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## In the Court of Sessions Judge, Ambedkar Nagar

Presiding: Chandroday Kumar, H.J.S.

JO Code: UP06553

| Date of Institution | Date of Judgment  | Age            |
|---------------------|-------------------|----------------|
| 27-09-2011          | 03-12-2025        | 14 Y, 2 M, 6 D |
| Date of Argument    | Date of Judgment  | Age            |
| 24-11-2025          | 03-12-2025        | 0 Y, 0 M, 9 D  |
| Date of Judgment    | Date of Uploading | Age            |
| 03-12-2025          | 03-12-2025        | 0 Y, 0 M, 0 D  |
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Session Trial Number: 181 of 2011

State

---- Prosecution

vs.

1. Girdhari, son of Munnar, resident of village Patna Mubarakpur, Police Station Baskhari, District Ambedkar Nagar.
2. Hiralal, son of Mahesh, resident of village Amolia Daulatpur, Police Station Kotwali Tanda, District Ambedkar Nagar

---- Accused

### Case Details

FIR No. 241/2011

Sections: 302 and 498A of the Indian Penal Code and 3/4 of the DP Act

Police Station: Baskhari

Prosecution Counsel: Sri Govind Srivastav, DGC (Criminal)

Defence Counsel: Sri Maniram Chaubey, Advocate

### Judgment

#### **Introduction**

**1. Case Summary:** This judgment arises from Sessions Trial No. 181 of 2011, State of Uttar Pradesh vs. Girdhari and Heeralal, for alleged offences under Section 302 (murder) and Section 498A (cruelty to wife) of the Indian Penal Code, 1860 (IPC), as well as Sections 3 and 4 of the Dowry Prohibition Act, 1961 (dowry demand and related offences). The case concerns the death of Smt. Kanti Devi, who died on 17 May 2011

under suspicious circumstances at her matrimonial home in Village Patna Mubarakpur, P.S. Baskhari, District Ambedkar Nagar. The prosecution claims that the accused – Shri Girdhari (father-in-law of the deceased) and Shri Heeralal (a relative of Girdhari) – harassed the deceased for additional dowry and ultimately murdered her by hanging, while the defence maintains that the death was a suicide and that the accused have been falsely implicated.

**2. FIR and Charges:** The First Information Report (FIR) was lodged by the deceased's father, Bhagelu Ram (PW-1), on 17 May 2011 at 6:45 PM. In his written complaint, he alleged that his daughter Kanti's in-laws were dissatisfied with the dowry given at her marriage (solemnised in 2006) and had been demanding an additional ₹1,00,000 in cash, a motorcycle, and gold jewellery (a chain and a ring). He named Kanti's father-in-law Girdhari, mother-in-law (Shakuntala), sister-in-law Nisha, brother-in-law Nebbu Lal, and one Heeralal (said to be the husband's phupha or uncle-in-law) as perpetrators who harassed Kanti for dowry, threatened her life, and ultimately "took her to the roof, hanged her by the neck and killed her" on 17 May 2011. He stated that around 1:00 PM on the fateful day, Girdhari phoned him, saying Kanti was seriously ill and that he should come take her for treatment, but about an hour later, the family learned that Kanti was already dead. Bhagelu Ram rushed to the matrimonial home and found his daughter's body lifeless at the scene. Based on this complaint, a case was initially registered at P.S. Baskhari under Sections 498A, 304B IPC (dowry death) and Sections 3/4 of the Dowry Prohibition Act against all the named in-laws.

**3. Investigation and Alteration of Charges:** During the investigation, the police discovered that the marriage had taken place more than seven years prior to the death (the marriage was in 2001, with the gauna in 2006, as per the evidence). Consequently, the offence was not legally classified as "dowry death" under Section 304B IPC, since that provision applies only when the death occurs within seven years of marriage. Therefore, Section 304B IPC was dropped, and the case was converted to one under Section 302 IPC (murder), alongside Section 498A IPC and Sections 3/4 of the Dowry Prohibition Act. After investigation, the police filed a charge-sheet against three accused – Girdhari (father-in-law), Smt. Shakuntala (mother-in-law) and Heeralal – under these sections. Notably, two persons named initially in the FIR (Nanad Nisha and Dever Nebbu Lal) were not sent up for trial, as the investigation found the allegations against them to be baseless. This indicates that the initial implication of all in-laws was partially unfounded, a fact that warrants caution.

**4. Proceedings:** The case, being exclusively triable by the Court of Session, was committed to this Court by the Chief Judicial Magistrate on 19.09.2011. This Court framed charges under Section 302 IPC, Section 498A IPC, and Sections 3/4 of the Dowry Prohibition Act against the accused, Girdhari, Smt. Shakuntala and Heeralal on 23.08.2011, to which they pleaded not guilty and claimed trial. During the pendency of the trial, the accused Smt. Shakuntala (the mother-in-law of the deceased) passed away. Consequently, by order dated 29.03.2024, the case against Smt. Shakuntala was abated. The trial thus continued against the remaining two accused, Girdhari and Heeralal (hereinafter "the accused").

**5. Accused's Plea:** In their statements recorded under Section 313 of the Code of Criminal Procedure, 1973 (CrPC), both accused denied all incriminating evidence put to them. Accused Girdhari stated in his defence that Kanti Devi had been unable to bear a child, and despite medical treatment by the family, she remained deeply distressed. He further alleged that during the marriage of Bhagelu Ram's son (the deceased's brother), some of Kanti's jewellery had been taken for the ceremony and not returned to her, causing her additional sorrow. According to him, due to these personal reasons – childlessness and upset over her jewellery – Kanti fell into depression and committed suicide by hanging herself. Accused Heeralal stated that he is a well-wisher and relative (bahnoi or brother-in-law) of Girdhari and had been implicated only due to enmity; he claims he had no role in the incident or in any dowry demand. The accused did not lead any defence evidence. Their plea, in essence, is that Kanti's tragic death was a suicide unrelated to dowry harassment and that the allegations are a concoction by her family due to ill will.

**6. Trial Evidence:** The prosecution examined eight witnesses in support of its case. These include four material witnesses from the family: PW-1 Bhagelu Ram (complainant and father of the deceased), PW-2 Kiran (sister of the deceased), PW-3 Mahendra Kumar (brother of the deceased), and PW-4 Ram Kripal (maternal uncle of the deceased). The remaining witnesses are official witnesses: PW-5 Dr R.P. Pal (who conducted the post-mortem examination), PW-6 Swaminath (Circle Officer who initially supervised the investigation), PW-7 Insp. Shankar Singh (Investigating Officer who completed the investigation and filed charge-sheet), and PW-8 Ram Narain Ravi (another police officer involved). The material documentary exhibits include the written complaint (Ex. Ka-1), the inquest report (Panchayatnama, Ex. Ka-2), the post-mortem report (Ex. Ka-3), relevant GD (General Diary) entries including the FIR registration (Ex. Ka-10) and an entry noting that two

initially named co-accused (Nisha and Nebbu Lal) were found not involved (Ex. Ka-12), site plan (Ex. Ka-9), charge-sheet, etc.

**6. Overview of Issues:** From the rival contentions and the charges, it is clear that the core questions are: (a) whether the death of Smt. Kanti Devi was homicidal (murder) or suicidal, (b) whether the accused individuals were responsible for causing her death, and (c) whether, apart from the death itself, the accused subjected her to cruelty or harassment in connection with dowry demands at any time during her marriage. These issues will be formulated as points for determination and discussed in light of the evidence and applicable law. Before proceeding with that analysis, it is pertinent to note the arguments advanced by both sides.

