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

Sessions Trial No. 56 of 2020

Presiding: Chandroday Kumar, HJS, JO Code UP6553

State of Uttar Pradesh

Vs.

1. Deep Narayan, son of Ramhet
2. Ramhet, son of Ram Pyare
3. Poonam, wife of Ramhet

Residents of MIG 1/337, Phase-2, Tikait Rai LDA Colony, Police Station Khala Bazar, District Lucknow – 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 Sanjay Tripathi, Advocate

**JUDGMENT**

**Introduction**

1. This Sessions Trial arises from State vs. Deep Narayan & Others, Sessions Trial No. 56 of 2020, pertaining to the death of Smt Shalini Nishad under suspicious circumstances on 09.03.2020. The case was initiated on the basis of FIR No. 45/2020 lodged at P.S. Ibrahimpur, District Ambedkar Nagar, by the deceased's father, Ram Charan Nishad. The FIR alleged that Shalini's husband, Deep Narayan, and his family had harassed her for dowry and ultimately caused her death

within two years of marriage. The police investigation led to the indictment of three accused: Deep Narayan Nishad (husband), Ramhet (father-in-law), and Poonam (mother-in-law), all residents of Lucknow, Uttar Pradesh. Two other initially named suspects (Luv Narayan and Kush Narayan, the deceased's brothers-in-law) were not sent up for trial after their call detail records showed they were not present at the scene, and no involvement on their part was found.

2. Shalini was married to the accused Deep Narayan on 20.06.2018. It is undisputed that she died on 09.03.2020 at the NTPC Tanda Colony, Ambedkar Nagar, where she resided with her husband. The death occurred within seven years of her marriage, triggering special statutory presumptions and legal provisions relating to dowry deaths. The prosecution's case, in brief, is that the accused demanded an Innova car and ₹10 lakhs in dowry and subjected Shalini to cruelty for this unmet demand, ultimately strangling her to death within two years of the marriage. The defence, on the other hand, contends that Shalini committed suicide due to depression from medical issues and denies any dowry harassment.

3. Having heard the learned District Government Counsel (prosecution) and the learned defence counsel, and having perused the entire case record and evidence, this Court delivers its judgment as follows.

### **Charges Against the Accused**

4. After committal of the case to the Court of Session, charges were framed on 18.08.2020 against the three accused as under:

1. **Section 498A, Indian Penal Code (IPC):** That during the subsistence of Shalini's marriage, the accused subjected her to cruelty, including physical and mental harassment, in connection with unlawful demands for dowry (cash of ₹10,00,000 and an Innova car).

2. **Section 304B, IPC:** That on 09.03.2020, within seven years of Shalini's marriage, the accused caused her death by harassment and cruelty over dowry demand, and the death occurred otherwise than under normal circumstances (a dowry death).

3. **Sections 3 & 4 of the Dowry Prohibition Act, 1961:** That the accused demanded and abetted the giving of dowry (₹10 lakh and a car) and thus committed offences under Section 4 (dowry demand) and Section 3 (dowry giving/taking, as applicable) of the Act.

**5. Alternative Charge – Section 302/34, IPC:** In the alternative, the accused were charged with murder, that on 09.03.2020 at NTPC Tanda Colony, they committed the murder of Smt Shalini Nishad by throttling her, and that they did so in furtherance of their common intention (Section 302 read with 34 IPC). This charge was framed to address the possibility that Shalini's death was an intentional homicide, not strictly falling under dowry death, should the dowry-related evidence be found insufficient.

5. The accused pleaded not guilty to all charges and claimed a trial. The prosecution, in support of its case, examined 11 witnesses (PW-1 to PW-11) and produced documentary and other material evidence. The defence examined one witness (DW-1, accused Deep Narayan himself) in support of its version.

#### **Points for Determination**

6. Based on the charges and rival contentions, the following Points for Determination arise for the Court:

**1. Death and its Circumstances:** Whether Smt Shalini Nishad died on 09.03.2020 under circumstances other than normal, and if so, what was the cause and manner of her death?

**2. Cruelty/Dowry Demand:** Whether the accused persons, individually or in concert, subjected Shalini to cruelty or harassment soon before her death in connection with a demand for dowry (₹10,00,000 and an Innova car), thereby attracting Section 498A IPC and the ingredients of Section 304B IPC?

**3. Dowry Death (Section 304B IPC):** In light of the findings on points (1) and (2), whether Shalini's death qualifies as a "dowry death" as defined under Section 304B IPC, for which the accused persons can be held criminally liable?

**4. Murder (Section 302 IPC) –** Alternatively, whether the evidence establishes beyond a reasonable doubt that the accused (or any of them) intentionally caused Shalini's death, amounting to murder, acting in furtherance of a common intention, so as to attract Section 302/34 IPC?

**5. Offences under the Dowry Prohibition Act:** Whether the accused demanded dowry or abetted the giving/taking of dowry so as to be guilty under Sections 3/4 of the Dowry Prohibition Act?

7. The Court will consider each of these points, analysing the evidence on record and the applicable law, and the written arguments submitted by the defence counsel. It is clarified that Points 3 and 4 are

alternative findings: a conclusion of a dowry death under Section 304B may render a separate finding of murder under Section 302 unnecessary (and vice versa), depending on the evidence. All findings will be made upon carefully balancing the prosecution evidence against the defence version, keeping in mind that the burden lies on the prosecution to prove the charges beyond a reasonable doubt.

## **Evidence on Record**

### **8. Prosecution Evidence:**

The prosecution examined eleven witnesses, which can be grouped as: relatives of the deceased (fact witnesses), independent/neighbour witnesses, and official witnesses (medical, executive, and investigating officers). Their testimonies are summarised below:

### **9. PW-1 Ram Charan Nishad (father of the deceased & informant):**

He deposed that he married his daughter Shalini to accused Deep Narayan on 20.06.2018, and had given dowry according to his capacity, including ₹5 lakhs cash, gold jewelry (10 gold rings, a necklace, three chains, earrings, etc.), silver anklets, and household items (TV, fridge, AC, furniture, etc.). He stated that at the time of the marriage talks, the groom's side (accused) had demanded an Innova car and ₹10,00,000 in cash as dowry, which he could not afford. The marriage was fixed only after the accused ostensibly agreed to drop this demand.

10. According to PW-1, after the wedding, Shalini's husband and in-laws were not satisfied with the dowry given and continued to demand the car and cash, subjecting Shalini to physical and mental harassment. When Shalini first visited her paternal home about 15 days after marriage, she reported that her husband Deep, father-in-law Ramhet, mother-in-law Poonam, and even her younger brothers-in-law (Luv and Kush) had been beating her and taunting her for not bringing the Innova car and money. PW-1 stated that he tried to pacify the in-laws and expressed his inability to meet the additional demand, pleading with them to treat Shalini well. He testified that Shalini visited her parental home 8-9 times between the marriage and her death, and each time she recounted incidents of dowry-related harassment by the accused.

11. Importantly, PW-1 deposed that on 09.03.2020 (the day of the incident), Shalini had phoned her mother (PW-5 Suman) in tears, stating that "because of not fulfilling the dowry demand, her husband was torturing her and had snatched all her jewellery". That same evening, around 6 PM, Shalini also sent a WhatsApp message to her sister-in-law (bhabhi), Arpita, about the harassment. Around 7:45 PM, PW-1 received a call that Shalini was in critical condition and they should come to NTPC Tanda immediately. PW-1, along with his wife (PW-5), brother-

in-law Ram Babu, and a relative, Randhir Pal, rushed overnight to Tanda. They went straight to the NTPC hospital, where Shalini's body was found lying on a stretcher, already lifeless with injury marks on her neck and face. PW-1 identified bruises on Shalini's neck and both sides of her face. Seeing these injuries and recalling Shalini's last phone messages, he became convinced that Deep Narayan (husband), along with Ramhet, Poonam, Luv, and Kush, had killed his daughter for not meeting the dowry demand. He participated in the inquest (panchnama) the next morning and then lodged the written complaint (Exhibit Ka-1) at the police station, which was drafted in his own hand. He proved the FIR and his statements given to the police.

**12. Cross-examination:** PW-1's cross-examination was extensive, spanning multiple dates. He admitted that the marriage was arranged through a matrimonial website and that dowry demand and giving are illegal (yet he proceeded with the marriage). He explained that during the initial meeting at the accused's home in Lucknow, the groom's family indeed made a demand for an Innova car and ₹10 lakhs, as he had mentioned in the FIR (though the FIR may not have elaborated on all the items given in the marriage). He acknowledged that after the marriage, there was a delay of a few months in sending the bulk of the household goods to Shalini's matrimonial home due to the dowry dispute; those items were delivered later when Deep sent a vehicle to pick them up. PW-1 confirmed that Shalini mostly lived with Deep at NTPC Tanda and that Deep's parents lived in Lucknow but would occasionally visit Tanda. He conceded that when Shalini last came to her parental home (5th Feb 2020 for her brother's wedding) and returned to her in-laws on 25.02.2020, she did not mention any new incident of dowry harassment during that particular visit (beyond what had already been complained of).

**13.** PW-1 also described receiving the fateful call on 09.03.2020: according to him, it was Deep Narayan who phoned and only managed to say "Papa, Shalu...," then broke down crying, after which PW-1 gathered that something was terribly wrong. He and his relatives travelled from Hamirpur and reached NTPC Tanda around 3 AM. He noted that none of Deep's family were present at the hospital when he arrived. He also confirmed that he signed the inquest report (panchnama) after it was read out to him, which noted a ligature mark on Shalini's neck and no other external injury beyond those observed on the neck and hands. (It may be noted that this inquest observation of "no other injury" was later contradicted by the autopsy, which found multiple contusions; the defence raised this discrepancy and will be discussed later.) PW-1 firmly denied the defence's suggestions that Shalini had ever been mentally depressed or that she had taken her own

life. He maintained that the accused alone were responsible, rejecting any notion that he had implicated them falsely or out of vengeance.

**14. PW-2 Dr Ravi Prakash Rajbhar (Autopsy Surgeon):** Dr Rajbhar was one of the panel of three doctors who conducted the post-mortem examination of Shalini's body on 10.03.2020. He deposed that Shalini's body was received at 12:40 PM on 10.03.2020, and the autopsy was conducted between 3:00 PM and 5:00 PM the same day by a panel consisting of himself, Dr Noor Ahmad (who led the panel), and Dr Mohd. Irfan.

