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**IN THE COURT OF THE SESSIONS JUDGE, AMBEDKAR NAGAR**

Sessions Trial No. 103 of 2015  
Presiding: Chandroday Kumar, HJS, JO Code UP6553  
State of U.P.  
Vs.  
Arvind Kumar Kannaujia – Accused  
Charge: Sections 498A, 304B of the Indian Penal Code, 1860 and Sections 3 & 4 of the Dowry Prohibition Act, 1961.  
  
Prosecution Counsel- Sri Govind Srivastav, DGC (Criminal)  
Defence Counsel- Sri Balram Dubey, Advocate

**JUDGMENT**

**Introduction**

**1. Factual Background:** This case arises from the tragic death of one Smt Premlata, the 17-year-old wife of the accused, Arvind Kumar Kannaujia. Premlata was married to Arvind on 15th June 2014. Barely four months into the marriage, on 2nd October 2014, she died under mysterious circumstances at her matrimonial home and was declared dead at the District Hospital, Ambedkar Nagar. The prosecution alleges that Premlata was subjected to cruelty and harassment by the accused in connection with unlawful demands for dowry (specifically a motorcycle) soon before her death, and that her death was a “dowry death” within the meaning of Section 304B IPC. An FIR was lodged on 3rd October 2014 by Premlata’s father, Fenkuram (PW-1), at P.S. Kotwali Akbarpur (Crime No. 427/2014) against the accused and his elder brother, Shatrughan. After investigation, a charge-sheet was filed and cognisance taken for offences punishable under Section 498A IPC (cruelty to wife), Section 304B IPC (dowry death), and Sections 3/4 of the Dowry Prohibition Act, 1961. The case was committed to the Court of Session, and the charges were accordingly framed against the accused, Arvind. (It is noted

that the investigating officer dropped the co-accused Shatrughan's accusation; the present judgment concerns only the accused Arvind.)

**2. Plea of the Accused:** The accused, Arvind, pleaded not guilty and claimed trial. In his examination under Section 313 Cr.P.C., he denied all incriminating evidence and put forth a defence that Premlata's death was accidental. He stated that the deceased had been unwell for a few days and "by mistake drank a wrong medicine", due to which her condition deteriorated, and despite being rushed to the hospital for treatment, she could not be saved. He claimed he was in mental shock for a long time after her death. The accused also suggested that the case was a result of false implication due to enmity and that the investigation was faulty.

**3. Trial Proceedings:** To substantiate the charges, the prosecution examined nine witnesses (PW-1 to PW-9) and produced documentary evidence, including Exhibits Ka-1 to Ka-16, such as the written complaint, inquest report, post-mortem report, forensic report, etc. The defence examined two witnesses (DW-1 and DW-2) in support of the accused's version. Both counsels were heard at length on the evidence and applicable law.

#### **Points for Determination**

**4.** From the pleadings and the charge framed, the following points arise for determination by this Court:

- 1. Whether Smt Premlata died an unnatural death, other than under normal circumstances, within seven years of her marriage to the accused?**
- 2. If so, whether it is proved that soon before her death, Smt Premlata was subjected to cruelty or harassment by the accused in connection with the demand for dowry (a motorcycle and other dowry articles)?**
- 3. If the above elements are proved, whether the statutory presumption under Section 113B of the Indian Evidence Act, 1872 is attracted, and whether the death of Smt Premlata is a "dowry death" for which the accused is culpable under Section 304B IPC?**
- 4. Whether the accused is guilty of the offence of cruelty under Section 498A IPC on the same facts and evidence?**
- 5. Whether the accused is guilty under Section 4 of the Dowry Prohibition Act, 1961, for demanding dowry (motorcycle) and under Section 3 of the Dowry Prohibition Act for accepting dowry in the marriage?**

Lastly, if the accused is found guilty, what sentence should be imposed?

The above points are examined in light of the evidence adduced, the presumptions of law, and the submissions of the learned counsels.

#### **Evidence Adduced**

##### **Prosecution Witnesses:**

**5. PW-1 Fenkuram (father of the deceased):** He is the informant and bereaved father. In his deposition, PW-1 stated that he performed the marriage of his daughter, Premlata, with the accused, Arvind, on 15.06.2014,

and at the time of vidai (farewell), the accused and his elder brother, Shatrughan, demanded a motorcycle as dowry. Being poor, he could not fulfil this demand. PW-1 testified that due to the unmet dowry demand, the accused and his brother would physically beat and harass Premlata after the marriage. About four months later, on 02.10.2014, PW-1 received a phone call from a villager of the accused's village informing him that "your daughter has been killed by her husband and Jeth by giving poison for dowry". Shocked, PW-1 rushed with others to the matrimonial home, learned that his daughter had been taken to the hospital, and then went to the District Hospital, where he found her already dead. Thereafter, PW-1 lodged a written report at the police station (Exhibit Ka-1), which he got typed through a lawyer and signed (by thumb impression) after it was read over to him. He identified Exhibit Ka-1 as the same complaint he gave to the police, bearing his thumbprint.

**6. Cross-examination:** PW-1's cross-examination spanned multiple dates. He admitted that he gave some items in the marriage of his own accord – such as a gold chain, ₹10,000 in cash, and a bicycle – though the accused had not explicitly demanded them. He maintained that the marriage was initially performed happily. He could not say how many people knew his daughter's phone number, but he received the tragic phone call around 5:00 PM on 2nd October. He went to the hospital with another person and was informed by the doctor that his daughter had been given poison. He did not, however, ask the doctor at what time she was brought to the hospital. By the time he arrived, Premlata had already died, and the doctor explicitly told him, "Your daughter was administered poison". PW-1 conceded that he did not immediately approach the police on 2nd October; instead, he prepared the written report the next day with the help of a lawyer and then lodged the FIR. He explained that he is illiterate and thus took assistance in drafting the complaint.

**7.** PW-1 further stated that about one week before Premlata's death, he had visited her matrimonial home to see her well-being. He stayed for about half an hour, during which the accused was present at home (not at his shop) and they exchanged pleasantries. He did not report any quarrel during that visit. After his daughter's death, PW-1 did not return to the accused's village (the in-laws performed the cremation). He firmly denied the defence suggestion that his daughter died because she accidentally consumed some farm pesticide due to illness; he refuted any claim that the accused had made sincere efforts to treat or save her but could not do so. PW-1 also denied that the accused lost his mental balance or became insane after the incident. Nothing material to discredit his testimony about the dowry demand and harassment could be elicited, except minor contradictions regarding the exact events at the wedding, which will be discussed later.

**8. PW-2 Shanti (mother of the deceased):** PW-2 corroborated the fact that Premlata's marriage took place on 15.06.2014 and that at the very time of vidai (when the bride was being given farewell), the accused Arvind and his brother demanded a motorcycle in dowry. She stated that due to their

poverty, the bride's family could not fulfil this demand. As a result of this unmet demand, the accused and his brother "used to beat and torture" her daughter, and even refused to send her back with PW-2's husband (on at least one occasion when he went to bring her home). PW-2 further testified that about three months after the wedding, while she was at a pilgrimage in Kadipur, some villagers from the accused's village telephoned and informed her that "your daughter's husband and Jeth have given her poison, due to which her condition is serious". She immediately relayed this to her husband (PW-1). By the time her husband reached the in-laws' house, Premlata had already died, and subsequently, PW-1 lodged the FIR. PW-2 stated that during the police investigation, she had narrated all these facts to "Daroga ji" (the Investigating Officer).

**9. Cross-examination:** PW-2 candidly admitted that she did not witness the actual incident - "my daughter did not die in front of me; we got the information after her death". She reiterated that the information they received was that Premlata had been fed poison and killed, though she did not know the caller's identity or even their gender. The call came on the same day that Premlata was taken to the hospital. PW-2 did not go to the scene of the occurrence; she went directly to the post-mortem house from the pilgrimage site upon learning of the death. At the post-mortem, she noticed her daughter's body complexion had changed (from fair to slightly dark) after death, but she did not observe details like stiffening of limbs because the body was sealed by then. She confirmed that the in-laws' side performed the last rites of her daughter.

**10.** Importantly, PW-2 corroborated the dowry demand at the wedding, adding that during the marriage rituals (dwarachar), an altercation occurred over the motorcycle demand. She clarified that the demand was made to her husband (not directly to her) and that she personally was not directly asked for any dowry items. She recalled that the bride's departure (vidai) at the wedding ultimately took place amicably after initial discord. PW-2 admitted that after the marriage, she never visited her daughter's marital home, so she had no personal observation of how her daughter was living there. She was unaware of the accused's financial status, land, or occupation, as the marriage was arranged through a fellow villager, and she had not inquired about the groom's family background.

**11.** PW-2 stated that Premlata had come to the parental home only once after marriage (for about seven days) before being taken back by her husband, and thereafter remained at her matrimonial home. She described the accused (Arvind) as seeming "a gentle, industrious and decent boy" at the time of marriage, which was the reason her husband agreed to the match. She expressed that she had no objection to the marriage when it was arranged. PW-2 was confronted with the fact that her statement was being given for the first time in Court; she acknowledged that this was her first deposition after her daughter's death and that her statement had not been recorded by the police earlier. (This appears to be an investigative lapse, as the IO did not

record PW-2's statement during the investigation.) She denied the defence's suggestion that she was parroting what her husband or others told her. She maintained that the incident did occur as alleged and refuted the defence theory of illness or accidental ingestion of the wrong medicine.

**12. PW-3 Om Prakash Mishra:** He is a neighbour or acquaintance who acted as a mediator ("aguwa" or arranger) in the marriage of Premlata and Arvind. PW-3 deposed that he had arranged the wedding on 15.06.2014 and that the marriage was performed with due celebration as per Hindu rites. He stated that Premlata's father (PW-1) gave gifts and a dowry at the time of the marriage, according to his means. PW-3 further testified that later he came to know that Premlata "was given poison and killed for dowry". He confirmed that police had recorded his statement during the investigation.