**7. Arguments of Counsel:** The learned District Government Counsel (Prosecution) argued that the prosecution evidence proves beyond a reasonable doubt that the accused Girdhari and Heeralal, motivated by an unlawful demand for additional dowry (cash and articles), deliberately killed Kanti by hanging her on 17.05.2011. He emphasised that the medical evidence points to strangulation (homicide) and that the prior harassment for dowry establishes motive and culpability, warranting conviction of both accused for murder and dowry-related cruelty. In contrast, learned defence counsel contended that the entire case is fabricated and full of reasonable doubts. He highlighted that the FIR was not prompt – it was lodged in the evening after the post-mortem, indicating that it was a suspiciously delayed, well-consulted account tailored to implicate the accused. He pointed out that no independent eyewitness corroborates the incident and that all key witnesses are interested relatives, whose testimonies suffer from material contradictions. It was argued that the prosecution's theory rests on circumstantial evidence, which is incomplete and inconsistent, and that the medical findings are equally consistent with suicide, thus not conclusively proving murder. The defence stressed that no apparent motive or instigation on the part of the accused was established, especially given that the husband (who would be the primary beneficiary of the dowry) was abroad and not even charged, and that one of the accused (Heeralal) is a distant relative with no direct involvement. On these grounds, the defence urged that the accused be given the benefit of the doubt and acquitted of all charges.

Having heard the arguments and carefully examined the entire record, the Court now proceeds to frame the points for determination and analyse the evidence on record.

### **Points for Determination**

8. Based on the charge-sheet and the rival contentions, the following points arise for determination:

- 1. Whether the death of Smt. Kanti Devi was a result of homicidal violence caused by the accused Girdhari and Heeralal on 17.05.2011 – constituting the offence of murder under Section 302 IPC.**
- 2. Whether during the subsistence of Kanti Devi's marriage, the accused subjected her to cruelty or harassment in connection with their demand for dowry, constituting the offence under Section 498A IPC.**
- 3. Whether the accused persons demanded and endeavoured to obtain dowry (including ₹1,00,000 cash, a motorcycle, a gold chain and a ring) in connection with the marriage of Kanti Devi, or willfully received such dowry, constituting offences under Sections 4 and 3 of the Dowry Prohibition Act, 1961, respectively.**

These points will be addressed through an appreciation of the evidence, keeping in mind that the prosecution bears the burden of proving each element of the offences charged beyond a reasonable doubt.

### **Appreciation of Evidence**

#### **Evidence of Alleged Dowry Harassment and Motive**

9. **Testimony of PW-1 (Bhagelu Ram, father of the deceased):** As the informant, PW-1 Bhagelu Ram narrated the history of his daughter's marriage and the alleged dowry demands. In his examination-in-chief, he stated that his daughter, Kanti, was married to Vinod (son of the accused, Girdhari) in May 2001, with the gauna ceremony performed in 2006, when she went to live with her husband. He claimed that after Kanti began living at her in-laws' house, her father-in-law (Girdhari), mother-in-law (Shakuntala), nanad (Nisha), devar (Nebbu Lal), and her husband's uncle, Heeralal, all started demanding additional dowry: ₹1 lakh in cash, a Hero Honda motorcycle, a gold chain, and a gold ring. He testified that they would harass and threaten Kanti, saying that if she did not bring these items, they would kill her. PW-1 said he had given a gold ring to Girdhari on one occasion to appease these demands. Regarding the incident, he deposed that on 17.05.2011, while his son-in-law Vinod was abroad in Dubai, the accused persons (in-laws) murdered his daughter because of dowry demands and hung her body from the roof of their house. He stated that around 1:00 PM that day, Girdhari (his samdhi, co-father-in-law) called him claiming Kanti was ill and asking him to come take her for treatment, but an hour later his

family got another call informing them that "she has been killed". PW-1 rushed to the matrimonial home and found his daughter lying dead at the house; when he inquired what had happened, the accused allegedly told him that she had died by hanging herself. Thereafter, PW-1 had a written report drafted by his relative, Ram Kripal (PW-4), and submitted it to the police station that evening. This written FIR (Ex. Ka-1) fully implicating the in-laws was admittedly prepared with the help of relatives and lodged after the death had been discovered and the body taken into custody by the police.

**10. Cross-examination of PW-1:** The credibility of Bhagelu Ram's testimony suffers under cross-examination. He conceded several facts that undermine the prosecution's narrative of continuous dowry harassment. Notably, PW-1 admitted that at the time of arranging the marriage and during the wedding ceremony, no dowry demands were made by any of the accused – in his words, "when the marriage was fixed, all accused were present, but nobody demanded dowry; when the baraat came, no one demanded dowry". He further acknowledged that for about six years after the marriage (i.e. roughly until the gauna in 2006), none of the accused ever demanded any dowry from him. This is significant, as it indicates the alleged dowry demands (and concomitant cruelty) began rather late, contrary to the claim that harassment started "after marriage" or was continuous.

**11.** PW-1 also confirmed that the accused Heeralal had no direct role in the marriage negotiations – he is not a blood relative of the bride or the groom's immediate family, and did not mediate the marriage. In fact, Heeralal's home is in a different village about 8-10 km away from the matrimonial village, and PW-1 had no prior dealings with Heeralal until seeing him at the marriage functions. This casts doubt on why Heeralal would be involved in the day-to-day harassment of the deceased. PW-1 stated that Heeralal was present during the exchange of gifts ("len-den") at the wedding, but otherwise had no earlier connection.

**12.** Regarding the dowry given, PW-1's statements were inconsistent. He initially said he gave whatever customary gifts he could at the wedding and that no specific additional dowry was demanded at that time. He then stated that he did not provide a motorcycle, cash, or a gold chain at the wedding, but he did give a gold ring to Girdhari about 8 years after the marriage (around 2009), upon being asked for dowry. Later, he testified that he gave Girdhari a ring, and "three years after that, my daughter died". These shifting timelines are confusing, but they suggest that if any dowry demand occurred, PW-1 himself places it in the later years of the marriage. Moreover, PW-1 admitted that until about 6 years after the marriage (i.e. up to 2007), the accused never asked him for any

dowry. This substantially weakens the allegation of persistent harassment from the beginning of married life. It is also noteworthy that the husband, Vinod, is not alleged by PW-1 (in chief) to have made any dowry demand, whereas in cross-examination, PW-1 vaguely included his damad (son-in-law) among those who demanded money and a motorcycle. This contradicts PW-3's testimony that Vinod never sought any dowry (discussed below), and suggests that PW-1 may have exaggerated or become inconsistent on this point over time.

**13. FIR delay and preparation:** PW-1 admitted that he is not well-educated (class 8 pass) and that he did not write out the FIR himself; instead, he had his brother-in-law Ram Kripal (PW-4) draft the report at the police station on his behalf. He also conceded that before going to the police, he had called Ram Kripal from his village, and they travelled together to the police station to lodge the report. In fact, PW-1 was on duty (as a Home Guard) when he received news of his daughter's death; he met Ram Kripal at another police station (Aliganj) around 2:00 PM, and they reached Baskhari police station by about 3:00 PM. Instead of immediately registering the FIR, the police first accompanied PW-1 to the village and took custody of the body, and the formal FIR in writing was submitted only after returning to the station, sometime around or after sunset (PW-1 estimated the body reached the thana by 6:00 PM and the panchayatnama witnesses arrived by 7-8 PM). The defence has characterised this sequence as a suspicious delay, arguing that the FIR was lodged after due deliberation and even after the post-mortem (which occurred the next day) in order to implicate the accused with a tailored narrative. While the FIR in fact bears the same date (17.05.2011 at 18:45 hrs), it is clear there was a lapse of a few hours between the time of first information of death (around 1-2 PM) and the time the written complaint was finalised and lodged. During that period, PW-1 admittedly consulted with relatives (like PW-4) and only submitted a report drafted by someone else. This diminishes the spontaneity of the FIR and leaves room to suspect embellishment. It is notable that the FIR named five individuals, including distant relatives; subsequently, two of them (Nisha and Nebbu Lal) were found to have no involvement, lending credence to the defence claim that there was an attempt to rope in as many in-laws as possible.

**14. No eyewitness to actual incident:** PW-1 plainly stated that he did not witness the assault or the act of hanging – when he arrived, his daughter was already dead. In fact, no witness has claimed to have seen the accused physically harming the deceased at the time of death; PW-1 confirmed that apart from the dowry harassment stories, "there is no witness in the case who saw the murder being committed". This

admission aligns with the overall nature of the case as one hinging on circumstantial evidence and prior conduct, rather than direct evidence of the homicidal act.