**15. External Examination:** The doctor found the deceased was a young female (~26 years) of average build. Crucially, he detailed nine ante-mortem injuries on the body:

1. Multiple reddish-blue contusion marks on the right side of the neck, in an area of about  $6 \times 3$  cm.
2. A bluish contusion  $\sim 4 \times 3$  cm on the left side of the face (cheek).
3. A 2 cm long scratch abrasion on the right side of the neck.
4. A  $0.5 \times 0.5$  cm bluish bruise on the right eyebrow region.
5. A diffused bluish bruise on the palm of the left hand (underside).
6. Small ( $0.1 \times 0.1$  cm) bluish bruises on the middle and little fingers of the left hand.
7. A  $4 \times 4$  cm bluish bruise on the right palm.
8. A large  $10 \times 9$  cm bluish contusion on the right side of the face.
9. Finger-pad pressure marks on the neck: a thumb impression on the left side of the neck, and index, middle, and ring finger impressions on the right side of the neck.

**16. Internal Examination:** On internal examination, Dr Rajbhar noted congestion in the brain. Importantly, the hyoid bone was intact in the neck. Both lungs were congested; the heart's right chamber was full of dark blood, while the left chamber was empty. Other organs (stomach, liver, spleen, kidneys, etc.) showed congestion but no significant abnormalities. The stomach was empty (mucosa normal), the small intestine contained semi-solid matter and gas, and the large intestine contained faeces and gas.

**17.** The doctor opined that Shalini's death was caused "due to asphyxia (suffocation) and shock resulting from **throttling (manual strangulation)**". The time of death was estimated to be within one day (i.e., recent, consistent with the evening of 09.03.2020). The post-mortem report (Exhibit Ka-2) was proved by PW-2, bearing his signature and those of the other panel doctors.

**18. Cross-examination:** In cross-examination, Dr Rajbhar was questioned in detail about the post-mortem procedure and its findings.

He clarified that although he was not originally on duty that day, a three-doctor panel was formed on the CMO's orders because the case involved a young woman's death within 7 years of marriage. Dr Noor Ahmad led the panel and filled out most of the autopsy form, with Dr Rajbhar signing each page. The defence highlighted that in the written report's injury description, the word "bluish" (contusion) was not explicitly written for injuries 1-8 (even though the doctor testified they were contusions); Dr Rajbhar responded that in medical terminology, contusions are understood as neelgu and that every organ and injury was examined and recorded properly.

**19.** The doctor was confronted with some overwriting in the autopsy timing columns - he acknowledged there was an overwriting in the time of receiving the body and completing the examination without a counter-signature, attributing it to Dr Noor (lead) and stating he did not recall noticing it then. He insisted that the procedural irregularity was minor and that all required forms (16 police forms accompanying the body) were checked. He also noted that the clothing on the body was recorded on the form (three items, with their colours), and that the neck column mentioned "NAD" (no abnormality detected) except "hyoid bone intact" - he explained "NAD" was used where no damage was found internally.

**20.** Crucially, Dr Rajbhar stood by the cause of death as antemortem throttling. He explained that the presence of injury no. 9 (the finger mark impressions on the neck) was the basis for concluding throttling. He contrasted throttling with hanging injuries: in hanging, typically a single ligature mark running upward is seen, whereas here the injuries were different. He stated, "If it were a hanging, one would expect a vertical ligature mark on the neck, which was not the case". He opined that throttling (manual strangulation) can cause death without necessarily fracturing internal neck structures - the intact hyoid did not negate throttling.

**21.** The defence suggested a theory that perhaps the autopsy was botched or that the panel did not follow rules (even insinuating that Dr Noor might have filled the report without properly examining the body). Dr Rajbhar refuted these suggestions. He noted that the police inquest report (Form 33, Exhibit Ka-15) and the hospital's report on the body (Photonash, paper no. 6A/33) also mentioned a neck mark, consistent with their findings. He admitted the post-mortem was not videographed, which is not mandatory unless specifically required. Overall, PW-2 maintained that the autopsy was done correctly and that the injuries were consistent with manual strangulation, not suicidal hanging.

**22. PW-3 Arpita Sharma (sister-in-law of the deceased):** Arpita is married to the deceased's brother (Jitendra, PW-4). She testified that Shalini was her nanad (husband's sister) and reiterated the broad facts of the marriage and dowry. She was aware that Shalini's marriage on 20.06.2018 involved dowry gifts of about ₹5 lakh in cash, gold jewellery (rings, necklace, chains, earrings, etc.), and household items, given in accordance with the family's capacity. She corroborated that at the time of the marriage negotiations, there was a demand for an Innova car, which they could not fulfil, and the marriage proceeded only after persuasion and assurances that the demand would be dropped.

**23.** Arpita stated that Shalini would confide in her about the harassment. In particular, when Shalini came home on 05.02.2020 (about a month before her death, during Arpita's own wedding events), she told the family in Arpita's presence that Deep Narayan (husband), Ramhet (father-in-law), Poonam (mother-in-law), Luv and Kush (brothers-in-law) had taken away all her jewelry and sent her back barefoot to her parents' home, expressing anger that the Innova car and cash were not given. (It appears this refers to an incident during an earlier visit: PW-5 (mother) later confirms that 15 days after marriage, the in-laws had indeed stripped Shalini of her ornaments and sent her home with only one saree and no shoes as a humiliating gesture.) Arpita also recounted that when Shalini was taken back to her matrimonial home after that visit (in one instance, by Deep's maternal uncle), the in-laws misbehaved and reiterated the demand for the car, even telling the uncle, "If you haven't brought the Innova, why have you come?"

**24.** Arpita further testified that throughout the marriage, whenever Shalini visited or communicated, she reported that the accused would taunt her, verbally abuse her, and sometimes even assault her over the dowry issue. On 08.03.2020 (one day before the incident), Arpita spoke with Shalini on the phone; Shalini said that there had been a big altercation and that "because the Innova car had not been given, everyone had insulted her badly". On 09.03.2020 (the day of the incident) itself, Arpita had a brief voice call with Shalini in the afternoon, during which Shalini sounded distressed and told her not to call (perhaps fearing someone's presence). Concerned, Arpita sent Shalini WhatsApp messages around 4 PM instead. She testified that she had those WhatsApp chats printed out and later gave them to the investigating officer (IO). (The chat printouts are on record as Exhibits Ka-5 to Ka-9, corresponding to pages 6A/4 to 6A/8, which Arpita confirmed). In those messages, Arpita offered to inform Shalini's brother (Jitendra) or even to come to Shalini's place to help resolve issues, but Shalini replied that doing so would only worsen matters and said she would "handle it for now and tell everything later". This indicates that

Shalini was facing acute trouble that day but hoped to manage it temporarily.

25. Arpita then narrated the events after 7:45 PM on 09.03.2020. She stated that the information of Shalini's critical condition reached her in-laws (Ram Charan and Suman) that evening, and the family immediately decided to go to Tanda. PW-3's father (Narayan Prasad Sharma, PW-8) and mother also joined the journey as they are close to Ram Charan's family. While Ram Charan's party left by road at night, Arpita was in Bengaluru at that time (she had returned to her job shortly after her wedding). Upon receiving news from her husband, Jitendra, around 8-8:30 PM, she took an overnight flight from Bengaluru to Lucknow and then travelled to NTPC Tanda, arriving the next morning around 9 AM.

26. Arpita testified that when she reached the NTPC hospital in the morning, she saw Shalini's body on a stretcher and observed injury marks on Shalini's neck and face. She also noted that none of the accused or their family were present with Shalini's body at the hospital; only Shalini's own parents and relatives were there, along with the police. PW-3 concluded that, in her belief, all the named accused had killed Shalini for not getting the Innova car, given the prior history of demands. She confirmed that the IO had recorded her statement during the investigation.

27. **Cross-examination:** PW-3 Arpita's cross-examination established her background: she is well educated (MBA), works as a sales manager, and is married to Jitendra (Shalini's brother) on 16.02.2020. She clarified timeline points: when Shalini visited for the last time on 05.02.2020, Arpita's own marriage had not yet occurred (it was about to happen). After Arpita's wedding, Shalini and Deep stayed in the marital home for a few days, and then Shalini returned to her in-laws on 25.02.2020 (this matches PW-5's account). Arpita admitted that she did not personally witness any quarrel or harassment between Shalini and Deep, and only learned of such matters through family discussions or Shalini's own words. She did not recall exactly when she first learned of the dowry harassment issue or who told her initially.

28. Arpita confirmed that Shalini and Deep lived alone at NTPC Tanda, and that Deep's parents and brothers lived in Lucknow (visiting occasionally). She also conceded that her WhatsApp chats with Shalini, which she produced, do not explicitly mention any "Innova car" demand in writing. (The defence latched onto this to argue that there was no mention of dowry in the documented chats, implying the dowry demand narrative was embellished. However, the absence of specific

words in a brief chat does not negate the consistent oral testimony about the dowry dispute.)

**29.** Notably, Arpita was confronted about Shalini's health: she acknowledged that Shalini had shared some personal health issues with her. Specifically, Arpita knew that Shalini had an ovarian cyst and a breast lump for which treatment was ongoing, and that Shalini had an appendix operation in 2011. Arpita agreed that Shalini didn't mention trying to conceive or any failure thereof to her, but she was aware Shalini had health problems. She denied, however, the defence's suggestion that Shalini was in chronic mental depression or that she (Arpita) was hiding the truth to make the case seem more serious. Arpita also firmly denied the defence's insinuation that she was falsely implicating Deep's parents by saying they were present, knowing they were not – she maintained that her statements were based on what family members told her and that she was not lying to implicate anyone. She also identified that the phone call about Shalini's condition around 7:45 PM on 09.03.2020 was actually made by an NTPC hospital staff member to Ram Charan (not by Deep himself, as PW-1 initially thought).

**30.** In summary, PW-3's testimony supported the prosecution's version of continuing dowry demands and harassment, the immediate complaints made by Shalini via phone and message on the day of the incident, and the observation of injuries on the body. She withstood most of the cross-exam, only conceding that she did not personally witness the abuse and that the WhatsApp messages did not spell out the dowry demand.

**31. PW-4 Jitendra Kumar Nishad (brother of the deceased):** Jitendra corroborated the family's account of dowry given and additional demands. He testified that as Shalini's brother, he was aware of what was given at her marriage (matching the list of cash ₹5 lakhs, gold jewellery, and household goods). He stated that despite those gifts, Shalini's husband and in-laws were not satisfied and kept demanding an Innova car and ₹10 lakhs, and that to pressure her, Deep (husband), Ramhet (father-in-law), Poonam (mother-in-law), Luv and Kush (brothers-in-law) would beat and harass Shalini and taunt her. Shalini confided in Jitendra about these problems over phone calls. Jitendra said he even personally spoke to the in-laws to urge them to stop this behaviour, but "their attitude did not change".