**13. Cross:** In cross-examination, PW-3 said there was no quarrel over dowry during the wedding; "the marriage and vidai took place happily". He clarified that he was not a close member of the groom's party – he was neither a relative nor the representative ("malik") for the groom's side. He did not even know who specifically represented the groom's side in the negotiations (though he mentioned some brother-in-law of Arvind acted as malik on Arvind's behalf). PW-3 admitted he had no personal knowledge of how the girl died or how many days after marriage the death occurred; he only heard about her death from villagers. He also stated that he never visited the couple's village after the marriage and had no knowledge of their lifestyle or relations thereafter. PW-3 denied telling the police clerk that she was "poisoned for dowry" – indicating that his knowledge of the cause was second-hand hearsay. He did not see the dead body or participate in the cremation, and he was not aware who performed the last rites. The defence suggested that PW-3, being the family's priest ("purohit") or well-wisher, was giving a false statement under pressure from the complainant; PW-3 refuted this and asserted he was not testifying under anyone's influence.

(The Court notes that PW-3's evidence confirms the factum of marriage and that the bride's side gave customary dowry gifts. However, he did not corroborate the prosecution's allegation of a dowry dispute at the wedding; rather, he downplayed any such incident, which will be considered in assessing the consistency of evidence.)

**14. PW-4 Chikhuri:** He is a resident who worked as a barber (nai) during the wedding. Being illiterate, he could not recall the exact date of the wedding, but affirmed that he provided barber services at the function in the village of Chitouni (the matrimonial village). He testified that the marriage was celebrated with pomp and show, and later he came to know that "Fenkuram's daughter died at her in-laws' house". He acknowledged that the Circle Officer (CO) had recorded his statement in the investigation.

**15. Cross:** PW-4 stated that he did not know who led the groom's side at the wedding. He said the bride's send-off was peaceful and without any dispute; both sides gave customary gifts (neg etc.) to him as per tradition. He

did not know whether any formal engagement or dowry negotiation ceremonies (like tilak or bariksha) took place. He professed ignorance about how the bride died. The defence insinuated that, as a barber who served the complainant's family, he might be deposing falsely under pressure from them, which PW-4 denied. He maintained he indeed worked at that wedding and was not lying about it.

(PW-4's evidence is of limited value – he simply confirms the occurrence of the marriage and the fact that the news of the bride's death became known. He did not witness any dowry-related quarrel at the wedding; in fact, he stated there was none, which is in line with PW-3's cross-exam testimony but somewhat contrary to PW-2's version of a quarrel at Dwarachar. This discrepancy will be weighed later.)

**16. PW-5 Basantlal Verma:** This witness was one of the panchas (witnesses) for the inquest (panchnama) on Premlata's body. He deposed that around 3-4 years ago (approximately in 2014), he happened to be at the District Hospital on personal work, when a police sub-inspector was conducting the inquest on a female corpse (later identified as Premlata). The officer asked some persons present (including PW-5) to act as panchnama witnesses. PW-5 stated that the inquest form was filled in his presence, and he, along with the other panchas, signed it at the officer's request. He identified his signature on the inquest report (Exhibit Ka-2) on the court record. Essentially, PW-5's role was to serve as a formal witness at the inquest proceedings on 2/3 October 2014.

**17. Cross:** In cross-examination, PW-5 admitted he did not know the deceased personally at all. He was at the hospital to accompany his brother for treatment, not in connection with this case. He only learned the name and details of the deceased when the Circle Officer informed him later at the time of taking his statement. He said that about a month after the incident, a Daroga (IO) recorded his statement. PW-5 frankly stated that the police prepared some documents and asked him to sign them; he was not required to sign any blank paper, but he did sign the prepared forms. At the time he signed the panchnama, the body was wrapped/covered, so he could not actually see the condition of the corpse or identify the person. He did not know the accused, Arvind, personally and couldn't even say whether Arvind was present at the hospital during the inquest. Because the body was covered, PW-5 could not describe its appearance or colour; he simply signed as instructed. He recalled that the Circle Officer later recorded his statement at the old Tehsil building. PW-5 revealed that he did not see the actual dead body, but he heard people there saying that the girl died by burning. He noted villagers of the deceased's village were also present, and they mentioned she had "died by burning". (This hearsay about burning is actually inconsistent with the medical findings, which show death by poison, not burns – indicating PW-5 was operating on rumours.) PW-5 candidly admitted: "I indeed signed the papers as told by the police. It is also true that I am giving my statement based on the information given by the police". He further

conceded: "It is true I have no personal knowledge of the incident; I am stating only what the police people told me".

(This testimony reflects that PW-5 was a chance witness roped in for the inquest formalities. He essentially confirms the authenticity of the inquest report but also highlights that he personally knew nothing and relied entirely on the police briefing. His candour about signing at the police's behest and not actually observing the body raises some questions on the rigour of the inquest, but does not by itself throw doubt on the fact of death or its timing. It does, however, underscore that no independent eyewitness of the actual poisoning exists.)

**18. PW-6 Dr Rajendra Prasad (Medical Officer):** This is a crucial witness – the doctor who conducted the post-mortem examination on Premlata's body. He testified that on 03.10.2014, while he was posted as a Medical Officer at District Hospital, Ambedkar Nagar, he conducted the autopsy of an identified female body from 1:30 PM to 3:00 PM. The body was identified as that of Premlata, 22 years, w/o Arvind Kumar of village Hasingarh Chitouni, P.S. Kotwali Akbarpur. (The age was noted as 22 in the records, likely based on information given by police or family, though evidence suggests she was actually about 17 – this age discrepancy is noted but not material to the cause of death.) The body was brought in a sealed condition by Constable Surya Bhan Yadav and was sent by the SHO with the required police documents. The seal was intact and matched the sample seal; after opening it, the body was identified by the accompanying constable.

**19. Post-mortem Findings:** PW-6 deposed that externally, the deceased was of average build; her mouth and eyes were half open; and rigor mortis (post-mortem stiffening) was present throughout the body. No external injury was found on her body – "no visible external injuries were present". On internal examination, the following significant observations were made: the brain was congested; the pharynx (throat), larynx, vocal cords and trachea were congested; both lungs were congested; the heart chambers were full of blood, and large blood vessels were engorged, indicating venous congestion. The stomach's mucosa was congested, and **about 50 ml of foul-smelling fluid** was present in the stomach. The small and large intestines contained faecal matter and gas. The liver, spleen, and kidneys were congested; the gall bladder was noted "pila" (which likely means it contained yellow bile). The urinary bladder was empty. The uterus was empty, and the hymen was ruptured (consistent with a married woman). The doctor opined that the death had occurred approximately within half to one day prior to the autopsy (i.e., roughly 12–24 hours before 1:30 PM on 3rd October, situating death likely on 2nd October).

**20.** Importantly, PW-6 stated that the cause of death was not immediately apparent from the gross examination, so he preserved the viscera (stomach contents, parts of intestines, liver, etc.) for chemical analysis. The sealed viscera samples were handed over to the constable for forensic laboratory

testing. PW-6 identified the post-mortem report (Exhibit Ka-3) prepared by him. He further testified that, subsequently, the Forensic Science Laboratory (FSL) report on the viscera (Exhibit Ka-16) was received, and it showed that the viscera tested positive for an **insecticide poison, specifically “DDVP” (an abbreviation for Dichlorvos, a common organophosphate group insecticide)**. In other words, a pesticide poison was detected in the stomach, liver, etc., of the deceased. Thus, PW-6 concluded that the cause of death was poisoning by insecticide. (DDVP is known to be a highly toxic organophosphate compound, often found in agricultural pesticides; its presence conclusively indicates poisoning.)

**21. Cross:** In cross-examination, Dr Rajendra Prasad clarified a few points. He mentioned that the “12 items” found on the body (at the time of autopsy) were mainly personal adornments/cosmetic items – perhaps jewellery, clothing, or a vial (he specifically noted these included bangles, a necklace, and an IV cannula in her hand from treatment). He confirmed that there were no external injuries at all on the body that could be seen. He also explained the chain of custody: he received the body at the post-mortem house along with police papers (Form No. 6, etc.). As per the police documents, the body was brought by police for autopsy and had been declared dead before arrival (meaning she was brought as a cadaver, not a live patient). No hospital treatment papers accompanied the body to him, which implied that any treatment given was only noted in a police memo rather than a hospital record. Indeed, Form-6 indicated the body was brought in dead, hence no hospital case-sheet was generated. He reaffirmed that rigor mortis was present, consistent with the timeframe since death. The doctor stood by his report and added that had the deceased been suffering from some prior chronic illness, usually some pathological sign of it might have been observable during the autopsy – in most cases, existing disease leaves some trace, but he found none significant except the effects of poisoning. He opined that after receiving the FSL result confirming the poison in the viscera, the cause of death became very clear, due to insecticide poisoning. He also translated “insecticide” as “कीटनाशक विष (rasayanik)” in Hindi for clarity on record. PW-6 firmly denied the suggestion that anyone influenced his report; he insisted it was prepared strictly on medical facts.

(PW-6’s testimony is pivotal. It unambiguously establishes that Premrata’s death was unnatural and caused by a toxic substance (DDVP insecticide). There were no injuries, which tends to suggest either poisoning by ingestion (either suicidal or homicidal) rather than physical assault or strangulation, etc. The presence of an IV cannula and the mention that she was brought to the hospital by the accused for treatment indicate that some effort at medical intervention was made. The medical evidence does not directly tell us whether the poison was self-ingested or administered by someone else (however, it is difficult to assume administration forcibly, as there is no resistance mark on the body or deceitfully, as insecticide was foul-smelling); however, it rules out natural death and strongly supports the prosecution’s



case that she died of poisoning. The forensic confirmation of poison lends credence to PW-1 and PW-2's claim that they were informed she died due to poison. This satisfies a significant element of Section 304B IPC – that the death occurred in circumstances “otherwise than normal,” i.e. an unnatural death. I will analyse later, in light of the presumption under Section 113B Evidence Act, how this medical fact interacts with evidence of dowry harassment.)