**15. PW-2 Kiran corroborated parts of her father's account but also revealed some inconsistencies and limitations in her knowledge.** In her deposition, Kiran identified herself as the elder sister of the deceased and stated that their parents had given dowry to the best of their ability at Kanti's marriage in May 2001, but Kanti's in-laws were not satisfied. She testified that Girdhari (father-in-law), the mother-in-law, devar Nebbu Lal, and nanad Nisha used to demand one lakh rupees, a gold chain, a gold ring, and a motorcycle from Kanti, and threatened to finish her if she didn't bring it. Whenever Kanti visited her parental home, she confided in Kiran about this harassment. PW-2 further stated that about five years before her testimony (she deposed in 2019, so roughly around 2014, though the incident was in 2011), the accused persons "for dowry, killed my sister and hung her." She recounted that Girdhari called, saying Kanti was ill, so the family went to her in-laws' house, and there saw Kanti's body hanging. Her father (PW-1) then lodged the report.

**16. Scope of knowledge:** Under cross-examination, it emerged that Kiran's knowledge of the events was somewhat indirect. She had been married for ~20 years and lived with her own in-laws, far from her parental home. She admitted that after Kanti's marriage, she only met her occasionally. In fact, Kiran's last meeting with Kanti was a few months before the death – she said Kanti came to her (Kiran's) house about 3-4 months prior to her demise; after that, they did not meet. Thus, Kiran had no direct observations of the final few months or days of Kanti's life; her testimony about harassment is based mainly on what Kanti purportedly told her during visits or calls.

**17. Contradiction on the incident scene:** Importantly, PW-2 gave a version of the scene that conflicts with PW-1's account. She testified that when she arrived at the matrimonial home after hearing Kanti was ill/dead, she saw Kanti's body "**hanging from the noose**" in front of her. By contrast, PW-1 (father) testified that when he arrived, the body was lying on a cot and the accused themselves told him she had hanged herself earlier (implying they had taken the body down). Additionally, PW-4 (Ram Kripal) corroborated that when he reached, the body was lying on a cot in the veranda, covered by a sheet. The fact that Kiran claims to have seen the body still hanging, whereas other witnesses say it had been taken down, is a material inconsistency. It suggests either a lapse in Kiran's observation or memory or a possible exaggeration to strengthen the murder narrative. Notably, Kiran conceded that she did not actually witness anyone hanging Kanti; she arrived only after the

fact. Her statement that she saw the body hanging is thus at odds with the others and casts some doubt on her reliability or timing.

**18. Hiralal's absence:** Kiran's testimony undermines the allegation against Heeralal to a degree. In cross, she affirmed that at the time of the incident, Vinod (husband) was away abroad, and only the parents-in-law, nanad, and devar were residing at the matrimonial home. She specifically stated that Heeralal's house is in Amoliya, about 20-25 km away from the scene of the occurrence. This admission is significant: it indicates that Heeralal was not a member of the household and likely not present on a daily basis, let alone on the day of the incident. In fact, Kiran never claimed that Heeralal was present during any of the harassment or at the time of death. She also said "the accused never demanded dowry from me", meaning she had no personal interaction with Heeralal (or others) regarding the alleged demands. This weakens the prosecution's attempt to implicate Heeralal, suggesting he may have been named primarily due to his relation to the family rather than his actions.

**19. General credibility:** Kiran could not recall basic details like the exact date or day when her sister died, or even the year (she admitted she cannot say the date, month or day of death). She also was unaware of the investigation details – for instance, she did not know whether the Investigating Officer or Circle Officer took her statement, and in fact, she claimed no police officer ever came to her or recorded her statement. (This is puzzling, as the IO asserts statements of all witnesses were recorded; it could mean the Executive Magistrate recorded her statement during the inquest or much later, or perhaps she forgot. Nonetheless, it shows her involvement in the investigation was minimal.)

**20.** In summary, PW-2's testimony supports the existence of dowry demands and a theory of homicidal hanging, but her evidence is entirely familial (interested witness), somewhat derivative, and contains discrepancies (especially regarding the position of the body and the involvement of Heeralal). Her confirmation of Heeralal's distance from the household is particularly favourable to the defence.

**21. Testimony of PW-3 (Mahendra Kumar, brother of the deceased):** PW-3 Mahendra, the deceased's brother, also testified to dowry harassment and the circumstances around the incident. In chief, he stated that Kanti was his sister and that their father had conducted her marriage with Vinod in May 2001, with gauna in 2006. For a few days after she went to her in-laws, all was well, but later her father-in-law Girdhari, mother-in-law Shakuntala, nanad Nisha, devar Nebbu Lal,

and “phupha” Heeralal started demanding a gold chain, motorbike and ₹1 lakh from her. They allegedly tortured her physically and mentally over these demands. PW-3 said Kanti told him and the family about this cruelty during phone calls and visits, weeping that the accused threatened to kill her if the demands weren’t met. The family would console her and cite their poverty as a reason for their inability to meet the demands. Regarding the fateful day, PW-3 stated that on 17.05.2011, Girdhari called their father (PW-1) around noon, saying, “Your daughter is very sick, take her for treatment.” About an hour later, PW-3’s own wife, Suman Lata, received a phone call informing her that “Kanti has been killed”. By that time, Bhagelu Ram had already left for the village, and PW-3 also rushed to the scene with some others. After seeing what happened, they went to the police station. He confirmed that his father lodged the FIR and that the police recorded his (PW-3’s) statement. He also noted that Vinod (husband) was in Saudi Arabia for work at the time.

**22. Cross-examination of PW-3:** Mahendra’s testimony reveals crucial details that align more with the defence on certain points:

**No dowry issues for five years and no complaint regarding dowry prior to the incident:** He agreed that the marriage was arranged happily with the consent of both families, and that there was no dispute or demand regarding dowry at the time of marriage or during the gauna. He reiterated that for five years after the marriage, relations between their family and the in-laws were cordial: the families visited each other and “everything was fine; there was never any talk of dowry in those five years”. He specifically said, “There was no dispute over dowry during the wedding or the vidai, all was done happily. No mention of dowry between the families in those years.” This concurs with PW-1’s admission that no dowry was sought initially, and significantly undermines the prosecution’s claim of continuous harassment. It appears the dowry demands (if at all) allegedly surfaced only after 5-6 years of marriage, which is an unusual scenario and raises questions as to what triggered them after such a long period of harmony. There was no dowry issue or harassment before the incident.

**23. Husband’s role:** PW-3 made it clear that the husband, Vinod, was never part of any dowry demand or harassment. He stated unambiguously that “Vinod (the husband) has never demanded any dowry from me, my family, or my sister, hence he is not made an accused”. He even added that Vinod had a good relationship with Kanti and the entire family. This is an important piece of evidence. It explains why the husband is not on trial, but paradoxically also weakens the dowry-demand motive for the remaining accused. Typically, dowry

demands in a matrimonial home are spearheaded or at least shared by the husband; here, the husband is exonerated by the prosecution witnesses themselves. Suppose the husband, who is usually the central figure in matrimonial life, never asked for dowry and had no issues. In that case, it casts doubt on whether the father-in-law and others would, on their own, relentlessly pursue such demands. The prosecution's theory is that the other in-laws acted independently to demand dowry to benefit the husband (or themselves). The motorcycle was of no use to the elderly in-laws. However, PW-3's testimony suggests that the husband's family might not have been antagonistic initially, and that the husband's absence abroad might have been the context in which the allegations arose (perhaps due to other stresses, such as childlessness, separation from husband).

**24. Heeralal's involvement:** PW-3 confirmed that accused Heeralal is not a blood family member of the in-laws – he described that Heeralal is not from their village and is “not part of their family”. He estimated Heeralal's residence to be 12–14 km away from Girdhari's house. Crucially, PW-3 stated, “Heeralal was made an accused because he had helped in the marriage.” This is a very candid admission that bolsters the defence argument: it implies that Heeralal's only connection was that he participated in or facilitated the marriage ceremony (perhaps as an elder relative or well-wisher), and he was implicated on that basis, not because of any specific overt act of cruelty. PW-3 also noted that Nisha and Nebbu Lal (the daughter and son of Girdhari) were not made accused in this trial, implicitly acknowledging that initial allegations against them did not hold up. His statement underscores that the scope of accused persons was narrowed to those thought to have played a role – but in Heeralal's case, the role was merely arranging the marriage. This lends weight to the concern that his implication may be unfounded. Indeed, the Supreme Court has cautioned in dowry death cases that distant relatives are often roped in without clear evidence of their involvement, and that “for the fault of the husband, the in-laws or other relations cannot be held guilty merely on conjecture without proof of specific acts” ([Kans Raj vs State Of Punjab & Ors on 26 April, 2000: AIR 2000 SUPREME COURT 2324](#)). This case appears to exemplify that tendency, as even the deceased's brother tacitly admits that Heeralal's inclusion was because he was part of the wedding, not because he lived with or routinely harassed the deceased.