**32.** Jitendra's testimony provided a timeline: After Shalini's marriage in June 2018, he went abroad (to the Netherlands) for a job in May 2019. When he returned home for Diwali in late 2019, he contacted Shalini. She told him on the phone that the accused were harassing her for dowry and even preventing her from coming to meet her parents – she

told Jitendra, "Do not come to my in-laws' house; if you want to meet, come to Alambagh (Lucknow) instead", implying the in-laws did not want her family visiting their home. Concerned, Jitendra arranged to meet her at Alambagh, Lucknow. She arrived there with Deep, and in that meeting, she broke down crying and narrated all the harassment she was facing. Jitendra did not engage in a major confrontation with Deep at that point; instead, he took Shalini with him to their parental home for a while. He mentioned that on 04 November 2018, he had a WhatsApp chat with Shalini, where she again discussed the cruelty over dowry. (This date seems slightly inconsistent with his earlier timeline, but possibly he meant 2019; it is a minor discrepancy. The chat printouts were submitted to the IO later.)

**33.** Furthermore, Jitendra stated that when the dowry harassment was ongoing, Shalini at one point asked their cousin (Aryan) via WhatsApp to send her photographs of the jewellery and items given in her dowry. Jitendra explained that Shalini collected these proofs, perhaps to show her in-laws what had been given. Jitendra obtained those WhatsApp exchanges and gave the prints to the IO (those were exhibited on record, paper no. 6A/51 to 6A/66). According to PW-4, upon receiving the tragic news on 09.03.2020, he was abroad (in the Netherlands) and flew back two days later. He firmly stated that all the accused had "killed" his sister on 09.03.2020 due to the dowry demand. He added that during the investigation, he informed the IO that while he had no proof of Luv and Kush's presence on the actual day of death, he did relay what Shalini had told him about their coming and going (visits). (This is notable because ultimately Luv and Kush's alibi was confirmed, and they were dropped from the case; Jitendra essentially clarifies he never claimed they were definitely present at the incident, only that they too had harassed Shalini before.)

**34. Cross-examination:** Jitendra admitted that the marriage was arranged through a matrimonial website and that there was no prior acquaintance between the families. He confirmed that the dowry negotiation was not done in his presence; in fact, he was not part of the early meetings, except for the initial visit to see Deep's family, and the parents finalised things later. He left for the Netherlands for the first time in May 2019. The defence confronted him about specifics: he was asked about financial transactions by Deep. Jitendra said Shalini told him that Deep sometimes sent money to her bank account (Central Bank, Hamirpur) and that Deep had even started a ₹3000/month Recurring Deposit (RD) at Tanishq jewellery in Shalini's name, but Jitendra claimed he had no personal knowledge of these financial details. He was also not aware whether Deep bought any jewellery for Shalini or had any insurance/term policies in her name. This line of questioning was

to suggest that Deep was, in fact, caring for Shalini financially (which could negate dowry greed), but Jitendra could not confirm such acts.

**35.** Jitendra acknowledged knowing some of Shalini's medical history: he knew about her 2011 appendix surgery, and he learned from his wife, Arpita, about Shalini's breast lump and ovarian cyst treatments. However, he stated that neither Shalini nor anyone told him that she was having difficulty conceiving or undergoing related treatment. He denied the defence suggestion that Shalini's health issues made her behaviour "irritable" or that she was in depression leading to suicide. He insisted he never observed any abnormal mental state in her.

**36.** On dowry issues: Jitendra reiterated that there was indeed a dispute over the Innova car during the wedding ceremonies - he said the wedding and related functions "were not peacefully conducted; there was a dispute about the Innova". However, he clarified that ultimately "no Innova car was given in the wedding" and that he was aware Deep already owned a personal car even before marriage. He described attending a post-wedding ceremony at Deep's NTPC residence (called "At-home") with some cousins, which went normally, except they stayed only briefly. He also noted that at his own wedding in February 2020, Deep and Shalini participated happily and spent about 8-9 days in the festivities, and after the wedding, Deep took Shalini back to Tanda on 25.02.2020.

**37.** Jitendra was questioned about Shalini's mobile phone after her death. He said he did not know whether the police had seized her phone, but he denied the defence's suggestion that he had taken custody of it from the police (the defence insinuates that he might have influenced evidence, such as messages). He also did not provide any Call Detail Records (CDR) of his conversations with Shalini to the IO, nor could he recall the exact last time he chatted with or called her before her death.

**38.** The defence further suggested that the family was falsely implicating the accused for financial or other motives. Jitendra strongly denied that they had filed a false case to "recover wedding expenses" or for any such malice. He also denied that Shalini had committed suicide due to depression and that the family was suppressing that truth. Jitendra admitted that at first, when the family agreed to the match, they did so knowing that dowry demand is illegal, but they hoped things would go well. He maintained that, in fact, the accused did make dowry demands and mistreated his sister, leading to her death.

**39. PW-5 Smt Suman Nishad (mother of the deceased):** Suman corroborated and supplemented the testimony of her husband (PW-1) and children. She is illiterate (can only sign) and thus gave a narrative

account. She testified that the marriage proposal was initiated via a website; Jitendra (PW-4) found the profile and first visited Deep's family alone in early 2018. After that, Deep's parents came to see Shalini at their home in Hamirpur and liked her. It was only at the third meeting, when Suman and her husband Ram Charan went to Deep's house in Lucknow (with a priest, Acharya Dharmendra, PW-6), that Deep's family made the demand for ₹10 lakhs and an Innova car. Suman stated that, since they could not afford it, the talks fell through, and we left without finalising the marriage. About a week later, they got a call from Deep's side indicating a compromise: "Send the measurements for the ring and blouse; we are ready to do the wedding without the Innova and ₹10 lakhs". Believing the demand had dropped, they proceeded with the engagement and marriage.

40. Suman deposed that during the wedding ceremonies in June 2018, the accused once again stirred up the demand for the Innova and cash: she said Deep, his parents Ramhet and Poonam, and his brothers Luv and Kush "stubbornly insisted" on the dowry during the marriage events and created a lot of "nautanki" (drama), delaying proceedings. The elders somehow calmed the situation, and the marriage was completed, with Shalini's vadaai (send-off) taking place at the end of the reception. Suman confirmed the dowry items given, matching the earlier descriptions (cash, jewellery, appliances, furniture), and stated, "But even after giving all this, they were not satisfied."

41. She narrated the episode 15 days after the wedding: They had sent Suman's brother (Shalini's maternal uncle, Shyam Babu) and other relatives (nephew Aryan, niece Khushboo) to Deep's house to bring Shalini for her first visit home. Upon this attempt, the in-laws behaved abusively. According to Suman, "Deep Narayan and his family insulted my brother and the others, saying 'you did not give the Innova and ₹10 lakhs.' They had taken off all my daughter's jewellery and good clothes, kept them there, and sent her with just one saree - even her slippers were taken off, she was sent barefoot." Suman further stated the accused told her brother, "Do not come back here without the Innova and ₹10 lakh." Because of the tension at the wedding over dowry, they initially did not deliver some of the big household items to the in-laws; Suman confirmed those items were sent later, once things cooled down. She explained that they had hoped that, over time, relations would normalise ("we consoled Shalini that gradually everything will become normal") and thus sent her back to her matrimonial home despite the mistreatment.

42. Suman testified that whenever Shalini would come to visit thereafter, she complained that all the accused (Deep, Ramhet, Poonam,

Luv, Kush) were still demanding the Innova and ₹10 lakhs and were abusing and beating her over it. Suman stated emotionally, "About two years ago, all those people (accused) killed my daughter over that dowry demand." She then recounted the crucial events of the day of death (09.03.2020): In the afternoon of 09.03.2020, Shalini called Suman crying and said, "They are beating me over that dowry demand and have snatched my jewellery." Shalini also spoke with her sister-in-law, Arpita, that day (as Arpita testified), and Arpita informed Suman about the troubling call/message as well. That evening, around 7:30-8 PM, a call came in to Ram Charan's phone from NTPC Tanda (a staff member), stating that Shalini was very unwell and that they should come immediately. Suman, along with her husband (PW-1), her brother and others, rushed to Tanda that night. At the NTPC hospital, Suman saw her daughter's dead body on a stretcher. She observed bruises on Shalini's neck and face. She noted that none of the accused family members were present there. Suman participated in the inquest the next morning and gave her statement to the police.

**43.** Additionally, Suman recounted an earlier significant incident involving Jitendra (PW-4): About one year after the marriage, on Diwali, Jitendra visited Shalini's marital home. Suman said, "Before he arrived, Deep and his family told him not to come, and they beat my daughter." They then sent Shalini out with Deep to meet Jitendra on the road, and "from there Shalini came home with Jitendra." Suman clarified Jitendra did not actually go inside the in-laws' house; Shalini had phoned Jitendra, saying, "They are beating me, please come." This refers to the same Alambagh meeting incident Jitendra described, showing that the in-laws tried to isolate Shalini from her family until Jitendra intervened.

**44. Cross-examination:** Suman confirmed that neither side knew each other prior to the arranged match and that the initial introduction was via the "Shadi.com" website. She reiterated that her son Jitendra initially went alone to see Deep, and later, Deep's parents came to meet Shalini formally. No talk of dowry happened until Suman and her husband visited Lucknow, when the demand was made, and they left without finalising the match. She confirmed that some pre-wedding ceremonies (such as god bhara and a ring ceremony) took place: an engagement was held about two months before the wedding at a guest house in Hamirpur with both families, and the rings were exchanged happily without incident. She also mentioned that after the engagement and before the wedding, the couple (Shalini and Deep) spoke on the phone and got to know each other.

**45.** Suman stated that at the time of Shalini's marriage in June 2018, her son Jitendra was working in Bangalore and could not be heavily

involved (his own marriage to Arpita happened later, in February 2020). She described how after Jitendra's wedding (Feb 2020 in Sultanpur), Shalini and Deep accompanied her back to Hamirpur, stayed 2-3 days, then Deep returned alone to Tanda, and Shalini went back to her in-laws about 15-20 days later (around 25.02.2020) with Jitendra up to Lucknow, from where Deep picked her up. This again aligns with earlier witnesses.

**46.** Suman was asked about the dowry items and documentation. She said she herself purchased the jewellery and clothes given to Shalini (receipts from a jeweller in Hamirpur existed, but she didn't give them to the IO). She agreed that the gifts were given "voluntarily" as per their will for their daughter (though clearly under social expectations). She mentioned a "daal puja" ceremony during the wedding, where jewellery from the groom's side was also given to Shalini. Neither side prepared a formal list of gifts exchanged.

**47.** Regarding the incident, Suman's cross corroborated the timing: she said they reached NTPC hospital in the early hours before dawn on 10.03.2020, with her husband, her brother Shyambabu, her sister-in-law, and, interestingly, Jitendra's in-laws (Arpita's parents) were also with them. (This matches PW-8's account that he and his friend accompanied them.) Jitendra himself was not with them as he was still abroad. She confirmed they did not go to Deep's quarters/house at all that night or the next morning; they stayed at the hospital and then the mortuary. She did not meet any neighbours of Deep's at the scene. She observed that Shalini's body at the hospital was only dressed in a single "maxi" (nightgown). They stayed about 4-5 hours at the hospital; the police did not come during that night (the inquest was done in the morning when SDM arrived). After the post-mortem, they took the body and went straight home without going to the police station that day.