**22. PW-7 Sub-Inspector Santosh Kumar Singh:** He was the police officer who conducted the inquest (पंचायतनामा) and initial investigation steps. PW-7 stated that on 02.10.2014 (the date of the incident), he was posted as a Sub-Inspector at PS Kotwali Akbarpur. Around that evening, upon receiving a memo from the District Hospital about a death, he proceeded to the hospital with a constable. At the hospital morgue, he found the body of Premlata. PW-7 then undertook the inquest proceedings in the presence of panch witnesses. He appointed five panchas: (1) Arvind Kannaujia (the accused himself, who was present as the husband of the deceased), (2) Ram Sahay, (3) Ram Kuber, (4) Tribhuwan, and (5) Basantlal. He deposed that he separately queried each pancha and all agreed that a post-mortem should be conducted to ascertain the cause of death. He then prepared the Inquest Report (Exhibit Ka-2) on the spot, had it signed by the panchas (including the accused), and after completing the formalities, he sealed the body and handed it over to Constable Surya Bhan for transporting to the mortuary for autopsy. PW-7 also proved various related documents prepared by him during the inquest: the “memo chitthi” (report to the Medical Officer for autopsy) Exhibit Ka-4; the form sent to Chief Medical Officer (Exhibit Ka-5); the “pratisaranirikshan” form (another autopsy forwarding form, Exhibit Ka-6); the Police Challan Form No. 13 (Exhibit Ka-7); the Police Form No. 33 (dead body challan, Exhibit Ka-8); the “Photo Lash” (body identification form with sketchgraphs, Exhibit Ka-9); and the sample seal (Exhibit Ka-10). All these documents are standard inquest and autopsy forms, and PW-7's testimony establishes that the inquest was duly conducted in accordance with law on the evening of 2nd October 2014 at the hospital. He noted that his statement regarding the inquest proceedings was later recorded by the Circle Officer (Indu Siddharth, PW-9) during the investigation.

**23. Cross:** Under cross-examination, PW-7 provided additional details: He conducted the inquest in the hospital premises (not at the house). He stated that, according to information, “the deceased died during treatment” at the hospital. **In fact, the hospital memo indicated that it was the husband, Arvind, who had admitted her for treatment before she died.** PW-7 received the death intimation at about 6:45 PM on 2nd October, and he arrived thereafter to start the inquest. He observed items on her body, including glass bangles on her wrists, a neck garland (mala), and an IV drip needle (Vigo) in her hand – these were recorded in the panchnama as articles found on the body. He did not recall each item at the time of deposition but had listed them contemporaneously. PW-7 had noted the deceased's complexion as “wheatish” in the inquest report. He did not note any bluish or blackish

discolouration of the body in his report (such as might sometimes appear in poisoning cases). He expressly noted that at the time of the inquest, no external injuries were visible on the body, aligning with the post-mortem finding of no external injury.

**24.** PW-7 confirmed that the deceased's husband (accused Arvind) was present throughout the inquest. However, PW-7 did not question the husband at that time about the incident. (Inquests in India are focused on the cause of death and do not typically involve formal interrogation of suspects at that moment.) Instead, PW-7 simply chose those who were present (including Arvind and others who came with him) to act as witnesses and sought their opinion on sending the body for autopsy. He estimated the entire inquest procedure took about 30-35 minutes. After completing the panchnama and forms, he handed over the body (sealed) to the constable for post-mortem. PW-7's own statement was later recorded by the IO (CO Indu, PW-9) at the CO's office, though he did not recall the date. He admitted that he wrote the deceased's age on the forms based on what was written in the memo – he did not independently verify her age or ask anyone (hence, the age was recorded as 22 years, as given by someone). PW-7 did make basic inquiries with the inquest witnesses about how the death occurred; he testified that the witnesses did not know the cause of death or how it happened. He denied the defence allegation that he prepared the panchnama elsewhere beforehand and merely took signatures without visiting the hospital – he asserted that he indeed carried out the inquest properly at the hospital morgue.

(PW-7's evidence, read with PW-6's, completes the chain: Premlata was brought to the hospital by her husband, she died during treatment or was declared dead by that evening, and the inquest was promptly done that night by PW-7, followed by autopsy the next day. The accused's presence at the inquest and his cooperation at that stage are noteworthy. It suggests that, at least outwardly, the accused did not abscond and was willing to have the matter medically investigated. However, PW-7 did not delve into any foul play in the inquest; the inquest's scope is limited to determining whether death was unnatural and should be investigated further. Indeed, he found no external injuries and recorded the cause as unknown pending autopsy. The mention that Arvind got her admitted for treatment could support either a genuine effort to save her or an attempt to cover up, depending on how other evidence is viewed. This will be discussed in the analysis of circumstantial evidence.)

**25. PW-8 Retired Head Constable Raj Kumar:** He was the Duty Head Constable (Moharrir) at PS Kotwali Akbarpur who formally registered the FIR. He deposed that on 03.10.2014, while on duty at the police station, he received the written complaint (tahrir) from the informant (PW-1 Fenkuram). On oral instructions of the Station Officer (SHO), he prepared and registered the First Information Report as Crime No. 427/2014 under Sections 498A, 304B IPC and 3/4 Dowry Prohibition Act against the accused Arvind and Shatrughan. PW-8 proved the original FIR (Chik FIR, Exhibit Ka-11), which

bears his handwriting and signature. He also proved the corresponding General Diary entry (GD Entry No. 22 at 11:15 AM on 03.10.2014, Exhibit Ka-12) by which the FIR was logged in the station diary. He confirmed that the FIR and GD copies on the record are true copies of what he prepared on that day. He noted that the Circle Officer later recorded his statement during the investigation.

**26. Cross:** In cross-examination, PW-8 did not remember the exact date or month of his posting to Akbarpur PS, but recollected that on that day (3rd Oct), he was on duty in the station writing room. He prepared the FIR and the GD himself. He could not recall the physical description of the person who brought the written complaint. He clarified that after the SHO's verbal order, he registered the FIR in writing. A point was raised about the thumb impression on the Chik FIR – the informant's thumbprint is present, but PW-8 admitted the name of the person who gave the thumb impression was not written below it due to oversight. (Thus, the FIR has the informant's thumb mark, but his name "Fenkuram" was not typed under it. However, other parts of FIR do mention his name as complainant, so this appears to be a clerical lapse.) PW-8 stated that he prepared the FIR on the same date as the complaint and forwarded the papers without any delay. He did not ask the informant why there was a delay between the time of death and lodging (the FIR was filed the next morning). He did not demand any identification from the informant; he also did not note the informant's appearance in the GD entry (which ideally should include a line indicating who brought the report).

**27.** When asked why the GD entry didn't identify the complainant, PW-8 responded that he had acted under the SHO's direction to register the case. PW-8 then affirmatively identified that it was Fenkuram (PW-1) himself who brought the written report and gave it to him. He did not take any identity document from Fenkuram, and he omitted to note Fenkuram's physical description in the GD. He stated he had asked Fenkuram for an ID, but Fenkuram did not produce one. PW-8 refuted a series of defence suggestions: he denied that someone other than Fenkuram had brought the complaint; denied that he took a thumb impression from some other person in Fenkuram's absence; denied that he ante-timed the FIR or held back the GD entry to register it later than stated; and denied that he prepared the FIR under pressure from the SHO or that the case was a result of any conspiracy. He maintained the FIR was lodged by the proper person (Fenkuram) in the ordinary course on 3rd October at about 11:15 AM.

(PW-8's testimony establishes that the FIR was promptly registered on the following morning of the incident, and supports the prosecution's case as to the timing and contents of the FIR. The defence has tried to highlight the overnight delay (the death was on the 2nd evening, FIR on the 3rd morning) and minor procedural lapses (not noting the informant's name under thumbprint, no physical description in GD) to suggest the possibility of a fabricated or manipulated FIR. However, PW-8's answers make it clear that the informant himself delivered the complaint and that the FIR was indeed

recorded as claimed. The “delay” of some hours is explained by PW-1 seeking a lawyer’s help to draft the complaint, and likely the family being in shock – as will be discussed, such a short delay is not fatal, especially in a dowry death case where initial confusion and grief are natural. PW-8’s evidence appears reliable in confirming the formal lodging of the case.)

**28. PW-9 Circle Officer Indu Siddharth (Investigating Officer):** PW-9 is the Circle Officer (CO City, Ambedkar Nagar) who supervised and completed the investigation. She deposed that on 03.10.2014, she was posted as CO City at Akbarpur, and that day Crime No. 427/2014 under Sections 498A/304B of the IPC & 3/4 of the DP Act was registered at Kotwali Akbarpur. She took up the investigation on the same day. PW-9 testified that on 03.10.2014, she collected a copy of the FIR (Chik FIR) and the GD entry, examined Head Constable Raj Kumar (PW-8), who had scribed the FIR, and recorded his statement. She then recorded the statement of the complainant Fenkuram (PW-1) at length and obtained from him identification of the scene of occurrence. Under Fenkuram’s guidance, she prepared the site sketch map (नक्शा नजरी, Exhibit Ka-13) of the place of occurrence. She also recorded statements of other relevant witnesses on 03.10.2014 itself: she mentioned taking statements from one “Kumari Rangita” (presumably the younger sister of the deceased) and two other women, Santrajee and Subhawati (perhaps relatives or neighbours of the complainant). These statements were entered into the case diary.

**29.** On 07.10.2014, PW-9 recorded the statement of the deceased’s mother, Shanti (PW-2) and noted the contents of the post-mortem report, which by then was available. She perused the inquest report and incorporated it into the case diary. She also formally recorded statements of PW-3 Om Prakash Mishra and PW-4 Chikhuri on that date. On 15.10.2014, PW-9 recorded the statement of Head Constable Satyaprakash (who was apparently the Duty Officer receiving the initial death memo or some related officer; though he was not produced as a court witness).

**30.** Thereafter, PW-9 detailed the steps regarding forensic analysis: On 30.10.2014, she sent the viscera and other samples to the Forensic Science Laboratory, Lucknow, for chemical analysis. Initially, the lab did not take up the items (perhaps due to backlog), so she re-sent the samples on 05.12.2014. Eventually, the FSL report was received on 01.03.2015, and she noted its findings in the case diary. (This aligns with PW-6’s account that the FSL report confirming poison was received later and is Exhibit Ka-16.)