**24. Timeline of death and investigation:** PW-3 confirmed that Kanti died about five years after her gauna (gauna in 2006, death in 2011). He admitted that he did not witness the incident (“I did not see who killed her”) and cannot say how she died. He maintained his belief that the

accused killed her for dowry and not for any other reason, but this is more in the nature of his inference rather than an eye-witness account. He denied the defence suggestion that perhaps Kanti had handed over her jewellery to him (PW-3) during his own wedding and that she later felt bad about not getting it back, leading her to suicide. (This suggestion aligns with accused Girdhari's statement about the jewellery dispute and the emotional distress of the deceased, attempting to present an alternative motive for suicide unrelated to dowry demands.) PW-3 also revealed that his statement was recorded by the investigator quite late – “about one and a half to two months after the incident”. Such a delay in recording a key witness's statement to police is unexplained and can make the testimony less reliable, given the possibility of afterthought or coaching. Early, spontaneous statements are generally more trustworthy; here, most family witnesses' statements (except PW-1's FIR) seem to have been recorded long after the event (in PW-3's case, 1.5-2 months later, and PW-2 wasn't approached by police at all by her account). This procedural lapse further clouds the prosecution's story.

**25.** In sum, PW-3 supports the prosecution on the allegation that there were dowry demands and that the in-laws are responsible for Kanti's death. However, his candid admissions about the initial absence of dowry disputes, the husband's non-involvement, and the tenuous link of the accused, Heeralal, significantly dilute the prosecution's case. His testimony, read as a whole, suggests that the narrative of dowry harassment is not as straightforward or long-standing as portrayed, and it underscores reasonable alternative explanations for Kanti's plight (such as childlessness or family disputes over jewellery).

**26.** Testimony of PW-4 (Ram Kripal, maternal uncle of the deceased): PW-4 Ram Kripal is the brother of Bhagelu Ram's wife (i.e., the deceased's maternal uncle, referred to as mama or sala of PW-1). He is an essential witness, as he drafted the FIR for PW-1 and acted as a Panch witness in the inquest proceedings. In his examination-in-chief, Ram Kripal stated that on 17.05.2011, upon hearing of his niece Kanti's death, he went to Village Patna Mubarakpur (the matrimonial home). When he arrived, the police and a Naib Tehsildar (Executive Magistrate) were already present, conducting the inquest. He, along with four others (Ram Ratan, Manti, Dilip, and Pappu), was included as a Panch witness for the Panchayatnama. They observed the body and noted injuries; PW-4 specifically mentioned seeing injuries on the neck of the deceased. The Magistrate and police asked the Panch witnesses, individually and collectively, for their opinion on the cause of death. PW-4 testified: “all the Panchas and I told them that the accused had murdered her and hung her”, and that a post-mortem should be conducted to find the true

cause. The inquest report (Ex. Ka-2) was prepared accordingly, and PW-4 identified and signed it. He also confirmed that the police took his statement as a witness. Essentially, his chief testimony supports the prosecution's narrative that even at the inquest stage, the family and villagers suspected a dowry murder.

**27. Cross-examination of PW-4:** Ram Kripal's cross-examination brought out details that question the authenticity of the early proceedings:

**Timing and location of inquest:** PW-4 said something striking: "I reached the incident spot on 17.05.2011 at 9:00 AM. When I arrived, the corpse was lying on a cot in the verandah. I and my brother-in-law Bhagelu Ram and I reached together." This timing is clearly inconsistent with all other evidence, since the death itself was discovered only around midday on the 17th. It appears PW-4 might have meant 9:00 PM (or he is mistaken about the exact hour). In any event, he corroborates that he and PW-1 arrived together and found the body placed on a cot in the verandah, covered with a sheet (not hanging). He adds that apart from them, no other family members from their side were present at that moment; only the daroga (IO) and the Tehsildar were there. He says that about an hour to an hour-and-a-half after he reached, his signature was taken on the Panchayatnama, along with the signatures of Ram Ratan, Dilip, Brijesh, and Manti (the other Panchas). Bhagelu Ram's signature was not taken as a Panch witness (likely because he was the complainant). PW-4 mentions that the other Panch witnesses (apart from himself and Bhagelu Ram) arrived "immediately after" he did, and signed the papers in his presence.

**28. Basis of conclusion:** Crucially, PW-4 admitted that his statement in the inquest about the cause of death was not based on personal knowledge but hearsay. He said, "I stated that she was hanged for dowry by the accused based on what the villagers told me. I did not see with my own eyes the deceased being hanged." He further observed that the body was covered by a sheet, and he could not even recall its colour. This candid admission reveals that the Panchayatnama conclusion (that it was a murder by hanging) was essentially a presumption or impression gathered from local talk, not an eyewitness account. All the Panchas, being either relatives or neighbours, apparently echoed a suspicion rather than an observed fact. Such an opinion in the inquest, while part of the initial investigation, cannot be taken as proof – it only shows the suspicion at that time.

**29. Thana vs. spot:** There was some challenge put to PW-4 that perhaps he did not even go to the spot, and that the police obtained signatures

on blank papers at the thana in the evening. He denied that suggestion, insisting he did go to the scene. However, he acknowledged that later he also went to the police station on the day of the incident, along with Bhagelu Ram. He mentioned that many people from their side had gone to the thana after the incident – including himself, Bhagelu Ram, Ram Ratan, Manti, etc. He wasn't certain whether their signatures were also taken at the thana, but he maintained that when they signed, the document was not blank (implying it was the prepared inquest report). He refuted the defence's suggestion that he arrived at the police station only at 6:45 PM and never went to the village, calling it false.

**30.** Overall, PW-4's testimony contributes the following: it corroborates the timing of events in that the body was found by late afternoon/early evening, and an inquest was promptly done (perhaps at the scene or possibly at the thana; the evidence is a bit muddled). It affirms that the family suspected the in-laws from the get-go. But it also confirms there was no direct evidence, and the suspicion was based on circumstances and hearsay. PW-4's role in drafting the FIR further indicates that the narrative presented to the police was a joint effort by the family (not a spontaneous outcry by the victim or an independent witness).

**31.** It is also worth noting that PW-4 is an interested witness (being the maternal uncle) and was actively involved in both reporting and the inquest. While no mala fide is attributed, the fact that many Panch witnesses were either relatives or brought by the complainant (e.g., Ram Ratan is another saala of PW-1, as PW-1 mentioned) means the inquest lacked truly neutral witnesses. This somewhat diminishes its value as an impartial fact-finding exercise.

### **Medical Evidence (Cause of Death)**

**32. Testimony of PW-5 (Dr R.P. Pal – Autopsy Surgeon):** The medical evidence is central to determining whether Kanti's death was homicidal or suicidal. Dr R.P. Pal (PW-5) conducted the post-mortem on Kanti's body on 18.05.2011 at about 10:30 AM at CHC Tanda. In his examination-in-chief, Dr Pal gave the following findings from the autopsy (Ex. Ka-3):

**33. Condition of the body:** The deceased was about 28 years old and of average build. Her eyes were closed, and her tongue was protruding. Rigor mortis was present in the lower limbs but not in the upper body. (This suggests some hours had passed since death, consistent with death on the 17th afternoon).