**48.** Regarding Shalini's health, Suman denied that Shalini had any illness before marriage (apart from an appendix removal 11 years prior). She said no tooth problem existed (contradicting Jitendra's memory of a dental extraction). She acknowledged that after marriage, Deep got treatment for Shalini's allergy issue, and that Shalini had informed her of a lump in her breast for which treatment was ongoing. However, she claimed no knowledge of any ovarian problem or treatment for it. She refuted as "wrong" the suggestion that Shalini had an ovarian cyst causing infertility that was being treated. She did not know that Deep had taken Shalini to Lucknow for treatment on 05.03.2020 (just four days before the death). Shalini had not told her about any such trip to the doctor. Suman was aware that Shalini had once gone to Kanpur for a B.Ed exam with Deep, and that the couple had gone to Kerala for a trip

after marriage (though she was unsure, saying Shalini did not tell her about any Kerala trip).

49. The defence pressed Suman on whether Deep had invested in Shalini (jewellery, FDs, RDs). Suman answered that if Deep bought anything for Shalini, her daughter would usually tell her, and Shalini never told her of any major purchase or any FD/RD in her name. She denied the defence claim that “Deep did many things – jewellery, FDs, RD, etc., and I know but am lying”, calling it false. She also denied that they filed a false dowry case, knowing that Shalini actually committed suicide due to depression over her illness. Suman emphatically stated that the marriage was not dowry-free, rejecting the suggestion that it was a happy, dowry-free marriage, and that they had concocted the demand later.

50. Suman was also defensive about implicating the whole family: she denied the suggestion that she falsely dragged in all family members despite knowing they lived separately. She asserted that it was wrong to say that Deep and Shalini lived alone and that none of the family stayed with them, implying that even if they weren't permanently there, they still had involvement. She also denied knowing that the younger brothers were employed outside (e.g., Pune) and said it was false that they were named despite that knowledge. (In reality, as the investigation found, Luv and Kush were not present on the day and were dropped, but the mother's stance shows the family genuinely believed all who harassed their daughter contributed to her death.)

51. **PW-6 Acharya Dharmendra Shukla (Priest and family acquaintance):** Acharya Shukla performed the role of a priest and advisor for Shalini's family. He testified that he accompanied Ram Charan (PW-1) and Suman (PW-5) to Lucknow to discuss the marriage with the accused's family. He confirmed that during that meeting (the “third meeting” as Suman described), after horoscopes were matched and an auspicious date (20.06.2018) was decided, the groom's side made a demand of ₹10,00,000 cash and an Innova car. Ram Charan expressed an inability to meet this demand, and accordingly, the match was called off at that point – no final agreement was reached, and they returned home without fixing the marriage. Acharya Shukla said he later learned from Ram Charan that the marriage was revived and fixed with the same family after all (presumably when the accused relented on the demand).

52. He stated that he officiated the engagement on 18.04.2018 and the marriage on 20.06.2018, and that at those ceremonies, no dispute arose (indicating the open dowry quarrel did not erupt during the ceremonies he conducted). After the marriage, he was not in touch with the couple.

However, after Shalini's death, Ram Charan told him that "the in-laws killed his daughter over the same Innova and ₹10 lakh demand, and that he (Ram Charan) regretted agreeing to the match again with such greedy people." He confirmed the IO had recorded his statement.

**53. Cross-examination:** Acharya Shukla clarified that he did not personally know the groom's family before, and he only went along as a priestly advisor. He had no role in dowry negotiations; his job was limited to religious matchmaking and ceremonies. He did witness that Ram Charan gave dowry items in the wedding, but he did not list them out in detail. He never visited Lucknow or Tanda after the wedding, nor did he meet Shalini or Deep post-marriage. His knowledge of the death was solely from what Ram Charan told him.

**54.** Acharya Shukla candidly admitted that he was testifying only on the request of Ram Charan (his Yajman), without having received an official court summons. He said the IO never personally contacted him for a statement (which casts doubt on whether his statement was formally recorded; it may have been taken later or noted via Ram Charan). In response to a court question, he stated: "I have no personal knowledge in this matter; I am deposing as told by my Yajman Ram Charan." He denied lying, but effectively acknowledged that his testimony about the demand and the cause of death was based on what PW-1 told him, not his own first-hand knowledge.

**55.** (Analysis: Acharya Shukla's evidence is important to corroborate the specific fact that the groom's side indeed made a dowry demand during the initial negotiations, which is an independent confirmation of the prosecution's story on that point. However, his statements about the cause of death ("they killed her for dowry") are hearsay, as he admits he is only repeating what Ram Charan said after the incident. The Court will thus primarily rely on him for the fact of the demand being made and the marriage initially being called off due to it.)

**56. PW-7 Narendra Kumar Singh (NTPC neighbour who assisted after the incident):** Narendra is an engineer at NTPC Tanda who, at the time of the incident, lived in the same residential block as the accused Deep Narayan. He testified that he resided in Quarter No. Type-3/136 (ground floor), and directly across from the flat above him (Type-3/133) lived Deep Narayan with his wife, Shalini. (Another couple, Gaurav Sharma and Garima Sharma, lived in the flat Type-3/135 on the first floor above Narendra. Essentially, there were four flats in the block: two upper, two lower, with Deep's directly above another neighbour and facing the Sharmas' flat.)

57. Describing the incident on 09.03.2020, PW-7 said he returned from duty around 6:45 – 7:00 PM and had just sat down in his ground-floor quarter when Garima Sharma (neighbour from upstairs) came running, crying and alarmed, saying “Uncle, please come quickly, Shalini is unconscious, do something!” He immediately got up. He was in his undershirt and lungi, but without delay, he wrapped the lungi properly and rushed towards Deep’s flat (Type-3/133) with Garima. He testified that when he entered Deep’s quarter, he saw Shalini lying on a sofa in the room, unconscious. Deep Narayan was present, sitting near Shalini’s head and caressing her hair in an attempt to revive her.

58. Narendra asked Deep what happened. Deep told him, “She has fallen unconscious”. Narendra suggested splashing water on her, and Deep said he had already tried that, but it had no effect. Narendra immediately said, “We must take her to the hospital.” Deep agreed but said he would need help carrying her. PW-7 and Deep then lifted Shalini together – Deep held her from the legs, while Narendra lifted her from the upper body/head side. They carried her down the stairs. Deep’s car was brought around; Garima accompanied them, holding Shalini’s head in her lap in the back seat, while Narendra sat in the front passenger seat and Deep drove. The NTPC hospital was about 500 meters away. They reached quickly and called for a nurse and stretcher. Shalini was placed on a stretcher and taken into the emergency ward. The doctor on duty (he recalled it was a lady doctor, likely Dr Manjushree) examined Shalini and pronounced her dead almost immediately.

59. PW-7 Narendra then described a conversation outside the ward: Coming out, he encountered Garima and asked how Garima discovered Shalini was unconscious in the first place. Garima told him that she was heading out with her child to the park when Deep Narayan, from the balcony or upstairs, called out to her, “Didi, please come up, Shalini is unconscious.” Thus, Garima rushed to Deep’s flat, saw Shalini, and then ran to get Narendra’s help. After hearing this, Narendra informed Garima that, sadly, the doctor had declared Shalini dead.

60. Garima then mentioned another crucial detail to Narendra: when they were about to leave with Shalini for the hospital, Deep handed Garima the house keys to lock up the flat. When Garima went to lock the door, she happened to look up at the ceiling fan and saw a bedsheet tied to it. In other words, a bedsheet ligature was hanging from the fan. (This suggests that Shalini may have been found hanging and then removed, a point that becomes contentious since Garima herself later turned hostile.) Upon hearing this, Narendra knew the situation was grave.

**61.** Garima then phoned her husband, Gaurav Sharma (who was still at work or outside), to come to the hospital. As soon as Gaurav arrived, since Shalini's family had not yet arrived and nothing more could be done at the hospital at that time, Narendra, Garima, and Gaurav left together and returned to their quarters. (Narendra implied that by then, the matter was with the police and hospital, and as neighbours, they stepped aside after assisting.)

**62.** PW-7 further testified about the next day (10.03.2020 around 1:30–2:00 PM): The police summoned him and Garima to Deep's flat for a scene inspection and recovery of evidence. In the presence of PW-7 and Garima, the police unlocked Deep's room (which had been locked since the incident) and recovered certain items: a bedsheet (chadar) that was found tied to the fan, Shalini's pink footwear (slippers), and Shalini's mobile phone. These were taken into possession, sealed, and a recovery memo (Exhibit Ka-10, paper no. 6A/15) was prepared on the spot. Narendra and Garima both signed the recovery memo as witnesses. In court, PW-7 identified the recovery memo and confirmed his signature. (This memo corroborates the presence of a ligature at the scene and supports that Shalini's phone and slippers were found there, consistent with either a staged hanging or a real suicide scenario. It is a critical piece of physical evidence.)

**63.** Narendra also confirmed that the IO recorded his statement during the investigation.

**64. Cross-examination:** The defence queried Narendra about his acquaintance with Deep. He said he had been living in that NTPC colony block since October 2017. Deep moved into that same block (Type-3 quarters) about 1 to 1.5 years after Narendra (so likely sometime in 2019). Before that, Deep already worked at NTPC but lived in a different block (Narendra didn't know which). Because they became neighbours on the same block, they would greet and talk occasionally, though not very intimately.

**65.** Narendra confirmed that when he entered Deep's flat on the evening of the incident, the only people present were Deep and Shalini (no other family members of Deep were there). He also affirmed that he and Garima together helped take Shalini to the hospital with Deep, as already described. He remembered that Shalini was wearing a maxi (nightgown) at that time.

**66.** Defence counsel focused on injuries: Narendra stated that when he lifted Shalini from the head/shoulders to place her in the car, he did not notice any injury or blood on her head or body. (This is noteworthy: he did not see the bruises that later were recorded; presumably, some

bruises might not have been immediately evident, or he was not examining closely in that urgent moment. Also, the bruises were mostly on the neck and under clothing areas.) He only later learned from the family that there were marks on her neck and body.

67. He was asked about the recovery: he clarified that when police recovered the items on 10.03.2020, they were already lying in the room, and the police collected and sealed them; the police did not explicitly show him from exactly where each item was picked up. He thus could not say, for example, which exact spot the mobile or the slippers were found, only that they were recovered in his presence and sealed. He did confirm that the police sealed the items in front of him and took his signature on the spot in the drawing room.