**31.** PW-9 further stated that she recorded the statements of additional witnesses during the course of investigation: On 21.11.2014, she examined Ram Sahay (one of the panchas from inquest); on 15.01.2015, she recorded the statement of Constable Surya Bhan Yadav (who took the body for PM); on 23.01.2015, she recorded the statement of Tribhuwan (another pancha); and on 26.02.2015, she recorded the statement of SI Santosh Kumar Singh (PW-7, who did the inquest). On 10.03.2015, after the accused Arvind was arrested,

she recorded the statement of the arresting officer, Inspector Shatrughan, as well as the accused Arvind's own statement. She noted that on 17.03.2015, she perused certain documents forwarded by the Superintendent of Police and filed them in the case diary. On 19.03.2015, she recorded statements of some residents of Hasimgarh Chitouni – namely Ram Suresh, Om Prakash (Kannojiya), and Sanjay Rao – presumably these were neighbours of the accused or witnesses from the in-laws' side. On 23.03.2015, she recorded statements of Dr Rajendra Prasad (PW-6, the autopsy doctor) and one Guru Prasad Verma (Gram Pradhan of the village). She tried to summon another inquest witness, Ram Kuber, via the local police on 29.03.2015, but learned he had been out of state for a long time and could not be examined. On 30.03.2015, she recorded the statement of co-accused Shatrughan (who, by then, had apparently been interrogated).

**32.** Finally, having gathered all “requisite and relevant evidence,” PW-9 concluded the investigation. She states that, based on the evidence, she found a prima facie case and submitted a charge sheet (Exhibit Ka-14) against accused Arvind under Sections 498A and 304B of the IPC and Sections 3/4 of the DP Act. She also collected a copy of the wedding invitation card from the complainant during the investigation (Exhibit Ka-15), and the FSL report was made Exhibit Ka-16, as noted. PW-9 asserted that she conducted the entire investigation and prepared the final report.

**33. Cross:** The defence cross-examined PW-9 at length on various lapses and points. She was asked about the delay in lodging the FIR; PW-9 admitted that she inquired with the complainant about the reason for the delay and recorded his explanation in his statement. (The contents of that explanation are not detailed in her deposition, but presumably PW-1 explained the sequence as he did in Court – receiving info late, shock, getting report typed next morning, etc.) PW-9 stated she had no personal knowledge about the death or the marriage apart from what was investigated. She could not recall whether Arvind's house was within the village habitation or isolated (this was likely to see if neighbours could hear/see incidents).

**34.** She confirmed that she recorded and relied on the statements of village witnesses Ram Suresh, Om Prakash (a different Om Prakash, likely a neighbour of the accused, not PW-3), Sanjay Rao, and Guru Prasad – whatever those witnesses told her was entered in the diary. (Notably, these seem to be witnesses possibly favourable to the accused, as they were not produced in court by the prosecution; their statements likely did not support the prosecution or were neutral, hence not cited. The defence presumably wanted to ensure the IO considered statements that perhaps said there was no dowry harassment.) PW-9 admitted she did not specifically ascertain who took the deceased to the hospital – she did not investigate that detail. It is, however, evident from other evidence (DW-2's testimony and PW-7's statement) that it was the accused, along with villagers, who took her.

35. PW-9 acknowledged that the accused, Arvind, himself was a pancha at the inquest. She stated she had no information to confirm the claim that, after the incident, Arvind was mentally disturbed for a long time. She agreed that the accused was only arrested after the FSL report was received, confirming poison (which happened in early 2015). Regarding the accused's age, she admitted she did not collect any school records or age proof for him (so the age in the record remained as reported by the parties, possibly inflated). PW-9 noted that, as per her investigation, the first information of the incident to the complainant's family was conveyed by a villager from the accused's village to the complainant's wife (Shanti, PW-2), who then informed Fenkuram. They did not record the statement of that anonymous caller. She had no information that the deceased had any prior illness, like fever, or that any prior complaint was ever made to the police about dowry harassment before the fatal incident. PW-9 confirmed that, initially, on 03.10.2014 itself, the local police (likely the SHO or herself) took over the investigation and conducted the essential steps (i.e., there was no inordinate delay in commencing the investigation).

36. The defence put to her their theory directly: PW-9 refuted as "wrong" the suggestion that "the deceased was sick and by mistake drank medicine used in fields (i.e., pesticide) due to which she died". She also rejected the suggestion that no such dowry harassment or incident happened and that the case is fabricated. Finally, PW-9 denied the insinuation that her peshkar (reader) had actually prepared the case diary and charge-sheet, and she merely signed them without application of mind. She affirmed that the investigation and report are her own work.

(PW-9's testimony gives a complete overview of the investigation. It appears thorough in parts – multiple witnesses' statements were recorded, and the scientific evidence was pursued diligently. However, some gaps are evident: the IO did not record the key initial caller's statement, did not verify the hospital admission details or who took the victim to the hospital, and did not secure evidence of any prior incidents of cruelty beyond witness statements. Notably, she arrested the accused only after the forensic confirmation of poison, indicating that until that scientific proof, the police were perhaps cautious. Nonetheless, the charge sheet was ultimately filed based on the parents' allegations and the poison finding, concluding dowry death. The omissions highlighted (like not identifying the hospital-bringer or not finding prior complaints) will be considered in the overall appreciation, but they do not negate the direct evidence of the parents or the medical cause of death.)

#### **Defence Witnesses:**

After the closure of prosecution evidence, the accused led defence evidence to substantiate his version. Two witnesses from the accused's side were examined:

37. **DW-1 Sabhajeet:** He is a neighbour of the accused in village Hasimgarh Chitouni. DW-1 stated that he knows Arvind well as a fellow villager and was

present at Arvind's marriage with Premlata. He testified that the marriage took place happily, and that the bridal procession (baraat) was sent off cheerfully. According to him, "Arvind did not demand any motorcycle or other dowry in the marriage". He said the marriage was arranged through proper channels (he mentioned "shadi Arvind ki agui me hui", meaning under someone's guardianship for Arvind) and that Arvind's brother-in-law (sister's husband) acted as the malik (guardian/host) from Arvind's side during the wedding ceremonies.

**38.** Importantly, DW-1 corroborated aspects of the accused's explanation for the death: he stated that Premlata had been ill for 3-4 days before her death and **was under treatment**. He further said that after Premlata's death, Arvind was mentally disturbed for quite some time (implying a period of psychological shock). DW-1 claimed personal knowledge of the events on the fateful day: he said that Arvind, along with some villagers, took Premlata to the District Hospital when her condition worsened. He himself was the person who informed the deceased's parental side by making a phone call to her family, at Arvind's request. (This aligns with the prosecution evidence that a villager called PW-2; DW-1 reveals it was he who called as a neighbour.) DW-1 also added that on the day Premlata's health suddenly declined, Arvind was not at home but a short distance away at his ironing shop ("kapda press kar raha tha") and had to be summoned. According to DW-1, he and others never heard of any quarrels or disputes over dowry between Arvind and Premlata or their families – "we never heard of any dispute over dowry; both husband and wife lived with a lot of love". He also stated Arvind had been living separately (from his extended family) for quite some time, suggesting that the accused and his wife were perhaps living on their own, not jointly with the brother or others.

**39. Cross (by prosecution):** DW-1 admitted that he is Arvind's immediate neighbour and was asked by Arvind to come to Court to depose. He claimed that though they are neighbours and know each other, he and Arvind are not particularly close friends (no "khās sambandh"). He insisted he was telling the truth and denied the prosecution's suggestion that he was testifying falsely out of village solidarity or due to having taken any benefit from the accused. He maintained he went to the wedding and saw no dowry demand there. He also denied any collusion with the accused, stating he was simply called to tell what he knew.

(DW-1's testimony supports the defence narrative on key points: no dowry demand or harassment was ever witnessed by him; the couple's marital life was normal and loving to outside eyes; Premlata was indeed ill prior to her death, and Arvind tried to help her get treatment; and Arvind was mentally affected by her death. Being a neighbour, his presence at the time of the emergency (and being the one who phoned the parents) adds credibility to his account of the immediate circumstances of the death. However, his closeness to the accused could colour his testimony. The Court must evaluate his neutrality. He denied any strong friendship, but he is admittedly

sympathetic to Arvind. The content of his testimony regarding how the incident happened will be weighed against the prosecution's version and medical evidence.)

**40. DW-2 Jagannath:** He testified that he was present in the village on 02.10.2014 when the incident occurred. He described that in the afternoon, he was sitting at Suresh's house. After some time, he went over to Arvind's house and saw Premlata "thrashing her hands and legs" (i.e., convulsing) from a distance. He immediately raised an alarm ("I called out from afar"), and neighbours gathered. They realised something was gravely wrong. Since Arvind had gone to his shop that morning, they sent word to fetch him. With the help of the villagers, Premlata was then taken to the District Hospital, where she died during treatment. DW-2 further corroborated the background details: "Arvind's marriage took place when he was 15-16 years old" (thus confirming both bride and groom were minors at the time, consistent with PW-1's statement). He also stated Premlata had been ill for 3-4 days and Arvind was getting her treated.

**41. Cross:** In cross-exam, DW-2 disclosed his relation: "My home is in Pilkhawa. Arvind is my nephew (bhateeja)". So he is actually a paternal relative of Arvind (possibly an uncle). He said in this case, only Arvind is the accused. He admitted he came to court with Arvind and was giving evidence at Arvind's request. DW-2 stated clearly that Premlata died at the District Hospital (as opposed to at home). The prosecution suggested he favoured Arvind because of their relationship; he denied this was the reason, but the fact remains that he is a close relative and is voluntarily supporting the accused's version. He also initially called Arvind "my nephew" but then when it was put that "you are Arvind's uncle so you are deposing in his favour," he somewhat confusingly said "it is wrong to say I am his uncle and that is why I'm giving evidence" – perhaps attempting to downplay the kinship or asserting that kinship is not the motive for his testimony.

(DW-2 essentially provides an eye-witness account of the aftermath of the poisoning: he confirms that Premlata was seen convulsing at home, that Arvind was not present at that precise moment but was nearby at work, and that neighbours responded and took her to the hospital, where she succumbed. This account dovetails with DW-1's testimony and the general timeline. His mention that both were ~15-16 at the time of their marriage is additional information, underscoring how young the couple was. However, being a relative who travelled to court with the accused, his impartiality is questionable. Still, his testimony on the immediate events was not seriously undermined by the prosecution, except by pointing out his interest in the accused's acquittal.)