**33. Ante-mortem injuries noted:**

1. An abrasion and contusion (nilgu nishan yukt kharoch) of size 5.0 cm x 3.0 cm over on lateral (the outer upper side) of the left palm.
2. Abrasion and contusion of size 1.0 cm x 0.5 cm on the tips of the left index, middle, and ring fingers.
3. An abrasion and contusion of size 5.0 cm x 1.0 cm on the dorsum (back) of the right hand's ring and the little fingers.
4. A postmortem ligature mark on the front side of neck, measuring 23.0 cm x 1.0 cm, 5cm left (gap) behind the neck. Notably, this ligature mark was incomplete – it was absent in a segment of about 5 cm on the back of the neck (i.e., a gap of 5 cm where no mark was present). Dr Pal specifically deposed that he had initially written this neck mark in the post-mortem report under a antemortem section mistaking it as a post-mortem, but he clarified that it was an ante-mortem injury. Still, there is no antemortem section in the postmortem form. In essence, the neck mark was a classic ligature mark prior to death.

**34. Internal examination:** The doctor found congestion in the trachea and both lungs (they were full of blood). The heart's both the chambers were empty. The stomach and intestines were distended with gas; the gall bladder was full; the urinary bladder had about 4 ml of urine. No mention was made of any fracture of the hyoid bone or neck cartilage – in fact, the spinal column was not opened, so any internal neck skeletal injuries (like a broken hyoid) were not examined.

**35. Time since death:** The doctor opined that at the time of the post-mortem (morning of 18th May), death had occurred “within about one day”, which is consistent with death on 17th May, in the afternoon.

**36. Cause of death:** Dr Pal concluded in the postmortem report that the cause of death was asphyxia (suffocation) due to obstruction of the airway. He explicitly testified before the Court: “The death in this case was caused by strangulation (gala ghotne se hui). I am saying that it was strangulation (homicidal) because of the signs of ante-mortem injuries observed.” He thus distinguished it from a simple suicidal hanging. In other words, the doctor's professional opinion was that it was not a self-inflicted hanging but a forcible strangulation, given the injury pattern. He also described the items the deceased was wearing (clothes, some jewellery, such as one earring, toe rings, sacred threads, etc., and a gold ring) and confirmed that he prepared and signed the post-mortem report and related documents.

**37.** On the face of it, the medical opinion before supports the prosecution's theory of homicide. The presence of multiple minor injuries on the hands could indicate a struggle – possibly the victim's

defensive wounds while resisting strangulation (scratches on fingers and palm) or injuries from contact with a rough surface. The ligature mark with a gap at the back could occur in either hanging or staged hanging; however, the doctor, considering the totality, leaned towards strangulation. It is notable that he cited “ante-mortem injuries” as the basis for calling it murder – likely meaning the scratches on the hands and perhaps bruises that suggested a struggle or assault beyond a typical suicidal hanging.

**38. Cross-examination of PW-5:** Under probing by the defence, Dr Pal made several vital concessions that introduce ambiguity into the medical evidence:

**He described the ligature mark's characteristics in detail:** 23 cm long, 1 cm broad, encircling the neck but leaving a 5 cm gap at the back. The presence of a gap on the back of the neck is a classic feature often associated with suicidal hanging (where the noose is usually situated with a knot at the back or side, causing an incomplete imprint), whereas in a typical ligature strangulation by an assailant, the mark might be more horizontally continuous around the neck. The doctor did not explicitly discuss the direction or orientation of the ligature mark (e.g., whether it was high up and oblique, which would favour hanging). But he acknowledged that if a person hangs themselves with a rope, dupatta, or other cloth, a ligature mark can result. This implies the neck mark was not inconsistent with a hanging scenario.

**39. Minor injuries and their causation:** Dr Pal was questioned about the other injuries (injuries 1, 2, 3 on the hands) and injuries 4, 5, 6 mentioned in his report's external exam section, which correspond to bruises. He admitted that the injuries on the body were mainly abrasions (scratches), and while he had described some as “contusions” (bruises) in the report, he clarified he was not sure of the exact Hindi term for contusion. Notably, he conceded that certain injuries could be due to accidental causes: “Injury No. 4 (one of the bruises) could be caused by a fall; Injury No. 5 could also be caused by a fall.” This is significant because it opens the possibility that those bruises were not necessarily the result of assault or resistance. For instance, if the deceased jumped or fell during a suicide attempt (or if the body was lowered or fell to the ground after hanging), such minor blunt injuries could occur. Dr Pal, however, maintained that, aside from those, the other scratches were unlikely to be from a simple fall (they could be defensive).

**40. External vs. internal consistency:** The defence highlighted a discrepancy between the autopsy report and the photographic evidence. A photograph (sketch) of the body (Ex. Ka-7) was taken during the

inquest. Dr Pal admitted that in the post-mortem photograph, only the neck injury was visibly marked; none of the other injuries were indicated in the photo. In contrast, the post-mortem report's column for external injuries listed multiple injuries (the scratches and bruises). He confirmed, "Exhibit Ka-7 (photo) shows only the neck injury marked; no other injury is marked. But the post-mortem report (Ex. Ka-3) in the external examination column mentions injury numbers 4, 5, 6, which are not noted in Exhibit Ka-7. Another glaring mistake apparent on the record is that Dr Pal did not state in the postmortem report the angle of the ligature mark. This discrepancy does not necessarily mean the doctor fabricated injuries. Still, it raises a question: were those minor injuries so subtle that they did not show up or were not marked in the photo? The defence insinuated that the injuries might have been insignificant or noted under pressure. Dr Pal denied any wrongdoing, asserting, "It is wrong to say that there were no external injuries on the body. It is wrong to say that I made a false note under pressure from the complainant." He did acknowledge "I did not use the term 'external injury' in the report" explicitly for those marks, i.e. Injuries No. 4, 5, and 6. He also acknowledged that he inadvertently mentioned the ligature mark as postmortem while it was antemortem. In cross-examination, Dr Pal admitted that pressure on the neck was applied from the front, while this fact does not find place in the postmortem report. The deposition of Dr Pal in the Court took place after a 13-year gap. Now, after 13 years, he is saying that the ligature mark was antemortem, injuries were antemortem, pressure on the neck was applied from the front side, which is not a technical nuance, but very material and shows that the postmortem was done negligently. It is apparent that although the postmortem report does not explicitly show strangulation. Still, he is trying to prove so in the Court as the charge was framed under section 302 of the IPC. I have no hesitation in stating that Dr Pal's professional conduct was neither ethical nor proper. The doctor also admitted that he had not cut open the neck structures (hyoid bone, etc.) to check for fracture. In many cases of strangulation vs hanging, a fracture of the hyoid or thyroid cartilage can be a differentiating sign (more common in manual strangulation by force than in suicidal hanging). The absence of mention of any fracture suggests none was observed, but since the spine wasn't opened, perhaps it wasn't examined. This leaves a gap in conclusiveness.

**41.** In summary, Dr Pal's testimony, when balanced, does not conclusively rule out suicide. While he opined it was strangulation, the defence was able to show that (a) the ligature mark was consistent with a hanging in its appearance (horizontal, with a gap at back), (b) the minor injuries on the body could have innocuous explanations (like falls

or the victim's own struggle during hanging), and (c) there were no grievous injuries (no fractures, no deep wounds) and some noted bruises did not even appear in photo. No injury is found on the alleged assailant, which could show that there was a struggle between the deceased and the accused. Additionally, the very circumstances of discovery – the victim was found hanging (as per some witnesses) or just recently cut down – can naturally explain a ligature mark and even petechiae or minor abrasions from struggling with a rope or attempts to self-release. The only factor strongly favouring homicide was the presence of multiple minor abrasions on her hands, suggestive of defensive injuries (e.g., if she tried to fend off an attacker or claw at a strangulating rope). However, even those could be interpreted as the victim clawing at the noose while hanging herself – a known occurrence in some suicides by hanging (people often reflexively try to relieve pressure, causing scratch marks on their neck or hands). In fact, the injuries were on her palms and fingers, not on her neck; possibly from her trying to grip or loosen the rope.