68. Narendra said he never personally saw any quarrel or discord between Deep and Shalini prior to that incident, nor did he hear any noises from their flat (they were one floor apart). In fact, he noted he never saw any other family members of Deep ever living with them at Tanda; whenever he saw Deep and Shalini, they were the only ones residing there.

69. He was honest enough to admit that even after the incident, he did not know what exactly caused Shalini to become unconscious or to die. The defence got him to acknowledge: "It's correct that I did not learn that day, nor do I know now, in what circumstances or due to what reasons Shalini became unconscious." This underscores that he did not witness the actual moment of whatever happened to Shalini; he only assisted afterwards.

70. Narendra was also asked about a broken door. He said he only went as far as the drawing room when he entered the flat and did not notice whether the bedroom door was broken or not. (The defence likely tried to establish that perhaps Deep had to break a door to reach Shalini if she locked herself in, a claim Deep later made. Narendra's statement neither confirms nor refutes that, since he didn't go into the bedroom.)

71. Lastly, he confirmed that the NTPC doctor declared Shalini dead in his (Narendra's) presence and that of Deep and Garima at the hospital. He also reiterated that he signed the recovery memo at the scene, but in court, the actual physical items were not shown (only the memo was exhibited).

72. Narendra's testimony is pivotal as an independent witness who validates that an emergency occurred, that Shalini was found in an unconscious state with Deep present, that a bedsheet noose was found at the scene, and that no other family members of Deep were around at

the time. He comes across as a neutral witness who recounted the assistance he rendered, without any stake in the dowry allegations.

**73. PW-8 Narayan Prasad Sharma (father of PW-3 Arpita; a Panch witness to the inquest):** Narayan Prasad is the father of Arpita (PW-3) and thus the samdhi (co-in-law) of Ram Charan's family. He testified that on 09.03.2020, around 8 PM, he received a phone call from NTPC Tanda Police Chowki informing him that "Shalini has committed suicide." Shalini, being his daughter's sister-in-law, was known to him. Alarmed, he immediately travelled that night with a friend (one Shravan Kumar Yadav) to NTPC Tanda. They first reached the NTPC Tanda police outpost, where they were told Shalini's body had been moved to the NTPC hospital. At the hospital, police were already present. PW-8 was shown the body from a short distance (the police maintained formality until relatives arrived). He identified the body as Shalini. He observed that there were dark injury marks on her neck and face.

**74.** About an hour to an hour and a half later, Ram Charan (PW-1) and his family arrived at the hospital around early morning (Narayan said Ram Charan arrived about 1.5-2.5 hours after him, in the early hours of 10.03.2020). The panchnama (inquest) was then conducted in his presence by the Naib Tehsildar (PW-9) in the morning, after the family's arrival. PW-8 Narayan Prasad was appointed as one of the panch witnesses and signed the inquest report. He testified that the SDM/Tehsildar and police officers were present, and that the Naib Tehsildar dictated the inquest findings to the Sub-Inspector, who wrote them down. The inquest report (Exhibit Ka-6, paper no. 6A/29-6A/30) was exhibited by PW-8, who confirmed that it bears his signature. He stated that after the proceedings, Shalini's body was sealed and sent for post-mortem in his presence.

**75.** PW-8 further stated that during the inquest, the Tehsildar had asked the panch witnesses their opinion on the cause of death. All panchas, including him, opined that "the death might have been caused over a dowry issue, but to know the exact cause, a post-mortem should be done." (This indicates the panch witnesses suspected foul play relating to dowry, likely based on information from the family, and thus recommended an autopsy.) He added that Ram Charan (PW-1) had told him at the hospital that Shalini was harassed for dowry by her in-laws. The IO also recorded Narayan's statement later.

**76. Cross-examination:** Narayan Prasad was asked about his journey: he could not recall exactly what time he left home upon receiving the call, but he drove his own vehicle, taking his friend Shravan Yadav (who lived nearby in an Indogulf township) with him. He said the distance from his place (Indogulf Township) to Tanda is about 140-145 km, and

it took him about 3.5-4 hours to reach the NTPC Tanda hospital. He clarified that he had never been to Shalini's NTPC residence before this incident. He first met Deep Narayan only at Arpita and Jitendra's wedding (Feb 2020) and thereafter met him again after the incident at Tanda (and/or at the police station).

77. At the hospital, Narayan said he viewed Shalini's body from about 1.5 meters away (the police did not allow closer at first). They did not visit the scene/quarter at all, either before or after the inquest. He also had no acquaintances in NTPC Tanda, and he did not lend his phone to anyone there. The police themselves had contacted him – he was told they found his number in Shalini's mobile contact list, and that's how they reached him. After he learned of the death, he phoned his daughter Arpita to inform her (she was unaware until his call). He did not speak to Ram Charan until they met at the hospital; they were not in contact during the overnight journey.

78. Narayan confirmed it took about 3.5–4 hours for him to reach the hospital (so if he had called at 8 PM, he would have arrived around midnight). Ram Charan arrived about 2–2.5 hours after Narayan, which was early morning (he said "Ram Charan reached on 10.03.2020 in the morning" and he could not give an exact time, but presumably around 3 AM). He reiterated that no one from Deep's family was present at the hospital at any point during his time there.

79. Narayan Prasad inquired at the hospital about who brought Shalini in. He was told by hospital staff that "Shalini was brought by her husband, Deep Narayan, and his neighbour." This aligns with PW-7's testimony. He was shown a "Photonash" (body diagram form, paper 6A/33) that was drawn, and he couldn't recall if injuries were marked in front of him on that form during the inquest. He did say he carefully observed the whole inquest process and only signed after being satisfied it was done properly. He didn't distinctly remember what Shalini was wearing (Narendra said maxi, Suman said maxi; Narayan perhaps was too far away to notice the details).

80. Since Narayan was not involved in Shalini's marriage (he became related only after his own daughter married into Shalini's family later), he said he knew nothing about Shalini's marriage arrangements or any dowry given. He acknowledged that because he was not in the picture in 2018, he could not say anything about what happened at Shalini's wedding.

81. The defence pointed out some overwriting in the inquest report timing. Narayan was shown that on the inquest (paper 6A/29), the time of death or the time the inquest started was overwritten from 6:00 to 8:30

(perhaps the time the inquest concluded). Also, on Form-13 (police form for dispatch of body, 6A/34), the date/time was overwritten. Narayan said he was not aware who made those overwrites or why, but he noticed that the dispatch time to postmortem was around 11 AM on 10.03.2020, which tallied with when they left for the mortuary. He denied any allegation that police later tampered with the times on their say-so. He also clarified that Ram Charan lodged the FIR later (he did not accompany him), and he was not sure exactly when it was lodged.

Narayan agreed that aside from the neck and facial marks noted, no other injury was recorded in the inquest (the panchs saw none else). This is true – the inquest likely mentioned only the obvious ligature/neck mark.

**82.** Overall, PW-8 provided an outsider's verification of the inquest process, confirming injury marks and that Shalini's death was treated as suspicious, possibly due to dowry (since even panchs mentioned dowry cause), thereby lending credence that from the very start, dowry harassment was suspected by those on scene.

**83. PW-9 Dev Anand Tiwari (Naib Tehsildar who conducted the inquest):** As an Executive Magistrate, PW-9 testified to performing the panchnama (inquest) of Shalini's body. He stated that on 09.03.2020, he was posted as Naib Tehsildar, Tanda. Upon receiving information from the police that night about a young woman's death, he went to the NTPC hospital. Since no relatives of the deceased were present at that late hour, he did not conduct the inquest at night. He waited until the morning of 10.03.2020, when the deceased's family arrived and identified the body. Then he commenced the inquest formalities at about 6:00 AM on 10.03.2020.

**84.** PW-9 confirmed that SI Neeraj Kumar from P.S. Ibrahimpur was present with the necessary police forms and was assisting him, along with Constable Ashish Pandey and WPC Rita Devi. He selected 5 panch witnesses from among the relatives and those present (including PW-8 Narayan P. Sharma, Ram Charan, and others). He had WPC Rita Devi conduct a physical examination of the body (being a female corpse) in his presence. WPC Rita pointed out an injury on the front of the neck – presumably a ligature mark – and reported no other external injury on the body apart from normal clothing and a nose ring in situ. (This again highlights that the deeper bruises noted in the autopsy were not obvious externally to a lay observer or were missed by the inquest officer, as the inquest mentions only the neck mark.) The inquest recorded the presence of a nose stud (yellow metal) and usual clothes during the body's examination.

85. PW-9 testified that he asked the panchas their opinion on the cause of death; they opined that it seemed related to dowry harassment and that a post-mortem was needed for the actual cause. He then prepared the inquest report accordingly and got it signed by all panchas at the conclusion. He proved the panchnama (Exhibit Ka-6) and also the related police forms – the inquest packet contained forms Exhibits Ka-7 to Ka-11 (these include the request to CMO, etc., presumably) which he had signed. He also identified his own report (paper 6A/43, Exhibit Ka-12), which is the request he made for a panel post-mortem, given the nature of the case.

86. **Cross-examination:** PW-9 admitted that he did not personally fill out the inquest form; rather, he dictated the findings, and SI Neeraj Kumar wrote it. After it was written, Dev Tiwari says he reviewed it and then signed. The defence pointed out that there were overwritings on the inquest form (6A/29) regarding time that did not bear his initials. PW-9 candidly stated that yes, there was an overwriting in the time column (likely the time of starting or finishing the inquest changed from 6:00 to 8:30), which he did not counter-sign, and that the overwriting was not done by him but was done with his knowledge (presumably by SI Neeraj), and he forgot to initial it. He insisted that, aside from the missing initials, he was aware of the change and that it was not surreptitious.

87. He affirmed that he himself saw the body: there were visible marks on the front of the neck, and he noticed no injury on the face other than that. WPC Rita had also reported no other injury beyond the neck mark. He had the police draw the body sketch (photonash form 6A/33), which also noted a bluish mark on the front of the neck. He signed that form. He acknowledged that on the police intimation form (likely the form noting when police were informed, etc.), the time/date had been overwritten (e.g., "09" overwritten) without his initials. He again admitted this was an oversight.

88. The defence grilled him about the body dispatch form (6A/34, probably Police Form-13), which showed the body sent at 8:10 AM, whereas the inquest concluded at 8:30 AM. PW-9 explained that it was a mistake by SI Neeraj writing 8:10; in reality, the inquest ended at 8:30 AM and the body was dispatched afterwards. He did not catch that error at the time.

89. He was questioned on why he ordered a panel of doctors for the post-mortem. He said the death being within 7 years of marriage, he felt it appropriate to have a team of doctors do the autopsy for a thorough examination. He admitted he wasn't fully versed in the law on when a panel is required, but he used his discretion here (indeed, this was

prudent given the seriousness). He had arrived at the hospital at 6:00 AM, and all panchas signed in front of him by 8:30 AM when it finished.