### **Appreciation of Evidence**

**42.** Having marshalled the evidence, the Court now evaluates its credibility and sufficiency with respect to the Points for Determination. The case at hand is of a young bride's untimely death within months of marriage, allegedly due



to dowry harassment. Such cases often rely on circumstantial evidence and presumptions of law, as direct evidence of the actual act causing death is rarely available. Here too, there is no direct eyewitness to the administration of poison – the case rests on proof of a pattern of cruelty for dowry and the circumstances of death that would attract the presumption under Section 113B of the Evidence Act. The legal requirements for invoking Section 304B IPC (dowry death) must be carefully scrutinised against the evidence.

#### **A. Unnatural Death within 7 Years of Marriage**

**43.** There is no dispute on this foundational element. It is abundantly proved that Premlata died an unnatural death, other than under normal circumstances, and that this occurred well within 7 years of her marriage (in fact, within 4 months). The post-mortem report and medical testimony (PW-6) confirm that the cause of death was poisoning by an insecticidal compound (organophosphate). The manner of death (ingestion of poison) is classified as a death “otherwise than under normal circumstances”. The defence has not challenged the fact of death or its poisonous nature; their own case acknowledges she ingested a poisonous substance (only disputing the intent/cause).

Premlata’s marriage date (15.06.2014) and death date (02.10.2014) are established by PW-1, PW-2, the FIR, and PW-6’s testimony, and are clearly within 7 years. Thus, ingredients (a) and (b) of Section 304B IPC – unnatural death and death within 7 years of marriage – are satisfied beyond doubt.

#### **B. Cause of Death (Poisoning) and Circumstances at Matrimonial Home**

**44.** The evidence shows that the death occurred at the matrimonial home (or at least, the fatal poisoning occurred there, as she collapsed at home and died during hospital treatment shortly after). PW-7’s inquest and PW-6’s medical findings together establish that she was brought dead (or moribund) from her in-laws’ village to the hospital. The accused’s presence at the hospital and his role in taking her there (confirmed by PW-7, DW-1, and DW-2) are not contested. Thus, the death occurred in the custody of the accused/his family.

**45.** Under Section 106 of the Evidence Act, when any fact is especially within the knowledge of a person (here, the circumstances leading to a young wife’s poisoning at home), the burden is on that person to explain it. The accused’s explanation has been considered: he claims it was an accident caused by the deceased herself mistakenly consuming the wrong substance due to illness. The defence witnesses (DW-1, DW-2) gave a narrative consistent with a sudden medical emergency following some illness. However, this theory does not stand up to closer scrutiny. If Premlata was ill and being treated, one would expect some evidence of a doctor’s consultation or medication prior to the incident – none is produced. DW-1 and DW-2 are laypersons; their assertion that she was under treatment is vague and unsupported by any document or the presence of any treating doctor. PW-6,

the autopsy doctor, specifically opined that if a significant prior illness existed, it could often be detected, but none was evident. Moreover, the poison identified (DDVP) is not a medicinal substance but a pesticide used primarily for agricultural pest control, and it smells foul. It is highly unlikely to be mistaken for a medicine. The suggestion that she accidentally drank “medicine used in the fields” is, frankly, far-fetched. It would require the Court to believe that a pesticide was stored in a manner that she could consume it inadvertently, and that she did so without anyone’s knowledge. No persuasive evidence was offered to substantiate such a scenario. On the contrary, the father’s testimony that the doctor told him “she was given poison” indicates that from the very outset, there was suspicion of foul play.

46. While the accused did take her to the hospital – a fact in his favour – this alone does not exonerate him. If the act was one of forced or induced poisoning, a perpetrator might still attempt to save the victim either out of late remorse or to create a defence. If it was suicide abetted by harassment, the husband’s duty would anyway be to rush her to the hospital when he found out. Thus, his act of taking her to the hospital is equivocal; it could be consistent with either innocence or guilt, so it cannot, by itself, rebut the presumption once other elements are proven.

47. Given that the death was by poisoning at the matrimonial home, the law’s gaze turns sharply on the accused to explain how his wife ingested poison. The defence’s explanation is not convincing or supported by independent evidence. Therefore, unless the prosecution’s evidence on harassment/dowry demand is found unreliable, the circumstances strongly point towards this being a dowry-related death rather than a mere accidental poisoning.

### **C. Evidence of Dowry Demand and Harassment “Soon Before Death”**

48. This is the most critical element: whether the prosecution has proved that the deceased was subjected to cruelty or harassment by the accused “soon before her death” in connection with the demand for dowry. The phrase “soon before” is elastic – it does not mean immediately before, but there should be a perceptible nexus between the dowry-related cruelty and the death, not a too-remote past incident (Pl. see Hon’ble Supreme Court ruling Devender Singh & Ors. Vs. The State of Uttarakhand on April 21, 2022: CRIMINAL APPEAL NO. 383 OF 2018). The Hon’ble Supreme Court has held that the test is of proximity: the interval between the last instance of harassment and the death should not be so large that the two appear unconnected. Here, the marriage itself lasted only about 3.5 months, and the evidence indicates the harassment was continuous in that short span, right up to the day of death.

49. The direct evidence of harassment comes from PW-1 and PW-2 (the parents). They consistently state that at the time of vidai, after the wedding, the accused and his brother demanded a motorcycle. This is clearly a demand for dowry (a motorcycle being a property transfer) at the inception of marriage. When this was not met due to the family’s financial constraints, the

accused and his brother allegedly started ill-treating the bride. PW-1 said they “beat and tortured” her over the dowry issue. PW-2 similarly said they “used to beat her and harass her and even refused to send her back with my husband” because of the dowry issue. Though neither parent was physically present to witness these acts (since the mother never visited and the father’s one short visit a week before death did not encounter a beating), their knowledge likely comes from what the daughter communicated and from the final phone call by the villager. We have to consider whether their testimony is hearsay or can be given weight. In dowry cruelty cases, the fact that a deceased wife complained to her parents about harassment is often proven by the parents’ testimony. Here, even if not verbatim stated, the inescapable inference is that Premlata must have conveyed her plight to her parents (especially during the one week she stayed with them or via other means). This is bolstered by PW-2’s statement that when PW-1 went to bring her, the in-laws did not let her go – an incident PW-1 confirmed happened sometime before her death. Such conduct (preventing the woman from visiting her parents) itself is an act of cruelty and control, possibly to isolate her.

**50.** The defence attacked the credibility of these witnesses by highlighting some contradictions: For instance, PW-1 in cross-examination said he voluntarily gave a bicycle and cash, and that the wedding was “happily” conducted without demands, whereas PW-2 spoke of a quarrel at the dwarachar over the motorcycle. How do we reconcile this? It appears PW-1, perhaps out of a sense of pride or to avoid admitting that he gave in to any demand, said he gave what he could on his own. It is plausible that, at the wedding, when the demand for a motorbike was raised, and he expressed his inability, he offered a lesser gift (a bicycle and some cash) to placate the groom’s side. In rural matrimonial negotiations, such compromises occur – the groom’s side may reluctantly proceed but harbour discontent. PW-2’s version of a quarrel is credible; PW-3 and PW-4, who denied any quarrel, might simply have not been privy to it or, in the case of PW-3, may have wanted to show that the marriage he helped arrange was without incident. Notably, PW-3 did confirm that he later heard she was poisoned for dowry, which implies that dowry was indeed perceived as the cause of the incident, even if he personally didn’t witness the earlier harassment. Minor discrepancies about whether a fight happened at the exact time of marriage do not negate the consistent core allegation that a motorcycle was demanded and that discontent simmered due to its non-fulfilment.

**51.** The timeline of harassment being “soon before” death is also satisfied. The entire marriage duration was so short that anything that happened from day one can be deemed proximate to the death on day ~110. However, the case has specific evidence of events closer to the death: PW-2 said that about three months after marriage (which is roughly when the death occurred), she got the call about poisoning. This implies the ultimate act (the poisoning) took place within about 3.5 months of marriage, and according to PW-1 and PW-2, the harassment was ongoing in that period. There is no evidence that any

reconciliation or cessation of harassment occurred; instead, it apparently culminated tragically. The law does not require that the harassment occurred on the very day of death; it is enough that it occurred in the period immediately prior to death, forming part of the circumstances of death. Here, that condition is met.

#### **D. Credibility of Witnesses on Harassment**

52. The Court finds PW-1 and PW-2 to be credible and truthful witnesses, albeit rustic and not literate. They withstood cross-examination on material points. There is no conceivable reason for them to falsely implicate their own son-in-law (and his brother) unless they genuinely believed he was responsible for their daughter's demise. The suggestion of "enmity" or a "false case" is not convincing – PW-1 happily married his daughter to the accused, even initially praising him as a decent boy. The unfortunate turn of events would only prompt such serious accusations if the parents honestly suspected dowry killing. Their testimonies had minor inconsistencies, which are natural given that they recalled painful events over a protracted trial (their examinations spanned 2016 to 2018, as per the dates). Those do not corrode the essence of their statements.

53. On the other hand, the defence witnesses DW-1 and DW-2, while appearing mostly truthful about the immediate circumstances (the convulsions, the hospital trip), are clearly interested in denying dowry harassment. DW-1 is a neighbour who acknowledges being summoned by the accused; DW-2 is the accused's uncle. Their blanket assertion that "no demand was ever made and the couple lived well" must be taken with a pinch of salt. It is quite common in rural settings that neighbours or relatives, out of loyalty or fear of stigma, downplay internal family issues to outsiders. Notably, DW-1 admitted that Arvind's brother-in-law was the 'malik' at the wedding, which suggests Arvind had no parents to conduct the wedding (the evidence indicates his father was deceased or missing, and his mother died soon after marriage). So Arvind's side of the family was probably small or not well-established. The complainant's side might have been in a stronger position socially; thus, DW-1's claim that "no dispute at all" might be skewed by perspective. Even if the wedding concluded without it devolving into cancellation or a major fracas, it does not mean that demands were not made or that grudges were not nurtured.

54. It is also significant that DW-1 confirmed that he was the one who called the victim's family on Arvind's request when she was ill. If indeed there was no wrongdoing, what exactly did he convey in that call? PW-2 says the caller (unidentified to her) told her "your daughter has been given poison by her husband and Jeth". DW-1 likely would not have phrased it that way if he was the caller – he might have simply said she is serious and in hospital. There is a possibility that the message got distorted as it spread (telephone game effect). However, the fact that PW-2 immediately interpreted it as a poisoning by in-laws suggests that the family already suspected dowry harassment.