**42.** Ultimately, the medical evidence is not unambiguous. It certainly points to unnatural death by asphyxiation. But whether it was murder or suicide requires connecting these medical facts with other evidence. The doctor's conclusion of "strangulation" is an opinion; the court must evaluate if the factual foundations (injury pattern) irresistibly lead to that conclusion. Here, given the inconsistencies and the plausible alternative explanation, a reasonable doubt remains. In a criminal trial, any such doubt must benefit the accused. The Hon'ble Supreme Court, in the case of Sharad Birdhi Chand Sarda vs State Of Maharashtra on 17 July, 1984: 1984 AIR 1622, has held that "the accused must be and not merely may be guilty" for conviction – "the mental distance between 'may be' and 'must be' is long and divides vague conjectures from sure conclusions." In the present case, the medical evidence taken alone may raise a strong suspicion of foul play, but as will be seen, it does not reach the level of "must be true" in establishing murder, especially when considered alongside the other evidence and contradictions.

### **Other Investigative Evidence**

**43.** Testimonies of PW-6 (Swaminath, the Circle Officer) and PW-7 (Insp. Jai Shankar Singh, IO): These officers detailed the investigation steps. PW-6 (CO Swaminath) took over the initial investigation on 17.05.2011 (when the case was still registered under 498A/304B/DP Act). He testified about visiting the scene, preparing the site plan (Ex. Ka-9), collecting evidence, and noting statements. He confirmed that since the death occurred after seven years of marriage, Section 304B IPC (dowry death) was inapplicable, and the case was converted to Section 302 IPC.

PW-7 (Inspector J.S. Singh) completed the investigation and submitted the charge-sheet (Ex. Ka-14) against Girdhari, Shakuntala, and Heeralal. From their accounts and documents, a few points emerge:

**45.** They found no direct evidence of murder, like an eyewitness or forensic evidence linking the accused (no mention of fingerprints, blood marks, or confessions). The case was built entirely on circumstantial evidence: prior complaints of dowry harassment and the medical opinion of strangulation. PW-6 acknowledged that no witness statement in the case file asserted seeing the accused commit the murder.

**46.** The police confirmed that two of the accused initially (Nisha and Nebbu Lal) were found innocent – an entry was made (Ex. Ka-12) that their nomination was wrong. This again corroborates the concern of over-implication. The fact that the investigation team itself dropped two out of five original suspects suggests that the initial allegations were not entirely reliable. It stands to reason that the inclusion of accused Heeralal also merits careful scrutiny for similar reasons.

**47. Delay in statements:** PW-7 recorded the statements of witnesses, but, as noted, key witnesses, such as PW-2 (elder sister), PW-3 (brother) and PW-4 (uncle), had their statements recorded after considerable delay (1-2.5 months), which reduces their evidentiary weight. No independent witnesses (neighbours of the matrimonial home or local village authorities) were examined, which is a telling omission. If indeed Kanti had been consistently harassed or if there was any commotion on the day of death, one would expect some independent testimony. The prosecution did not produce, for example, any neighbour who heard noises or saw the accused around the time of the occurrence, or any friend/relative of the accused to whom a confession or admission was made. This absence leaves the court with only interested testimonies and the medical evidence.

**48. Motive and conduct:** The investigating officers did not uncover any concrete motive beyond the alleged dowry demands. There was no evidence of a recent quarrel or immediate provocation (the accused Girdhari actually made a phone call inviting the father over, which is paradoxical if he intended to murder her shortly after). The prosecution's motive theory is purely that persistent dowry greed led to the murder. On the other hand, the defence highlighted potential motives for suicide – e.g., the stress of infertility (10 years of marriage without a child) and depression due to separation from husband, possibly aggravated by family disputes (like the jewellery issue). In fact, PW-1 admitted that Kanti had no child and was under treatment for it, and he denied that he kept her jewellery – indicating the issue was raised

in the trial. While motive is not conclusive either way, the existence of a plausible alternative motive (suicide out of personal despair) further clouds the picture.

**49.** In summary, the official witnesses establish that the case rests on circumstantial evidence of prior cruelty and medical inference. There is no direct proof of the accused performing any lethal act. The chain of circumstances includes: (a) Kanti was last known to be alone with her in-laws (since husband was away) on 17 May 2011 (Section 106 of the Indian Evidence Act); (b) She died an unnatural death by hanging/strangulation at their house; (c) There were historical allegations of dowry harassment by those in-laws; (d) The accused called the victim's family when she was found in critical condition (or dead). This chain must be tested against legal standards for circumstantial evidence, and any missing link or alternative explanation consistent with innocence must be carefully weighed.

## **Findings**

**50.** Having considered the evidence, this Court now returns to the points for determination:

### **Point 1: Death of Kanti Devi – Murder or Suicide?**

**Findings on Point 1:** The prosecution has failed to prove beyond a reasonable doubt that the death of Smt. Kanti Devi was murdered by the accused. While it is established that the deceased died an unnatural death due to asphyxia from hanging/strangulation, the evidence does not conclusively point to murder by the accused as opposed to suicide. The circumstances proved are not "only consistent with the hypothesis of guilt"; on the contrary, they are explainable on a reasonable alternative hypothesis of suicide. Therefore, the benefit of the doubt on this issue must be given to the accused.

**51. Reasons:** It is undisputed that Kanti died by asphyxia (lack of oxygen) caused by a ligature on her neck. However, whether this was inflicted by someone (strangulation) or self-inflicted (suicidal hanging) is in doubt. No one witnessed the moment of death. The case hinges on circumstantial evidence and forensic opinion.

**52.** The Court is mindful of the principles governing circumstantial evidence laid down by the Hon'ble Supreme Court in Sharad Birdhichand Sharda (Supra), which serve as a guiding test in this case. These five golden principles (the "panchsheel" of circumstantial proof) are: (1) the circumstances relied upon must be fully established – not vaguely or suspectly; (2) those facts must be consistent only with the hypothesis of the accused's guilt (not explainable by any other

hypothesis); (3) the circumstances should be of a conclusive nature and tendency; (4) they should exclude every possible hypothesis except guilt; and (5) there must be a complete chain of evidence such that no reasonable ground remains for a conclusion consistent with the innocence of the accused. In simpler terms, the evidence must form a chain so tight that the only inference is that the accused caused the death, and all other explanations are demonstrably false. If any link in the chain is missing, or if the evidence only raises suspicion rather than proof, the accused cannot be convicted.

**Evaluating Point 1 by these standards, the Court finds the following:**

**53. Circumstance of opportunity (last seen/sole presence):** Kanti was indeed at her in-laws' house, and the only persons present around the time of her death (as per evidence) were the in-laws. The husband was abroad, and no outsider is known to have been present. Thus, the accused Girdhari (father-in-law) and Shakuntala (mother-in-law, since deceased) were in close proximity, and, by all accounts, accused Heeralal was not present at all. So the prosecution's case for Heeralal's opportunity fails at the outset – he was nowhere near the scene, being 10–20 km away in his own village. As for Girdhari, he was present in the same house. However, simply being present does not prove he committed murder; one must consider if he had the exclusive opportunity and if his conduct is incriminating or not. Notably, Girdhari himself made a phone call to the victim's father at 1 PM, summoning him due to the victim's ill health. This behaviour is arguably inconsistent with a murderous intent – it suggests he was seeking help. Within an hour of that call, the unfortunate news of her death emerged. If Girdhari had deliberately killed Kanti in that window, it is puzzling why he would invite her father to come over first. One might argue it was a ruse, but there is no evidence of a prior attempt by the father-in-law to administer any treatment or to delay in alignment with that story. There is also evidence that when PW-1 arrived, Girdhari (and others) did not flee or hide; instead, they were present and claimed she had hanged herself. Unlike a typical murder scenario, the accused did not attempt to secretly dispose of the body or abscond immediately. They allowed an inquest and post-mortem. Accused Girdhari remained available (he was arrested later in the normal course, not fleeing). These factors do not prove innocence, but they temper the certainty of guilt – they keep open the possibility that the death was a suicide, which the family discovered and reported (albeit belatedly to the victim's parents and then the police).