**90.** The defence accused him of conducting the inquest negligently and that others could have tampered with it (due to the overwriting). He refuted that, saying the overwritings were, to his knowledge, carried out in his presence, not by any third party later. He also denied the suggestion that the accused (or someone on their behalf) prepared the inquest papers and merely took his signature, explaining that he himself oversaw the process.

**91.** In essence, PW-9's testimony established the formal record of the death's circumstances: it shows the case was treated as a suspected dowry death from inception, and that a ligature mark was documented. The minor inconsistencies (overwritten times, missing initials) do not substantially affect the substance of the findings, but the defence highlighted them to cast doubt on procedural rigour. The magistrate admitted them, but maintained the core observations were accurate and in his presence.

**92. PW-10 Garima Sharma (neighbour and alleged eyewitness to the discovery, declared hostile):** Garima is the wife of Gaurav Sharma, the couple living in the flat opposite Deep's in NTPC. Notably, Garima's testimony took a turn: she did not support the prosecution's case and was declared a hostile witness.

**93.** In her examination-in-chief, Garima gave very little information. She stated that she lived with her husband in NTPC Tanda from 2011 until July/August 2021 (after which they moved due to transfer). She said they had a Type-3 quarter, but she did not clearly remember the block or numbers, nor who exactly lived in her block, claiming, "I can not recall who all lived in my block". She acknowledged that "the accused Deep Narayan lived in the house directly in front of ours" in that block. She said there were four houses on the block. Being a housewife with a small child, she mostly stayed indoors and did not socialise much, so she wasn't aware of her neighbours' details.

**94.** Regarding the incident, Garima vaguely said: "It was 3-4 years ago, I do not remember the exact date. I found out about the incident the next morning. I did not see anything with my own eyes." She claimed that she was not at home at the time of the incident, since she had taken her child out for a walk around dusk, and thus "I was not called inside by Deep, I had no conversation with him at that time." She further asserted that she never entered Deep's house after the incident either. She said Shalini, and she was not very close, only exchanging

pleasantries occasionally outside; she did not know what went on inside their home.

95. Essentially, Garima denied all the crucial facts that the prosecution expected from her: She denied that Deep ever called her for help, denied witnessing Shalini unconscious, denied locking the room or seeing a bedsheet, and denied being involved in any police recovery. She even stated, "I do not recall any police officer ever questioning me about the incident," and "I do not remember the police recovering any item in front of me or doing any paperwork with my signature." At this point, seeing her contradict earlier statements, the prosecution requested the court to declare Garima as hostile (adverse), which was allowed.

96. In cross-examination by the prosecution (after being declared hostile), Garima stuck to her story. She said she had been living in NTPC Tanda since 2015 (which overlaps with her earlier timeline). She did not recall when exactly Deep's family moved in. She mentioned that each of the four quarters in the block had families living in them, but "there was no visiting among the families." She specifically said she had never heard any quarrels or disturbances from Deep's house and had never had personal talks with Shalini about her personal life.

97. She repeated that because she was not home at the exact time, she had no knowledge of the incident until the next day, when "there was commotion in the colony", and someone told her Shalini had died. She couldn't even say who informed her – just that she found out in the morning by general colony news. She estimated that on 09.03.2020, she went to the park with her child "before sunset" and returned home at some unspecified time later (she claims not to remember what time she got back). She said her husband, Gaurav, returned from work around 11-11:30 PM that night.

98. The prosecution confronted her with the recovery memo and her previous police statement. Garima denied ever going inside Deep's house with the police or signing any recovery memo. When shown the recovery memo (Exhibit Ka-10, which PW-7 said she signed), Garima flatly denied her signature on it. She also denied her statement to the IO under Section 161 CrPC, essentially disowning everything the police record attributed to her. The prosecutor suggested she was not telling the truth to save the accused (perhaps implying her family's friendship with Deep or his family). Garima denied that too, saying it is wrong that she was friends with them or that her husband and Deep worked together (though in reality they did work in the same NTPC). She said, "Indeed, today I do not remember anything about the incident... actually, I know nothing."

**99.** The defence counsel's cross-examination of Garima (brief, since she already helped the defence) had her assert a few points: She said, "I did not see Shalini's body either at home or the hospital." She stated her family never went out socially with Deep's family; Shalini and Deep lived alone in that house (no other family members). Whenever she met Shalini casually, they only had normal small talk, nothing personal.

**100.** In sum, PW-10 Garima's testimony ended up largely favouring the defence by denying the critical piece of seeing the bedsheet and signing the memo. Her retraction creates a gap: the prosecution loses direct testimony that Deep called her and that she saw the hanging bedsheet. However, the recovery memo signed by her and PW-7, and PW-7's account of what Garima told him, still exist as evidence (though what Garima "told" PW-7 is technically hearsay, it was part of *res gestae* in the immediate aftermath and also documented by the memo). The Court will have to treat Garima's hostile testimony with caution and weigh it against other evidence.

**101. PW-11 Amar Bahadur (Circle Officer, Investigating Officer):** CO Amar Bahadur was the Circle Officer (DySP) of Tanda who took over the investigation on 10.03.2020. He narrated the investigative steps and formally proved various documents. On 10.03.2020, after FIR No. 45/2020 was registered under Sections 498A, 304B of the IPC and Sections 3/4 of the D.P. Act, the case was assigned to him for investigation. He perused the chik FIR and GD entry, and then recorded the statements of the informant, Ram Charan (PW-1), the deceased's mother, Suman (PW-5), and Arpita (PW-3) on that very date.

**102.** He testified that Arpita Sharma (PW-3) handed him a hard copy of her WhatsApp chat with Shalini from 09.03.2020. In that statement, Arpita said, "On 09.03.2020... they behaved very badly with her (Shalini) and snatched her jewellery; regarding this, my nanad (Shalini) messaged me, and I am providing a printout." CO Amar Bahadur confirmed that the chat printout given by Arpita, between Arpita's number (99XXXXXX04) and Shalini's number (91XXXXXX75), was taken on file as evidence. He identified the chat print pages (6A/4 to 6A/8) in court, which were already exhibited as Ka-5 to Ka-9 and bore Arpita's confirmation. These chat exhibits corroborate Arpita's account of Shalini's distress messages shortly before death.

**103.** PW-11 further stated that he visited the scene of occurrence (the NTPC quarter) and prepared a site sketch (map) of the place. The site plan (paper 5A/1) was produced and exhibited as Exhibit Ka-13, which he identified as his own work, signed. The site plan presumably shows the layout of the room, fan, etc., though the contents were not described in testimony.

**104.** On 11.03.2020, CO Amar recorded a Case Diary entry no. 2, noting receipt of the post-mortem report and the recovery memo of items from the scene (the bedsheet, mobile, slippers). He specifically mentioned examining the recovery memo (rapat no.35) and detailing its contents in the case diary. The items seized from the scene were listed as: Shalini's mobile phone, a pink slipper, and a maroon-printed bedsheet. These were recovered by SI Neeraj Kumar and duly entered into the record. (He essentially confirms the recovery which PW-7 described and PW-10 denied.)

**105.** On 12.03.2020, he made a case diary entry no. 3, in which he arrested the accused Deep Narayan, Ramhet, and Poonam and recorded their statements. The same day, entry no. 4, he recorded statements of witnesses Ram Charan (again), Narayan Prasad Sharma (PW-8), and Shravan Kumar Yadav (Narayan's companion). He also collected two wedding invitation cards from Ram Charan (perhaps to show the marriage date, etc.), which were made Exhibits (papers 6A/24-6A/25).

**106.** On 13.03.2020, entry no. 5, SI Neeraj Kumar (the local SHO) effected the arrest of accused Deep (perhaps a rearrest or procedural step), and Amar Bahadur obtained an NTPC Tanda report, which he included in the case file. (This NTPC report could be regarding the incident, or possibly confirmation of Deep's presence, or something about NTPC's internal findings. It's not elaborated, but likely it might include details like the emergency call Dr Manjushree made to the police on 09.03.2020 or Deep's attendance record.)

**107.** On 14.03.2020, entry no. 6, he received and filed the original panchayatnama (inquest) and original post-mortem report. He perused them and noted their contents in the diary.

**109.** On 19.03.2020, entry no. 7, he recorded statements of two inquest witnesses: Ram Babu (who is Ram Charan's brother-in-law, present at the inquest) and Acharya Dharmendra Shukla (PW-6).

**110.** On 26.03.2020, entry no. 8, he noted the judicial remand extension of the accused (nothing substantive, just procedural).

**111.** On 01.04.2020, entry no. 9, he recorded statements of the recovery witnesses Garima Sharma (PW-10) and Narendra Kumar Singh (PW-7). (Notably, Garima's 161 CrPC statement was recorded on this date - which she later repudiated - where presumably she recounted seeing the bedsheet, etc., in line with PW-7's account.)

**112.** On 05.04.2020, entry no. 10, he recorded statements of Ram Charan (again), panch witness Ram Babu (again? perhaps a supplementary),

and Acharya Dharmendra Shukla (again). It appears he re-examined some witnesses as needed.

**113.** On 10.04.2020, entry no. 11, he recorded statements from police personnel: SI Neeraj Kumar (the first responder), Constable Ashish Pandey, Constable Rita Devi, and the FIR writer, Mithilesh Kumar.

**114.** On 29.05.2020, entry no. 12, he recorded Randhir Pal's statement (PW-1 mentioned this person as travelling with them to Tanda) and a further statement of Suman (PW-5). He also noted at that time that Jitendra (PW-4) provided printouts of WhatsApp chats between Shalini and their cousin Aryan, which were taken on file. These likely correspond to the photos of jewellery and chats Jitendra mentioned.

**115.** On 01.06.2020, entry no. 13, he obtained the Call Detail Records (CDRs) for the accused Luv's and Kush's mobile numbers. Upon analysis, it was determined that Luv and Kush were not present at the scene at the relevant time and had no involvement, leading him to conclude that their nomination was false. Therefore, their names were expunged (removed) from the case. (This explains why the charge-sheet and trial included only the remaining three accused.)

**116.** On 03.06.2020, entry no. 14, he recorded statements of some "independent witnesses" - one Kailash Nishad, one Mahendra Nishad, and one Amardeep. (Kailash might be the maternal uncle of Deep mentioned in DW-1's testimony, and the others, perhaps neighbours or relatives, to refute dowry claims; it's not clear, but these could be defence-leaning witnesses or formal witnesses.)

**117.** On 04.06.2020, entry no. 15, he recorded statements of the accused Luv and Kush (who were by then not charge-sheeted) and, importantly, of the post-mortem doctors: Dr Ravi Prakash Rajbhar (PW-2) and Dr Mohd. Irfan and Dr Noor Ahmad. This indicates he formally documented their opinions (which matched PW-2's testimony).