That suspicion did not arise in a vacuum; it was rooted in prior incidents (the demands and the girl's treatment). Thus, even if DW-1 personally did not mention dowry in the call, PW-2's understanding and the subsequent FIR content indicate that the parents put two and two together – their daughter was treated poorly for dowry, and now she is dead by poison: a reasonable inference of dowry death.

**55.** DW-2's presence at the crucial moment is noted, but he, too, would have a vested interest in protecting his nephew. His account, in fact, corroborates that the accused was not physically present when she consumed poison, which could align with either an independent suicide or her being forced to consume it, and the perpetrator leaving. His testimony does not rule out that she might have taken poison out of desperation due to cruelty. It only tends to absolve the accused of physically forcing poison down her throat at that second (which the prosecution, anyway, has no direct proof of). But dowry death under Section 304B IPC is a unique offence that does not require proof of direct actus reus by the husband causing death; it hinges on the existence of dowry harassment and an unnatural death in its wake. If harassment is proved, and the death is by poison in the home, the law presumes the husband's culpability for the death, whether it be by his hand or by driving the wife to suicide.

**56. To conclude on this point:** The prosecution evidence (PW-1, PW-2) regarding dowry demands and cruelty is found trustworthy. The defence's general denial is not persuasive. No independent neutral witness testified to contradict the parents' claims of harassment – on the contrary, the Gram Pradhan or other villagers whose statements were taken by IO (Ram Suresh, Guru Prasad, etc.) were not produced, suggesting they might not have strongly favoured the defence if put on oath. We only have the interested testimonies of the neighbour and the uncle for defence, which cannot override the direct allegations by the victim's own parents, who have no motive to lie.

#### **E. Delayed FIR – Whether it Affects Credibility**

**57.** The FIR was lodged the next morning (03.10.2014) at 11:15 AM, roughly 12-15 hours after the death. The defence harped on this delay, insinuating it was a “post-mortem afterthought” to implicate the accused. However, the Court finds the delay adequately explained and not suspicious. PW-1 testified that he had the complaint typed by a lawyer and that he gave it to him after it was read over. Considering the circumstances – the father arrived at the hospital in the evening to find his daughter dead, he would have been in shock and grief, possibly dealing with the post-mortem and receiving the body (though the in-laws handled cremation, he still had to be present for formalities). An immediate overnight trip to the police station in that state is not expected of a layperson, especially one who is illiterate (PW-1 is illiterate and had to depend on someone to write the application). The prudent step he took was to compose a coherent complaint with legal assistance the following morning. The promptness is actually notable – by the next morning, FIR was

in. There is no sign of inordinate delay that might indicate concoction. The core events and accusations in the FIR match the parents' testimony in court. Minor omissions (such as the FIR not explicitly naming the phone caller or lacking the informant's name under thumb) were explained by PW-8 and do not undermine the substance. In dowry death cases, some delay in FIR is even considered natural due to the initial attempts of in-laws to portray the death as accidental and the time taken for the victim's family to process information and approach authorities. Here, the delay was minimal and does not dent the prosecution's case.

#### **F. Medical Evidence vis-à-vis Allegations**

58. The medical evidence is entirely consistent with poisoning and inconsistent with a natural, sudden death. The lack of external injuries (confirmed by PW-6 and PW-7) is notable. Defence tried to use that to argue there was no violence. But a dowry death by poisoning need not involve visible violence; poison can be administered in food/drink clandestinely, or the victim may ingest it herself under duress. The absence of injuries does, however, rule out a scenario of a physical struggle or overt assault. This neither proves nor disproves either theory definitively. It simply shows the death was likely through internal means (ingestion).

59. Crucially, the forensic finding of organophosphate (DDVP) in the viscera strongly supports the prosecution's theory that it was a deliberate poisoning (since organophosphates are common agents in homicidal and suicidal poisoning cases, particularly in dowry deaths where wives are often either poisoned or driven to consume poison). The defence theory that it was an accidental "medicine mix-up" with a pesticide is extremely implausible – no evidence suggests the deceased had access to pesticides or was handling them. No pesticide container has been recovered. If she were truly undergoing treatment for an illness, the logical expectation is that the family would be giving her medicines, not leaving dangerous chemicals around. Also, the accused in his 313 statement did not mention seeking any doctor's help during her supposed 3-4 days of illness, whereas for the poisoning event, he did rush to a hospital – implying perhaps that there was no prior serious illness at all.

Thus, medically, this court has a typical picture of a poisoning dowry death case – a young, healthy woman (no disease detected) who ingested a lethal pesticide and died.

#### **G. Legal Presumption under Section 113B, Evidence Act**

60. Given the above findings – (i) marriage within 7 years; (ii) unnatural death by poison; (iii) credible evidence of dowry demand and harassment soon before death – the law squarely invokes a presumption against the accused. Section 113B of the Evidence Act provides that when the question is whether a person has caused the dowry death of a woman and it is shown that soon before her death she was subjected to cruelty or harassment for

dowry, “the Court shall presume that such person had caused the dowry death.” Unlike Section 113A (related to suicide), which gives a discretion (“may presume”), Section 113B commands a mandatory presumption of causation by the husband or relative if the foundational facts are proved.

70. In the present case, all foundational facts for Section 113B are established beyond a reasonable doubt, as discussed. Therefore, the Court presumes that the accused is responsible for the death of Premlata in connection with dowry demands. This presumption is rebuttable, but the onus to rebut it is on the defence, and it must be rebutted, not by a mere plausible explanation, but by evidence creating reasonable doubt about the prosecution's case.

71. Has the accused rebutted the presumption? The defence attempted to rebut by offering the narrative of an accidental consumption due to illness. However, as analysed above, that narrative is not convincing and is unsupported by independent evidence. There is no material on record to suggest any alternate cause of death or any motive for suicide unrelated to dowry. No letters, no prior illness records, nothing – the only competing hypothesis is the one stated by the accused and his two witnesses. Considering the inherent improbability of that hypothesis and the clear evidence of dowry harassment, the Court finds that the presumption has not been successfully rebutted. On the contrary, the defence evidence, while partly truthful about events after poisoning, does not negate the existence of dowry harassment and, in fact, inadvertently reinforces some aspects (e.g., DW-1's call shows the family had to be notified of an emergency, which aligns with the prosecution's story timeline).

72. It is pertinent to note precedents here: The Hon'ble Supreme Court in [Rajinder Singh vs State of Punjab on 26 February, 2015: AIR 2015 SUPREME COURT 1359](#) laid down the ingredients of Section 304B IPC that I have applied. In *Devender Singh vs State of Uttarakhand* (supra), it was reiterated that “soon before death” must be interpreted with common sense; here, the short span of marriage makes any harassment in that period proximate enough. Furthermore, it is well settled that once the prosecution establishes the three main ingredients (death within 7 years, dowry cruelty soon before, and nexus to death), the statutory presumption greatly strengthens the prosecution's case, and unless the defence can produce evidence to the contrary, a conviction is sustainable. In the case at hand, the defence evidence falls short of the quality needed to overturn the presumption.

#### **H. Offences Under the Dowry Prohibition Act**

73. The charge was also framed under Sections 3 and 4 of the Dowry Prohibition Act, which criminalise giving/taking dowry (Section 3) and demanding dowry (Section 4). Section 4 is directly applicable as the accused demanded a motorcycle in dowry. That demand is proved by the testimonies of PW-1 and PW-2, as discussed. Although no independent witness from the

wedding corroborates it, the parents' testimony suffices, especially since the defence's own DW-1 admitted a brother-in-law led the groom's side, implying there may not have been many independent outsiders at the crucial negotiation moment, except family. Thus, the offence of demanding dowry is made out. It is an independent offence and punishable regardless of whether death ensues or not.

**74.** Section 3 pertains to giving or taking dowry. Technically, PW-1 admitted giving ₹10,000, a cycle, etc., "of his own accord", which would legally fall under dowry given (even voluntary gifts at or before marriage can qualify as dowry under the Act's broad definition if they are in consideration of marriage). However, it would be absurd to prosecute the giver (the father) in the context of this case; rather, the focus is on the receiver. Did the accused "take dowry"? The evidence shows that some items were given to him at the time of marriage (a chain, cash, a cycle). Even if not demanded, acceptance of them could attract Section 3. But the charge is on him, and he did accept those items at the time of marriage. Nonetheless, since Section 304B IPC (a far graver offence) is being invoked for the death, the punishment for which will subsume lesser penalties, the Court's main attention is on Section 4 DP Act (demand), which is directly relevant to his culpability. The prosecution, through PW-1 and PW-2, has proved that an unlawful demand was made. Hence, the accused is liable under Section 4 of the DP Act as well.

(Conviction under Section 3 DP Act for receiving the ₹10,000, etc., although charged, may not add much in terms of sentencing, and typically, courts are reluctant to punish the victim's family or muddy issues by splitting hairs on "voluntary dowry." The father said he gave on his own; if strictly seen, the law punishes even that act, but since he is not an accused, we consider only if Arvind "took dowry." The evidence of demand suggests he was expecting a motorbike, which he did not receive; he did receive other articles, but they were not specifically what he demanded. Therefore, this Court will focus on Section 4 (demand) rather than Section 3 for the accused's conviction, as the demand is the crux of criminality here.)

### **I. Other Legal Provisions and Case Law:**

**75.** The offence under Section 498A IPC (husband or relative's cruelty to woman) is made out by the same evidence of harassment for dowry. "Cruelty" under that section includes both physical and mental cruelty inflicted on a woman by her husband or his relatives, and specifically includes harassment with a view to coercing her or her relatives to meet an unlawful dowry demand, or on account of failure to meet such demand. The acts of beating and refusing to let her visit her parents, linked to dowry demands, squarely fit the Explanation (b) of Section 498A IPC. Even if, hypothetically, one had doubt about who administered the poison, the evidence of cruelty itself (unrelated to the death) independently attracts Section 498A. Here, of course, the cruelty culminated in her death, but Section 498A is often charged in addition to 304B to cover situations where death may not be conclusively



connected. In this case, since I find the dowry death proven, 498A is proven a fortiori.

