh)
Sessions Judge
Ramabai Nagar (Kanpur Dehat)
J.O.Code– UP02003

After Lunch on 08.07.2026

Heard learned counsel for accused persons Ram Narayan and Kamlesh and learned D.G.C (Criminal) for the State.

Ld. defence counsel argued that the accused persons are poor persons and prayed to adopt liberal view in passing sentence. There is no criminal history of convicted persons. It is also argued that the accused Kamlesh is young and has recently married with a widow lady and there is no one in family to take care of her.

Ld. D.G.C (Criminal) argued that accused persons has committed heinous offence of dowry death within three months of the marriage. He prayed to punish them with maximum punishment prescribed for the offences.

Considering all fact and circumstances of case, it would be proper to sentence the accused persons as -

- i) with seven years rigorous imprisonment for the charge u/s 304B I.P.C,
- ii) with two years rigorous imprisonment and fine of Rs. 2,000/- (Rupees two thousands) under Section 498A I.P.C,
- iii) with five years rigorous imprisonment and fine of Rs. 5,000/- (Rupees five thousands) under Section 328 I.P.C.
- iv) with two years imprisonment and fine of Rs. 2,000/- (Rupees two thousands) under Section 3/4 D.P Act.

Order

Accused Ram Narayan and accused Kamlesh each are sentenced with seven years rigorous imprisonment under Section 304B I.P.C.

Accused Ram Narayan and accused Kamlesh each are sentenced with two years rigorous imprisonment under Section 498A I.P.C and with fine of Rs. 2,000/- (Rupees two thousands) each. In default of payment of fine, each shall further undergo simple imprisonment for two months.

Accused Ram Narayan and accused Kamlesh each are sentenced with five years rigorous imprisonment under Section 328 I.P.C and with fine of Rs. 5,000/- (Rupees five thousands) each. In default of payment of fine, each shall further undergo simple imprisonment for three months.

Accused Ram Narayan and accused Kamlesh each are sentenced with two years imprisonment under Section 3/4 D.P Act and with fine of Rs. 2,000/-(Rupees two thousands) each. In default of payment of fine, each shall further undergo simple imprisonment for two months.

All sentences shall run concurrently.

The period spent in jail in connection with this case shall be set off as per Section 428 Cr.P.C.

Conviction warrant be prepared accordingly.

Copy of this judgement be provided to the convicted accused persons free of cost.

Date – 08.07.2026

(Ravindra Singh)
Sessions Judge
Ramabai Nagar (Kanpur Dehat)
J.O.Code– UP02003

Judgement is signed, dated and pronounced in open Court today.

Date – 08.07.2026

(Ravindra Singh)
Sessions Judge
Ramabai Nagar (Kanpur Dehat)
J.O.Code– UP02003