**118.** Finally, on 08.06.2020, entry no. 16, having completed the investigation, he filed the charge-sheet against Deep Narayan, Ramhet, and Poonam under Sections 498A, 304B IPC and 3/4 D.P. Act, and included the alternate charge of 302/34 IPC. He identified the charge sheet in court (Exhibit Ka-19).

**119.** CO Amar Bahadur's testimony thus ties together the documentary evidence and confirms the fairness of the investigation, particularly the exoneration of the two brothers based on alibi evidence and the collection of medical evidence supporting the claim of dowry harassment (WhatsApp chats). His testimony remained largely

unshaken (the defence did not significantly impeach him on the record, as most of his statements were factual recitations of investigative steps).

### **Defence Evidence:**

**120.** After the prosecution's evidence, the accused were examined under Section 313 CrPC. All three accused denied the allegations of dowry demand or ill-treatment and claimed innocence. They stated that the prosecution witnesses had given false or mistaken testimony, often out of animosity or misguidance. Accused Deep Narayan, in his 313 statement, offered a detailed alternative narrative: he asserted that his marriage to Shalini was performed happily, without any dowry, and that neither he nor his parents ever demanded an Innova car or cash. He claimed that after marriage, Shalini was discovered to have certain medical issues – specifically, cysts in her reproductive organs and a lump in her breast – which led to fertility problems and caused her to fall into mental depression. Deep stated that they lived alone at NTPC Tanda, and that Shalini, feeling lonely and depressed about her health, died by suicide (hanging) while he was away at work. He maintained that neither he nor his parents ever harassed or harmed Shalini, and suggested that Ram Charan (PW-1) had filed a false case due to misunderstanding and vengeance, not knowing the actual facts of Shalini's psychological state.

**121.** In support of their defence, the accused examined DW-1 Deep Narayan (the first accused himself) under oath. His testimony expanded on the narrative of Shalini's health and the incident:

**122. DW-1 Deep Narayan (accused/husband):** Deep testified that the marriage was arranged via an online platform and that the initial negotiations happened mostly through Shalini's brother Jitendra. He claimed he was not personally involved in any dowry or financial discussions; he said, "I was not present in the dowry arrangement talks; my parents handled it, and I just went along on the wedding day." He expressed ignorance about the alleged incident where his parents' demand caused a temporary breakup of talks, effectively denying it: "I don't know if my parents demanded ₹10 lakhs and an Innova in that third meeting, and the match wasn't fixed then."

**123.** The crux of Deep's defence was Shalini's medical condition: He provided a timeline of her health issues post-marriage. According to him:

**124.** Shalini initially had severe anaemia, for which she was treated at NTPC hospital and a local clinic (Vivekanand PolyClinic) with iron supplements by Dr Udayan Tiwari.

**125.** In April 2019, Dr P.K. Sagar's examination revealed cysts in her ovaries. Dr Babita started treatment for that condition at NTPC.

**126.** During this period, Shalini also suffered from Typhoid. When NTPC treatment didn't fully help, Deep took her to Apollo Medics Hospital in Lucknow on 28.01.2020 and again on 05.03.2020 (just four days before her death). At Apollo, tests confirmed cysts in both her ovaries and in her breasts (chest lumps). There was a milky discharge from her breast lump chronically, indicating a serious issue.

**127.** Deep said that after learning of these multiple health problems, Shalini became extremely despondent and would often express that her life was meaningless. The doctor (Dr Bhoomika Bansal at Apollo) had advised Deep to keep Shalini thinking positively, cautioning that such patients can fall into depression. Deep said he made constant efforts to reassure and console Shalini, but she remained very pessimistic about her future and her inability to conceive, etc.

**128.** He produced in court copies of Shalini's medical reports from Apollo and NTPC (he referred to a list of reports attached in the file, items 11-19 on some list at page 143B). These presumably substantiate the health issues he described.

**129.** Regarding the incident on 09.03.2020, Deep provided a step-by-step account: He claimed that on that day, he was at work at the NTPC Plant Civil Office (Stage-1), about 3 km from his residence. He was with a senior manager, R.P. Rao, and he recorded his attendance with a signature and a biometric that day. (This is an attempted alibi for part of the day.) In the evening, he returned home from duty. He says he rang the doorbell, but Shalini did not answer. Finding this odd, he pushed the door and realised it was unlatched but closed (meaning it opened when pressed). He entered the house and saw a shocking scene: In the guest room, Shalini was hanging from the ceiling fan by a bedsheet ligature. A sofa had been dragged directly under the fan, indicating she used it to climb.

**130.** Deep said he immediately lifted Shalini off the noose - implying he took her body down by himself - and he tried to revive her by performing CPR (cardio-pulmonary resuscitation). Seeing no response, he panicked and sought help. He called out to neighbour Garima Sharma (who was nearby outside) for assistance. Garima responded, and at her call, neighbour N.K. Singh (Narendra, PW-7) arrived. With Narendra's help, they carried Shalini to his car and rushed to NTPC Hospital. At the hospital, Dr Manjushree was on duty and after about 10 minutes of trying, she declared Shalini dead. Deep said Dr Manjushree performed CPR and administered oxygen (matching what Narendra

said about the medical efforts), then wrote a memo and informed the local police from the hospital.

**140.** Deep stated that after Shalini was declared dead, he himself called Shalini's father, Ram Charan (PW-1), on the phone and informed him that "Shalini has hanged herself." He also called his own parents in Lucknow to tell them the tragic news. His parents (Ramhet and Poonam) started for Tanda by car at night and, according to him, they reached around 2 AM (which aligns with PW-1 saying they saw them only the next morning). Shalini's family (Ram Charan and others) arrived around 3 AM. Deep noted that by that time, the police had arrived in the evening itself (on 09.03.2020), took him into custody, and kept him at the NTPC Guest House under guard that night. (This matches Suman's statement that police came and took Deep aside that night.)

**141.** Deep categorically denied ever demanding dowry or mistreating Shalini. He asserted that her family concocted the entire dowry harassment story out of misplaced blame - he said "My father-in-law lodged a false case accusing us of dowry demand due to anger, not knowing that my wife was in depression due to illness." He claimed that Suman (PW-5) and Arpita (PW-3) were fully aware of Shalini's medical problems and mental state.

**142.** Deep added some specific observations: He said when he took Shalini to the hospital, he noticed a ligature mark on the front of her neck (consistent with hanging). He pointed out that the autopsy report did not mention some things, like Shalini's appendix surgery scar or a missing tooth, implying the post-mortem was not thorough in noting old marks, thereby casting doubt on its thoroughness regarding the neck marks too. He highlighted that Shalini indeed had a 4-inch scar below her navel from the appendectomy and a back tooth missing from before marriage, which the post-mortem failed to record.

**143.** He also produced evidence of his family's actions post-incident: Gate entry records from NTPC's ITI (security) showing his parents and maternal uncle Kailash arriving in a car (he provided a document at page 143B, list no. 9, with the car details). He provided his SBI bank account statement for June 2018 to March 2019 (24 pages), presumably to show he had sent money to Shalini or had savings (though he did not elaborate what it showed). He emphasised again that no family member lived with them at NTPC; it was just him and Shalini there.

**144.** Finally, he concluded that Shalini "was deeply depressed due to her illness and on 09.03.2020, in that depression, she locked me out and hanged herself at our NTPC home. I have not committed the crime alleged."

**145. Cross-examination of DW-1:** The prosecution cross-examined Deep to challenge his credibility. They questioned him on the marriage negotiations. He admitted that Jitendra visited his house in March 2018, and later Jitendra returned with someone (he did not recall who). At a third meeting in late March 2018, Ram Charan, Suman, and the Pandit (PW-6) attended, and it was then that the marriage was fixed and the engagement date set. He said it all happened within a month. He insisted that he was not personally part of any dowry talks. He denied the suggestion that his parents demanded ₹10 lakhs and an Innova, and the match was cancelled the day Ram Charan's side visited (the prosecution likely confronted him with Acharya Shukla's testimony). Deep claimed, "I do not know if my parents demanded that and if the match was not finalised that day." He also feigned ignorance of the possibility that his parents might have initially refused the match if their demand wasn't met: "I don't know if that day they left without fixing the marriage."

**146.** The prosecution likely pointed out contradictions in his claim of not knowing of any demand versus Acharya's and Suman's accounts. Deep insisted he was unaware of those details, which is not convincing. The cross also presumably covered the events of the wedding: Deep denied that he or his family did any "nautanki" or drama at the wedding for dowry, presenting himself as not involved in any such dispute (contrary to multiple PWs).

**147.** The prosecution also likely confronted him on the injuries and autopsy findings. Given his statement about noticing a ligature mark, they might have asked why the autopsy found finger marks and many bruises. The transcript snippet we have ends with him denying that he knew about the demand meeting. However, it is clear that the prosecution aimed to show he was minimising or lying about the dowry talks and that his suicide story is self-serving.

**148.** In essence, DW-1's testimony presents a complete alternative cause of death (medical depression leading to suicide) and casts the accused as caring and innocent. The Court will need to scrutinise this version against the weight of the prosecution's evidence.

**149.** With the evidence summarised, the stage is set to appraise whether the prosecution has proved its case beyond a reasonable doubt, or whether the defence's alternative explanation raises a reasonable doubt.

### **Appreciation of Evidence**

**150.** Having marshalled the evidence, the Court now proceeds to analyse it issue-wise, addressing the Points for Determination framed

above. The task is to assess the credibility of witnesses, reconcile contradictions, and determine whether the ingredients of the charged offences are established. Throughout this analysis, the Court remains mindful that the burden of proof lies on the prosecution and that the accused are presumed innocent until proven guilty beyond a reasonable doubt.

### **151. Point (1): Nature of Death (Unnatural Death and Cause)**

It is undisputed that Smt Shalini Nishad, a young woman of about 25–26 years, died on the evening of 09.03.2020 at her matrimonial home (NTPC Tanda Colony) under sudden and suspicious circumstances. The initial police intimation described it as a case of hanging (the police call to PW-8 mentioned “suicide”). All witnesses confirm the fact of death. The critical question is whether this death was “otherwise than under normal circumstances” (to use the language of Section 304B IPC) – in other words, an unnatural death – and if so, what was the cause.