76. The defence argued a lack of motive by saying “the accused had no cause to harm her”. This argument is untenable because if dowry harassment is believed, the motive (greed and frustration at not getting the bike) is self-evident. Moreover, direct proof of motive is not necessary when the chain of evidence is otherwise complete.

77. The defence also highlighted that no “independent witness” of cruelty was produced. It is true that no neighbour from the matrimonial village testified to seeing the accused beat or harass the deceased. But dowry harassment often occurs in the privacy of the home; expecting independent eyewitnesses is unrealistic. The law recognises this and hence places weight on the testimony of the victim’s close relations and the presumption in law. Additionally, the IO (PW-9) did record statements of some neighbours (Ram Suresh, etc.), but if those neighbours had given clean chit statements, the prosecution is not obliged to call them (they would be hostile). If they supported the prosecution, they would have been called. It is telling that the defence did not summon any of those neighbours as their own witnesses either (besides DW-1 and DW-2). DW-1 and DW-2, who are the ones they did call, were obviously sympathetic to Arvind. Therefore, the absence of an “independent witness” is not fatal. The chain of circumstances – continuous dowry harassment, a young, healthy woman suddenly collapsing with poison, no convincing alternate explanation – leads firmly to the conclusion of the accused’s guilt.

#### **J. Conclusion on Points:**

78. To sum up the findings on the Points for Determination set out earlier:

**Death within 7 years in abnormal circumstances: Proven beyond a reasonable doubt.** Premlata died an unnatural death (poisoning) on 02.10.2014, within 7 years of her marriage.

**Cruelty/harassment for dowry soon before death: Proven.** The accused had demanded dowry (motorcycle) at marriage and harassed the deceased persistently over the dowry issue, right up to the time of death. “Soon before” is satisfied, given the short span of marriage and continuity of demands.

**Dowry Death (Section 304B IPC): All ingredients fulfilled** – it is established that Premlata’s death was a dowry death. By operation of the legal presumption, the accused is presumed to have caused it, and he failed to rebut that presumption. The Court finds the accused guilty of dowry death under Section 304B IPC.

**Cruelty (Section 498A IPC):** Separately, even aside from the death, the conduct of the accused towards his wife amounted to cruelty under Section 498A IPC (harassment for dowry). He is found guilty on this count as well, the evidence for which is essentially the same and has been believed.

**Dowry Prohibition Act offences:** The accused is found to have demanded dowry, an offence under Section 4 of the Dowry Prohibition Act, 1961. This finding flows from the same evidence of the motorcycle demand. As for Section 3 (giving/taking dowry), while dowry items were given in the marriage, the charge on the accused would be for taking. The evidence of his taking ₹10,000, a bicycle, etc., voluntarily given, is present but was not a focal point in the trial. In an abundance of caution, and since Section 304B conviction covers the gravamen of the wrongdoing (and Section 4 covers the illegality of demand), the Court does not find it necessary to return a specific finding on Section 3 against the accused. The demand (Section 4) and the consequences of that demand (498A, 304B) are the crux.

79. In reaching these conclusions, this Court has kept in mind important judicial pronouncements on dowry deaths and circumstantial evidence. For instance, the Hon'ble Supreme Court's guidance that mere proof of an unnatural death in the matrimonial home doesn't automatically convict someone of 304B – the prosecution must prove the essential harassment for dowry. Here, that essential link has been proved. As the Hon'ble Supreme Court noted in [Kans Raj vs State Of Punjab & Ors on 26 April, 2000: AIR 2000 SUPREME COURT 2324](#), the prosecution's burden is to show proximate harassment for dowry, after which Section 113B comes into play. In this case, the evidence satisfies that burden, thus justifying the conviction.

Therefore, the Court is satisfied that the prosecution has proved its case beyond a reasonable doubt against the accused Arvind Kumar. There is no lingering doubt that would entitle the accused to the benefit of doubt.

### **Legal Provisions & Case Law Cited**

Before formally recording the findings and decision, it is useful to summarise the applicable legal provisions and a few relevant case laws that underpin the above analysis:

80. Section 498A, IPC: This penalises cruelty by the husband or his relatives. "Cruelty" includes any wilful conduct likely to drive the woman to suicide or cause grave injury (physical or mental), and harassment with a view to coercing her or her relatives to meet an unlawful demand for property or valuable security (dowry). In this case, evidence of beatings and demands establishes cruelty in terms of harassment for dowry, fitting Section 498A's Explanation (b).

81. Section 304B, IPC – Dowry Death: This provision stipulates that if a woman dies otherwise than under normal circumstances within 7 years of marriage, and it is shown that soon before her death she was subjected to cruelty or harassment by her husband or his relative for, or in connection with, any demand for dowry, that death shall be called "dowry death" and the husband or relative shall be deemed to have caused her death. The punishment is a minimum of 7 years imprisonment, which may extend to life. The key ingredients, as reiterated by the Supreme Court, are: (a) unnatural

death of a married woman, (b) within 7 years of marriage, (c) evidence of cruelty/harassment soon before death, (d) for dowry demand. All four are present here. The words “soon before” demand a proximate nexus; as held in *Devender Singh v. State of Uttarakhand* (supra), “soon before” does not imply immediate, but the interval shouldn’t be too long – it should be proximate. In this case, only a few months elapsed between the harassment and death, satisfying this criterion.

**82.** Section 113B, Evidence Act: It provides that on proving the aforementioned circumstances, “the Court shall presume that the accused caused the dowry death”. This is a mandatory presumption of law that greatly aids the prosecution once foundational facts are established, unlike Section 113A (abatement of suicide), which is discretionary. In [Ram Pyarey v. State of U.P. \(2025 INSC 71\)](#), the Hon’ble Supreme Court reaffirmed that under Section 113B, the presumption is compulsory (“shall presume”) and kicks in once cruelty for dowry soon before death is shown. This judgment follows that mandate.

**83.** Sections 3 & 4, Dowry Prohibition Act, 1961: Section 3 punishes the giving or taking of dowry (minimum 5 years and fine of ₹15,000 or equivalent to dowry amount, whichever is more, for the giver or taker). Section 4 punishes demanding dowry (imprisonment for 6 months to 2 years and a fine of up to ₹10,000). Notably, these offences are independent – an accused can be convicted for dowry demand even if the dowry death charge fails, and vice versa. Here, the dowry demand is proved, warranting conviction under Section 4 DP Act.

**84.** Case Law on Circumstantial Evidence: Although this is not a typical circumstantial evidence case like a murder mystery (the fact of poisoning is clear), the ultimate inference of the accused’s guilt is drawn from circumstantial evidence combined with presumption. The classic principles of circumstantial evidence (from [Sharad Birdhi Chand Sarda vs State Of Maharashtra on 17 July, 1984: 1984 AIR 1622](#)) require that the chain of circumstances be complete and consistent with the hypothesis of guilt. In dowry death scenarios, the chain consists of marriage, demand, cruelty, death, and no other explanation – which we do have as a complete chain here. Additionally, in [Trimukh Maroti Kirkan vs State Of Maharashtra on 11 October, 2006: 2006 AIR SCW 5300](#), it was held that if a wife dies in the custody of the husband in abnormal circumstances, and the husband withholds an explanation or gives a false one, that itself is a strong incriminating circumstance. In this case, the husband’s explanation was found untrue, reinforcing the chain of guilt.

**85.** Case Law on “Relative” Liability: Although not directly in issue since only the husband is before the Court, the Supreme Court in *Kans Raj v. State of Punjab* (supra) cautioned against roping in all relations in dowry death cases without specific evidence. Here, the brother Shatrughan was named, but evidence of his role is the same as that against Arvind. Since Shatrughan is

not on trial here (not charge-sheeted), this Court limits its finding to Arvind. However, the evidence also mentioned Shatrughan as a tormentor. That is a matter beyond the scope of this judgment, but relevant insofar as it corroborates that the dowry demand was not a figment but a real pressure from the husband's family.

Having settled the factual findings and their legal implications, the stage is set for the final decision.

### **Findings**

In view of the above discussion, this Court records the following findings on the charges:

86. Accused Arvind Kumar Kannaujia is found guilty of the offence of dowry death punishable under Section 304B of the IPC, as the death of his wife, Premlata, was caused by poisoning, and it has been proven that soon before her death, she was subjected to cruelty and harassment by the accused in connection with his demand for dowry (motorcycle). The statutory presumption of dowry death stands unrebutted, and the accused is squarely responsible for her death in the eyes of the law.

87. Accused Arvind is also found guilty of the offence of cruelty to wife under Section 498A of the IPC. The prosecution's evidence proves beyond doubt that he subjected Premlata to physical and mental cruelty by beating her and taunting/harassing her over dowry demands. This cruelty had a direct nexus to the unlawful demand for dowry and falls within the ambit of Section 498A.

88. Accused Arvind is further found guilty under Section 4 of the Dowry Prohibition Act, 1961, for demanding dowry (a motorcycle and possibly other articles). The demand was made at the time of marriage and persisted, which is an offence regardless of the subsequent events.

89. As to Section 3 of the Dowry Prohibition Act (dowry giving/taking), while technically the evidence indicates the accused did receive certain dowry items given by the bride's side (cash, bicycle, etc.), the charge's gravamen is the illegal demand and the consequences thereof. In the interest of justice and since Section 304B IPC covers the outcome of dowry harassment (with far severer punishment), the Court abstains from recording a separate conviction under Section 3 DP Act. (It would be academic and would not affect sentencing, which will anyway be governed by the more serious offences.)

Each of these findings is reached beyond a reasonable doubt based on the evidence led and the legal provisions discussed. The defence has failed to create any reasonable doubt or alternative explanation that would undermine these conclusions.

90. Thus, the Court answers the Points for Determination as follows:

**Premlata's death was unnatural (due to poisoning) and occurred within 7 years of marriage – Proved.**

**Premlata was subjected to dowry-related cruelty by the accused soon before her death – Proved.**

**It was a dowry death, presumptively caused by the accused – Proved, presumption not rebutted (hence accused guilty under 304B IPC).**

**Accused committed cruelty under 498A IPC – Proved (Guilty).**

**Accused made dowry demands (Section 4 DP Act) – Proved (Guilty).**

### **Conviction**

**91.** In view of the above findings, this Court hereby convicts accused Arvind Kumar Kannaujia of the following offences:

Section 304B, IPC (Dowry Death): for causing the dowry death of his wife, Smt Premlata. He is held guilty and convicted under Section 304B of the Indian Penal Code.