**54. Circumstances of prior conduct (motive and harassment):** The prosecution relied heavily on the alleged dowry harassment to establish

motive. As analysed, there is evidence (from PWs 1-3) that demands were made and threats issued. However, this evidence is fraught with contradictions and delays. The family's own testimony shows an extended period (5-6 years) of harmonious relations and no demands. The sudden emergence of dowry demands after such a period, especially in the absence of the husband, appears anomalous. It raises the question of whether these demands truly occurred as described or whether they are being projected *ex post facto* to explain the death. Moreover, even if some harassment occurred, the motive alone does not prove the act. Many dowry harassment cases tragically result in the bride committing suicide (due to abuse) rather than being outright killed. In fact, Section 304B IPC (which could not be applied here due to the 7-year limit) covers exactly such scenarios of dowry-related suicide or killings by presuming the culpability of the husband/in-laws if cruelty is proved soon before death. Here, the court does not have the benefit of that presumption and must weigh the evidence on merit. The harassment evidence in this case is not of sterling quality – it is all from interested witnesses, and key portions are impeached by their own prior conduct or admissions (e.g., no complaint was made to any authority during Kanti's life, no panchayat was called, no independent person was told about the threats, and indeed the family let Kanti return to her in-laws repeatedly, even as late as a few months before her death, which they likely would not have if she was on the brink of being killed as she allegedly told them). Such contradictions undermine the reliability of the motive proof.

**55. Circumstances of the death scene and condition of the body:** The scene could be interpreted either way. We have conflicting accounts: one witness says the body was found hanging (PW-2), others say it was lying on a cot when found (PW-1, PW-4). If it were a murder made to look like suicide (staged), one would expect the accused to leave the body hanging to strengthen the suicide narrative. PW-2's claim that she saw it hanging might support that. But PW-1 and PW-4 arrived earlier and saw it down; indeed, PW-1 said the accused themselves told him she had hanged herself (implying they discovered her hanging and took her down). In a typical suicide, family members would lower the body, which appears to be what happened. In a typical homicidal hanging, perpetrators sometimes stage a suicide by hanging the body after killing. Here, the accusation is the reverse (killed by hanging). The difference is subtle, but essentially, both scenarios (suicide vs. homicidal hanging) would present a similar post-mortem picture. Thus, the condition of the body (ligature mark, etc.) alone cannot decisively indicate murder, especially given the doctor's own concessions that the mark and injuries could occur in a hanging situation.

**56. Chain of evidence analysis:** The chain of circumstantial evidence is incomplete in linking the accused to a homicidal act. A critical missing link is any direct act or inculpatory conduct by the accused at or after the time of death – for example, an extra-judicial confession, a witness hearing sounds of a struggle, signs of a fight at the scene, or recovery of a weapon or implement used by the accused. None exists. We only have suspicion arising from opportunity and alleged motive. The Supreme Court has repeatedly warned that suspicion, however strong, cannot take the place of proof. In State of Rajasthan vs Kashi Ram on 7 November 2006: AIR 2007 SUPREME COURT 144, it was observed that if key evidence is disbelieved or lacking, “the benefit of doubt must go to the accused.” In this case, the doubts are many: inconsistent witness statements about key facts, a lack of independent corroboration, and ambivalent forensic evidence. Applying the Sharad Sarda principles: (1) The circumstances of alleged continuous dowry cruelty are not “fully established” – they are contradicted by the witnesses’ own prior conduct. (2) The facts as we have them (i.e. death by hanging in a house where she lived with in-laws, after some quarrels) are not only consistent with murder; they are equally consistent with a suicide driven by harassment or other personal reasons. (3) & (4) The circumstances are not of a conclusive nature – they do not exclude the hypothesis of suicide. In fact, the defence’s theory (suicide due to depression) finds some support in the record: no sign of forced restraint, no major injuries, victim’s known anguish over childlessness, etc. (5) The chain is not complete – a significant gap is that no one saw or heard the accused harm the deceased, and there is no forensic; the case essentially asks the court to infer guilt from the fact that she died in their custody. While deeply suspicious, this alone does not meet the threshold of “beyond a reasonable doubt,” especially given the specific doubts noted.

57. Therefore, regarding Point 1, the Court concludes that the prosecution has not discharged its burden to prove that Kanti’s death was homicidal murder by Girdhari and Heeralal. Suspicion cannot substitute for proof. Accordingly, the accused are entitled to an acquittal on the charge under Section 302 IPC, because it would be unsafe to convict them for murder on the circumstantial evidence adduced. In reaching this conclusion, the Court is guided by the legal mandate that if two reasonable views are possible – one pointing to guilt and the other to innocence – the view favourable to the accused must be adopted. Here, the evidence, at best, creates two competing possibilities regarding the cause of death. In such a scenario, our justice system demands that the accused be given the benefit of the doubt.

## **Point 2: Alleged Cruelty for Dowry (Section 498A IPC)**

**58. Findings on Point 2:** The prosecution evidence is insufficient and unconvincing to establish beyond a reasonable doubt that the accused, Girdhari or Heeralal, subjected Smt. Kanti Devi to cruelty as defined in Section 498A IPC in connection with dowry demands. The testimony regarding dowry harassment is inconsistent and partially discredited, and there is no independent corroboration. Therefore, both accused are entitled to the benefit of doubt on this count as well, and the charge under Section 498A IPC is not proven.

**59. Reasons:** Section 498A IPC criminalises any willful conduct by the husband or his relative which is of such a nature as is likely to drive a woman to commit suicide or to cause grave injury to her life or health, including harassment with a view to coercing her or her family to meet unlawful dowry demands. Here, the alleged acts fall under harassment for dowry. The Court must assess whether the evidence proves that the accused made unlawful demands and harassed the deceased to an extent that it amounts to "cruelty" in law.

### **After careful scrutiny, the Court finds the evidence wanting:**

**60. Credibility issues:** As detailed earlier, the accounts of PW-1, PW-2, and PW-3 regarding dowry demands had notable contradictions. PW-1 and PW-3 admitted that no demands were made for years, and that the marriage and subsequent relations were initially cordial. This calls into question the truth of later allegations. If the accused truly harassed Kanti from day one, such lengthy harmony is inexplicable. If the harassment began only later (after 5-6 years), that narrative arises solely from relatives' oral testimony, with no contemporaneous evidence (no letters from the deceased, no prior complaint to the police or village elders, etc.). It is peculiar that Kanti herself never communicated any complaint outside the family (there is no dying declaration or suicide note; her communications were only verbal to her relatives, as per them). The family also seemingly took no action during her life, not even a mediation meeting, which one might expect if the harassment were severe enough to cause death. This weakens the reliability of the claims.

**61. Exaggeration and Omissions:** The investigation's outcome (dropping of Nisha and Nebbu Lal) indicates that at least some of the allegations of harassment were exaggerated or false. Indeed, falsus in uno, falsus in omnibus does not apply in India. It would be unsafe to pick and choose parts of the same witnesses' testimony (to believe harassment by X but not by Y) without corroboration. If PW-1's FIR implicated five people, and two were found innocent, it raises doubt about the precision of his allegations against the remaining three. It

suggests a shotgun approach where all possible in-laws were blamed. The Hon'ble Supreme Court in Kans Raj v. State of Punjab (2000) 5 SCC 207 has warned against this tendency: "In cases of dowry death, there is a tendency to implicate all family members of the husband. For the fault of the husband, the in-laws or other relations cannot be held to be involved in the demand for dowry. The overt acts of such relations must be proved beyond a reasonable doubt; by mere conjectures and implications, such relations cannot be held guilty. Efforts to involve other relations often weaken the prosecution's case against the real culprit." In this case, the blanket allegations against every in-law indeed diluted the focus. The prosecution did not bring independent proof of specific overt acts by Girdhari or Heeralal. For instance, no neighbour testified, "Yes, I heard Girdhari demanding money from the deceased," or "I saw Heeralal scolding/assaulting her." The entire evidence of cruelty is intrafamily hearsay – what Kanti supposedly told her father, sister, and brother. While such testimony is admissible, it is unreliable if not consistent. And as we have seen, it is inconsistent on key points (e.g., whether the husband demanded dowry or not, whether any demands were made at marriage, etc.).