Section 498A, IPC (Cruelty to Wife): for subjecting Smt. Premlata to cruelty in connection with dowry demands. He is held guilty and convicted under Section 498A of the Indian Penal Code.

Section 4, Dowry Prohibition Act, 1961 (Dowry Demand): for demanding dowry (motorcycle) from the bride's family. He is held guilty and convicted under Section 4 of the D.P. Act.

The accused is acquitted of no charge, as all charges stood proved. (Section 3 D.P. Act was formally framed. I do not record a conviction separate from the above, considering it merged into the broader dowry death context. But for record completeness, if required, the accused's conduct would also technically amount to "taking dowry" in the form of accepted gifts, which is an offence under Section 3. This, however, remains academic given the major convictions.)

The conviction is pronounced in open court. The Accused is on bail. He is taken into custody. His bail bond is cancelled, and sureties are discharged. The defence counsel's pleas for leniency and any arguments on the point of conviction have been considered in the above analysis.

Now, the matter will be posted for hearing on the quantum of sentence. The convict is a first-time offender and relatively young; however, the offences are grave and serious, involving the loss of a young woman's life due to a social evil. The minimum punishment for 304B IPC is 7 years, which can extend to life imprisonment. The Court will hear both sides on the appropriate sentence on the following day, i.e. 26.11.2015.

(Chandroday Kumar)

Sessions Judge, Ambedkar Nagar (U.P.)

25.11.2025

**26.11.2015**

**92.** I have heard the learned DGC (Criminal) and the learned defence counsel on the question of sentence, and I have given my anxious consideration to the facts and circumstances of the case, the nature of the offence, and the submissions made in mitigation and aggravation.

**93. Arguments on Sentence:** The prosecution urges a strict sentence, pointing out that dowry deaths are a scourge and the present case involved a very young girl (effectively a minor around 17) who lost her life within months of marriage. The manner of death (poisoning) indicates a cruel and deliberate act, or at the very least an abetment to suicide, which reflects extreme callousness towards the life of the wife. The State submits that such crimes, being rampant, call for a deterrent sentence to send a message that those who engage in dowry harassment leading to death will face the full wrath of the law. It is pointed out that Section 304B allows for life imprisonment and that in some cases the Supreme Court has upheld life terms where the cruelty was particularly heinous. The prosecution also highlights that the accused showed no remorse – he advanced a false defence rather than acknowledging his wrongdoing.

**94.** On the other hand, the defence counsel pleads for leniency. It is argued that the accused is himself young (about 26 now) and has no prior criminal record. At the time of the incident, he was barely 17-18, an age of immature judgment. It is pleaded that this Court should consider that he has already undergone the trauma of his wife's death and the lengthy trial. The defence also stresses that much of the case was built on presumptions, and there was no direct evidence of murder, implying that the culpability is of a lesser degree (possibly akin to abetment of suicide rather than cold-blooded murder). The convict himself carried his wife for treatment after ingestion of poison. The counsel suggests that the minimum punishment of 7 years for 304B IPC would suffice and that a higher sentence is not warranted in the absence of direct proof of intentional murder. It is also pointed out that the co-accused (brother) was not even tried, insinuating that maybe the case was not so clear-cut. The defence prays that the sentences for IPC and DP Act offences be made concurrent and as mild as possible to give the young convict a chance to reform and rebuild his life.

Our sentencing is based on law and not emotion; the pain of the family is a relevant consideration – a young life was extinguished due to greed; the punishment must reflect the gravity of that loss and the violation of societal trust.

**95. Consideration:** After weighing the submissions, this Court notes that Section 304B IPC itself prescribes a minimum of 7 years' imprisonment. The lawmakers envisaged dowry death as a serious offence, but gave courts discretion to award life imprisonment in appropriate cases. Not all dowry deaths are identical; some are brutal murders, others are driven suicides. In the present case, there is no direct evidence as to whether the accused himself

administered the poison or whether the victim consumed it, driven by his cruelty. In either event, the legal culpability under 304B is the same. However, for sentencing, this distinction can be considered. The evidence suggests a scenario likely of continuous harassment and a climax where poison was consumed – it could be argued as a case of abetment to suicide by relentless cruelty. There is no evidence of a premeditated plan to murder her for dowry; had there been evidence of physically forcing poison, the court might have inclined to the maximum.

96. Nevertheless, even in the “abetment” scenario, the outcome is a lost life and that of a teenage girl who had barely begun her married life. The accused’s actions (or inaction) led to a tragic and foreseeable consequence. The young age of the accused can be a mitigating factor, but here the victim was even younger and more vulnerable. The societal need to denounce dowry-related cruelty is overwhelming. A signal must be sent that a husband cannot shrug off responsibility by calling a death an accident after driving a wife to a desperate point.

97. Having considered similar precedents: The Hon’ble Supreme Court in certain cases (e.g. [Hem Chand vs State Of Haryana on 6 October, 1994: AIR 1995 SUPREME COURT 120](#)) emphasised that while awarding sentence in dowry death, courts should consider the legislative intention of curbing the menace. However, they also urged caution when differentiating between cases at the extremes. In one case, a 7-year sentence was enhanced to 10 years by the Hon’ble Supreme Court, calling 7 years the bare minimum and often inadequate for the loss of life over greed. In another case, a life term was commuted to 10 years, where evidence of direct murder was not there, but dowry harassment was proven.

98. In this case, considering there’s no prior criminal history, the convict’s relatively young age at the time, and the possibility (benefit of doubt in sentencing) that he did not intentionally plan to murder but his actions led to suicide or reckless death – the Court finds that a punishment moderately above the minimum is appropriate, but life imprisonment may be excessive.

99. For the Section 304B IPC conviction, this Court deems 10 (ten) years of imprisonment to be just. This exceeds the minimum to mark the gravity of losing a life, but is shy of life term, which is reserved for more egregious instances (like torture evidence, etc., which we don’t have strong direct proof of beyond beating and poisoning results).

100. For Section 498A IPC, the maximum term is 3 years. The cruelty here was severe (resulting in death), so ordinarily one would impose a high sentence on that count. However, Section 498A, in a case culminating in death, somewhat overlaps with Section 304B. In many cases, sentences under 498A are made to run concurrently with 304B, or lesser sentences are given to avoid cumulative excessive punishment for essentially the same conduct. Here, to avoid “double counting,” I intend to award a sentence for 498A but run it concurrently with the 304B sentence. A sentence of 2 (two) years rigorous



imprisonment under Section 498A of the IPC, along with a fine, will suffice, as the major punishment is under Section 304B.

**101.** Under Section 4 of the Dowry Prohibition Act, the law prescribes a maximum of 2 years' imprisonment. Considering the demand was for a motorcycle – a substantial demand – and it directly contributed to the whole tragedy, a deterrent punishment is warranted here as well. However, since it is part and parcel of the same transaction, I consider a sentence of 1 (one) year's rigorous imprisonment and a fine appropriate. This again shall run concurrently to avoid inflating the total period beyond what is merited for the core offence.

**102. Fines:** Under Section 304B of the IPC, a fine is not mandatory. Under Section 498A of the IPC, a fine is permissible. Under Section 4 of the DP Act, a fine is normally imposed (up to ₹10,000). The convict appears to be of modest means (an ironing shop worker). Excessive fines may not be realised and may cause undue hardship to dependents (though it appears he may not have dependents). Still, a token fine can serve as additional punishment and go towards state or victim compensation.

**103.** I also bear in mind Section 357 of the CrPC, which provides for compensation to victims. Here, the direct victim is deceased, but her family (parents) are indirect victims. The DP Act fine, if realised, shall be given to them. Additionally, this Court recommends that the District Legal Services Authority consider granting compensation to the victim's mother (PW-2 Shanti) and father (PW-1 Fenkuram) under the Uttar Pradesh Victim Compensation Scheme (as applicable under Section 357A CrPC), to the extent possible, to at least ease their financial hardship (they lost whatever gifts they gave and their daughter's potential future support).

**104.** In conclusion, balancing all factors, the sentence is imposed as follows:

- For the offence under Section 304B IPC: Rigorous Imprisonment for 10 (ten) years. (No separate fine is imposed under this count, keeping in view fines under other counts.)
- For the offence under Section 498A IPC: Imprisonment for 1 (one) years and a fine of ₹5,000. In default of payment of the fine, the convict shall undergo Imprisonment for a further 2 (two) months.
- For the offence under Section 4 of the Dowry Prohibition Act, 1961: Imprisonment for 1 (one) year and a fine of ₹5,000. In default of payment of the fine, the convict shall undergo Simple Imprisonment for 1 (one) month.

All the substantive sentences of imprisonment shall run concurrently. The period of detention already undergone by the convict during trial (if any) shall be set off under Section 428 CrPC.

**105.** The total effective imprisonment, therefore, is 10 years RI (the longest term, under 304B). The total fine is ₹10,000. If the fine is realised, an amount of ₹8,000 out of ₹10,000 shall be paid to the parents of the deceased (or to the



mother PW-2 if both are alive, or split between them) as a token of compensation under Section 357(1) CrPC. The remaining ₹2,000 shall go to the State treasury towards prosecution costs.

**106.** The convict is informed of his right to appeal the conviction and sentence in the Hon'ble High Court of Judicature at Allahabad (Lucknow Bench) within the prescribed limitation period.

**107.** Let a copy of this judgment be given free of cost to the convict forthwith as per Section 363(1) CrPC. Another copy, along with the record, shall be forwarded to the District Magistrate, Ambedkar Nagar, for compliance under Section 365 CrPC.

**Order:** Accused Arvind Kumar Kannaujia, upon conviction, is sentenced as above. He is committed to custody to serve out the sentence.

The case is disposed of accordingly.

The Judgement is signed, dated and pronounced in open Court on this 26th day of November, 2025.

(Chandroday Kumar)  
Sessions Judge, Ambedkar Nagar (U.P.)  
26.11.2025