**62. Heeralal's role:** Focusing on accused Heeralal, the evidence of his involvement in any cruelty is extremely feeble. Heeralal did not reside with the couple; he lived far away. No witness gave any instance of Heeralal individually harassing or communicating any demand to the deceased or her family. At most, he was present during the wedding and perhaps aware of the dowry given. PW-1 generically included him among those who allegedly harassed Kanti, but in cross-exam admitted having had no prior relationship or significant interaction with him. PW-3 candidly stated that Heeralal was made an accused only because he assisted in the marriage. This smacks of the very over-implication without evidence that Kans Raj (supra) deprecates. Without specific proof of Heeralal's misconduct, it would be unjust to hold him guilty under 498A. In fact, dragging a person into a serious criminal trial solely because they are a relative, without solid evidence, is to be discouraged. Therefore, the Court finds absolutely no credible evidence that Heeralal committed any act of cruelty toward the deceased. He must be acquitted on this count unhesitatingly.

**63. Girdhari's role:** The case against Girdhari (the father-in-law) is somewhat stronger, as he was physically present in the household and allegedly made the demands. However, even for him, the evidence is not beyond doubt. There is no doubt that relations soured at some point – something happened in that household that made Kanti unhappy (this could be due to the dowry issue, as she told her family, or perhaps due

to her personal woes). But Section 498A requires proof of willful cruelty of a nature likely to drive the woman to harm. Here, apart from verbal demands and threats stated by PWs 1-3, we have no evidence of physical injury or persistent assault on the deceased during her marital life. When Kanti visited her maternal home, did anyone notice injuries or trauma? None reported any such observations. There is also a notable gap: after the gauna in 2006, the next mentioned instance of harassment was when? The witnesses speak generally but give no dates. Kiran (PW-2) said when Kanti first went back after gauna, she told of demands, but then Kanti was taken back by her husband, and apparently lived there 4-6 months fine, then her father went to bring her, and her in-laws refused around late 2010, and then the incident happened 3 months later. This suggests the real flashpoint might have been in early 2011 when Kanti's father tried to bring her home, but her in-laws didn't send her, and then she died. What transpired in that period is unclear. The prosecution did not clearly elucidate that timeline. Without clear, cogent evidence of specific acts of cruelty in that period (only general statements), it is dangerous to convict.

**64. Standard of proof:** It must be remembered that even for Section 498A, the standard is beyond a reasonable doubt, not mere likelihood. Here, the reasonable doubts include: (a) whether the dowry demands were actually made as alleged (given the contradictory statements and lack of earlier complaint), and (b) whether, even if made, the harassment was of such nature and gravity to amount to cruelty under law. The defence has pointed out that the family never took legal or social action (such as a panchayat) during Kanti's life, which is sometimes used to infer that grievances were not seen as serious then. The Court does not rely on that inference (that many women suffer silently) to the exclusion of other infirmities, but, combined with other infirmities, it adds to the doubt.

**65.** Consequently, the Court is not convinced beyond a doubt that the accused Girdhari committed an offence under Section 498A IPC. The evidence does raise a strong suspicion that he and his family harassed the deceased over dowry, which possibly contributed to her tragic end. But suspicion is not enough for a criminal conviction. The law would rather let a guilty person go free than punish someone on the basis of conjecture. Since the evidence is imbalanced and partially unreliable, the Court gives the benefit of the doubt to the accused on this charge as well. Both accused, Girdhari and Heeralal, are thus found not guilty under Section 498A IPC.

### **Point 3: Dowry Demand and Dowry Taking (Sections 4 and 3 of the Dowry Prohibition Act)**

**66. Findings on Point 3:** The charge under Sections 3/4 of the Dowry Prohibition Act, 1961, has also not been proved beyond a reasonable doubt against the accused. The prosecution has not definitively established that the accused demanded dowry (Section 4) or accepted dowry (Section 3) in connection with Kanti's marriage. The evidence of demands is the same as that discussed under Point 2 and suffers from the same inconsistencies. Moreover, any alleged acceptance (such as the gold ring given to Girdhari) is not clearly proved to be a dowry transaction as opposed to a gift, and in any event, the sole testimony of PW-1 on that point is not sufficiently corroborated. Accordingly, the accused are entitled to acquittal on the Dowry Prohibition Act charges as well.

**67. Reasons:** Section 4 of the Dowry Prohibition Act penalises any person who demands dowry from the parents or relatives of a bride or bridegroom. Section 3 penalises giving or taking dowry. In this case, the relevant allegation is that the accused demanded additional dowry (cash, bike, jewellery) from the deceased's father, and that a gold ring was given in compliance with such demand.

68. The Court's reasoning under Point 2 essentially covers the demand aspect. To avoid repetition: the factum of demand (a necessary element for both Sections 4 D.P. Act and also forming the unlawful object of harassment under 498A) is not proved beyond doubt. The only evidence of demands is the oral testimony of PWs 1-3, which the Court has found to be inconsistent and not wholly reliable. No independent witness (such as a mediator who was told of the demand or any letter demanding dowry) is available. Hence, the Section 4 charge fails on the grounds of the same reasonable doubt discussed above.

**69. As for Section 3 (giving/taking dowry):** Technically, Bhagelu Ram (PW-1) admitting that he gave a gold ring to Girdhari on demand could implicate both of them – him for giving and Girdhari for taking dowry (though usually prosecution only targets the taker). However, this incident too is clouded. PW-1's timeline of giving the ring was vague; he said he gave it 8 years after the marriage (which would be around 2009) on Girdhari's demand. Then he said his daughter died 3 years after he gave the ring (which matches 2011, so that ring episode presumably 2008). But elsewhere, he also said no demands were made till 6 years after marriage (i.e., 2007), which roughly fits that narrative. The issue is, there is no documentary or independent evidence of this ring transaction – it relies solely on PW-1's word. While PW-1 may be truthful about giving a ring (it is a detail not likely invented since dowry-givers typically do not incriminate themselves unless true), the Court must exercise caution. In the absence of corroboration, and given

PW-1's over-implicative tendency and contradictions, one cannot convict Girdhari for taking dowry on that sole statement. Additionally, under Section 7 of the D.P. Act, a court generally requires the complaint to be made within one year of the incident of demand or giving. Here, any dowry-giving (ring) occurred years before the FIR, and it is being brought up indirectly. Typically, prosecutions under Sec. 3/4 D.P. Act are rare unless initiated promptly. This Court also notes that if the marriage was in 2001, any dowry given at the time of marriage (such as the cycle, utensils, etc., as mentioned by PW-2) would be time-barred and, in any event, given voluntarily as per custom, which would not attract a criminal case now. The only live issue is the latter demands.

**70.** To sum up, the evidence does not prove beyond doubt that either accused demanded dowry from the complainant at any specific time (the demands alleged are broad and not tied to a specific date, except generically after marriage). Even if words to that effect were uttered, the lack of clarity and consistency means the benefit of doubt again goes to the accused on the dowry demand charge. Consequently, both accused are found not guilty under Sections 3 and 4 of the Dowry Prohibition Act as well.

### **Final Order**

In view of the above discussion and findings, this Court reaches the inevitable conclusion that the prosecution has not succeeded in proving the guilt of the accused to the hilt. Important links in the chain of circumstantial evidence are missing, and contradictions and reasonable doubt mar the evidence on record. Both accused, therefore, are entitled to acquittal.

Accordingly:

Accused Shri Girdhari s/o Munnar is hereby acquitted of the charges under Section 302 IPC, Section 498A IPC, and Sections 3/4 of the Dowry Prohibition Act, 1961, on which he was tried, by extending to him the benefit of doubt.

Accused Shri Heeralal s/o Mahesh is hereby acquitted of the charges under Section 302 IPC, Section 498A IPC, and Sections 3/4 of the Dowry Prohibition Act, 1961, on which he was tried, by extending to him the benefit of doubt.

The accused are on bail. Their bail bonds are cancelled, and sureties are discharged.

If the charges fail on Section 302 of the IPC, Section 306 cannot be used as an alternative. The acquitted persons shall enjoy the protection of their liberty henceforth in this matter.

**Compliance with Section 437-A CrPC:** Both accused have complied with Section 437-A CrPC and furnished personal bonds of ₹20,000/- each and two sureties each in the like amount, binding them to appear before the Hon'ble High Court in the event of the State preferring an appeal against this judgment, such bonds to remain in force for a period of six months.

A copy of this judgment be sent to the District Magistrate, Ambedkar Nagar, under Section 365 CrPC. The file may be consigned to record as per the rules.

The Judgement is signed, dated and pronounced in open court on this 3rd day of December, 2025.

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