**152. Medical Evidence of Cause of Death:** The autopsy report and Dr Ravi Prakash’s testimony (PW-2) provide the most authoritative account of the cause of death. The post-mortem findings, as detailed earlier, revealed multiple injuries and led the doctors to conclude unequivocally that Shalini’s death was caused by asphyxia due to throttling (manual strangulation). The presence of several contusions on the neck (including clear finger impressions), face and hands – coupled with the absence of any typical ligature mark of hanging – strongly indicate that Shalini was violently strangled by hands rather than a self-inflicted hanging. Notably, injury no.9 recorded by the doctors was a set of finger pad bruises on the neck, and Dr Rajbhar explicitly testified that this was the basis for diagnosing throttling. He also clarified the forensic differences: in suicidal hanging, one expects an upward ligature mark, whereas in throttling, the marks and accompanying injuries differ, as seen here. Furthermore, the internal findings – congested organs and intact hyoid – are not inconsistent with either hanging or strangulation, but the external marks tilt the balance towards throttling. The intact hyoid bone does not negate homicide; throttling can occur without fracturing neck bones, especially in young individuals. Learned defence counsel, relying on *State of Himanchal vs Jai Lal* (1999) 7 SCC 280, argued that the post-mortem doctor was not an expert. The citation of learned defence counsel is misplaced as there is no proof that doctors were not experts in postmortem. So far as Modi’s medical jurisprudence regarding throttling is concerned, it is needless to say that it is not necessary that all characters of Modi’s medical jurisprudence regarding throttling must appear in every case.

**153.** The defence has challenged the autopsy's reliability on two grounds: (a) minor procedural lapses/overwritings by the doctors, and (b) omissions of old scars, suggesting a lack of thoroughness. The Court finds that these do not undermine the core finding. The panel of three doctors conducted the examination and documented the injuries. Dr Rajbhar admitted to some overwriting in timings without countersignature, and, indeed, some old marks (appendix scar, missing tooth) were not noted – perhaps deemed irrelevant to the cause of death. However, the crucial observations of recent neck and body injuries remain unshaken. PW-2 firmly refuted any suggestion that the post-mortem was filled in without examining the body. There is also consistency between the autopsy and the earlier inquest to the extent that both noted a neck mark, although the inquest did not note the more subtle bruises that a detailed autopsy did. Moreover, PW-7 (Narendra), while not noticing bruises in the dark or in haste, confirmed that at the hospital, they learned of neck and facial injury marks, and PW-8 also saw dark bruises on the neck and face when the body was shown. This aligns with the medical findings of contusions in those areas.

**154.** From the above, the Court is convinced that Shalini's death was not natural (e.g., not illness or accident). It was an unnatural death by asphyxia. The next question is: was it suicide or homicide? The defence theory is that she committed suicide by hanging due to depression. The prosecution theory is homicide (strangulation) in furtherance of dowry harassment.

**155. Several factors point to homicide:** the array of external injuries (especially on the face and hands) is hard to reconcile with a simple suicidal hanging. If she had hung herself using a soft ligature like a bedsheet, one might see a single ligature mark and possibly some abrasions from struggling to free herself. But here we have multiple blunt-force contusions – a 10×9 cm bruise on one side of the face, a 4×3 cm bruise on the other, scratches on the neck, and contusions on both palms and fingers. These suggest a physical struggle with another person: being gripped or beaten. The finger imprint bruises on the neck are a tell-tale sign of manual strangulation. If she had hung, the mark would likely encircle the neck obliquely placed (and indeed DW-1 claims he saw a ligature mark, but the doctors did not find a clear ligature mark apart from bruising).

**156.** Additionally, the scenarios described by PW-7 and even DW-1 are inconsistent: PW-7 Narendra testified that he was told a bedsheet was found hanging from the fan, and indeed a bedsheet was recovered. The presence of a ligature (bedsheet) suggests the possibility of staging – either she really hung, or someone staged a hanging after strangling her.

If it were a suicide, why the plethora of other injuries? If it were a murder, why the hanging setup? One plausible inference is that Shalini may have been strangled (or rendered unconscious) and then hung up to simulate suicide. The accused Deep's own statement to his father-in-law on the phone that night was that "Shalu has hanged herself", which could be an immediate cover story. Deep's actions of calling neighbours and rushing to the hospital are also consistent with someone trying to save a life, or with appearing to do so after the act.

**157.** Garima's hostile turn does complicate the picture slightly – she denied witnessing the bedsheet or Deep calling her. But the fact remains that a bedsheet was found tied to the fan and collected by police, which corroborates Deep's and Narendra's narrative that Shalini was found hanging (or at least suspended) from it. Garima's denial mainly prevents direct evidence of who tied the sheet. However, given the medical evidence, the Court is inclined to believe that the hanging was likely a staged scene or an attempted suicide that was intervened/violently interrupted. If it were a pure suicide, one would not expect such extensive bilateral facial bruising or finger marks on the neck.

**158.** The Court also notes that no suicide note or any direct expression by Shalini of suicidal intent has been brought on record. The defence harps on her depression, but aside from DW-1's testimony and some admitted health issues, there is no evidence that Shalini ever attempted self-harm before or voiced suicidal ideation to anyone. In fact, PW-3 and PW-4 said Shalini never told them of any suicidal tendencies; she instead consistently spoke of wanting the harassment to stop. The timeline also undercuts the pure depression theory: Shalini had a follow-up appointment on 09.03.2020 itself for her treatment. It seems counterintuitive that she would take her life on the day she had a doctor visit (though DW-1 claimed he took her on 05.03.2020, not 09.03, he said 09.03 was the next scheduled – but then why didn't they go on 09.03?). There is an unexplained gap here: if she was so depressed, why did Deep leave her alone that day? Did she not accompany him or go for treatment? The defence did not produce any witnesses, such as the manager (R.P. Rao), or biometric records, to firmly establish Deep's presence elsewhere at the exact time. So the alibi is weak.

**159.** On the whole, the Court concludes that Shalini's death was a culpable homicide. At the very least, it falls under "otherwise than under normal circumstances", given the evidence of violence. Whether it amounts to murder by the accused will depend on further analysis, but for Point (1), we find that Shalini died an unnatural death by asphyxiation, likely caused by manual strangulation (as opposed to a simple suicide by hanging).

**160. Point (2): Cruelty or Harassment for Dowry Prior to Death**

This point examines whether the accused subjected Shalini to cruelty/harassment in connection with dowry demands, especially in the period soon before her death. This is the cornerstone for charges under 498A IPC and a key ingredient for 304B IPC.

**161.** The evidence on this aspect comes primarily from the testimonies of Shalini's family members (PW-1 father, PW-3 sister-in-law, PW-4 brother, PW-5 mother) and partially from independent corroboration (PW-6 Acharya for initial demand, PW-8's mention that Ram Charan had told him of dowry harassment, and the WhatsApp messages and other documents). Indeed, WhatsApp conversations cannot be read as evidence without a proper certificate as mandated under the Evidence Act, 1872, but in this case, they are not the prosecution's substantive evidence. However, reference to WhatsApp messages may be taken.

**162. Initial Dowry Demand and Ongoing Discontent:** It is established through multiple witnesses that the accused had demanded an Innova car and ₹10,00,000 at the time of marriage negotiations. Acharya Dharmendra Shukla (PW-6) – a neutral priest – confirmed this demand was made by the groom's side and led to the match being briefly cancelled. This is strong evidence that from the very inception, the accused (particularly Deep's parents, as per Acharya's account) were greedy for dowry. Though the marriage was later solemnised without that demand being immediately met, the evidence overwhelmingly shows the demand did not disappear. The argument that no one can ask for a dowry from the parents of an incapable bride is untenable, as greedy people may demand it regardless of the bride's parents' ability to pay.

**163.** All family PWs testified that after the wedding, the accused were unhappy with the dowry given and continued to press for the car and cash. PW-1 said the in-laws had to be cajoled into proceeding with the marriage and that even during the wedding ceremonies, they created a fuss about the unmet demand. PW-5 (mother) corroborated that scene, saying the accused did "nautanki" during the wedding over the Innova and ₹10 lakhs. The Court finds these accounts credible – it is unlikely that the victim's entire family, and even an independent priest, would fabricate such specific details about an Innova car demand if it were not true. The defence's blanket denial of any such demand is untenable in the face of this consistent testimony. DW-1 Deep's claim that he was unaware of these demands is disingenuous; even if we assume he personally didn't voice the demand, he admittedly knew his parents were negotiating, and Acharya's testimony clearly places the demand in the presence of all parties.

**164. Harassment and Cruelty after Marriage:** The evidence establishes a pattern of physical and mental cruelty inflicted on Shalini in pursuit of the dowry. Key incidents evidencing this include:

The “Barefoot Vidai” incident (July 2018): 15 days after the wedding, when Shalini’s maternal uncle came to take her for a visit, the accused took away all her jewellery and even her sandals, leaving her barefoot and in a single saree. This humiliating treatment was recounted by PW-5 Suman and PW-3 Arpita, and is not a normal or trivial matter. It demonstrates extreme indignity and coercion – effectively, punishing Shalini and her family for not meeting the demand. The accused even explicitly told the uncle not to return without the car and cash. The defence did not rebut this incident; DW-1 was silent about it. The Court accepts this as true, and it clearly amounts to both mental and physical cruelty (stripping a bride of her ornaments and clothing, making her walk barefoot is cruel by any standard, aside from the underlying illegal demand).

**165. Frequent Beatings and Taunts:** Shalini’s statements to her family (as testified by them) consistently mention that Deep (husband) would beat her, often joined by his father and mother, and they would taunt and verbally abuse her over dowry. She told PW-1 of being beaten by all of them, including the brothers. PW-4 heard the same from her on calls. No direct witness from neighbours saw these beatings (perhaps because neighbours like PW-7 and PW-10 did not hear or were not close enough), but the family’s testimony is coherent on this point. Minor discrepancies (such as whether she mentioned it every time she came) do not undermine the core allegation that harassment was routine. The fact that Shalini visited her parents ~9 times in ~20 months and almost every time reported dowry-related cruelty is telling. If there were no harassment, it is unlikely a woman would repeatedly complain to all family members about the same thing.

**167. Interdicting Family Visits:** The accused’s conduct in preventing Shalini from freely meeting her family also evidences harassment. PW-4 Jitendra’s account of being told not to come to her in-laws’ house and the instance where he had to meet her outside (Alambagh) because they did not allow him at home, and that when he tried to come on Diwali, they allegedly beat her and sent her out, shows a desire to isolate her. Isolation is a form of psychological abuse often accompanying dowry harassment (to prevent the victim from disclosing the abuse or seeking help). The defence did not effectively counter this; DW-1, in fact, partially corroborated that Jitendra met them at Alambagh in Diwali 2018 and took Shalini home (though he downplayed any violence). The Court finds that the in-laws created hurdles to Shalini’s contact with her

family, which points to a consciousness of guilt – they likely feared she would expose their conduct (which indeed she did).

**168. WhatsApp Messages and Last Calls:** WhatsApp chat logs provide contemporaneous evidence of harassment. PW-3 Arpita's chat on 09.03.2020 with Shalini, exhibited as Ka-5 to Ka-9, shows Shalini complaining that "they have misbehaved badly and snatched my jewellery". Though the actual text is not read out in court, PW-3 and PW-11 confirmed its import. The fact that Shalini was begging Arpita not to tell her brothers and saying she'd handle it indicates she was under severe pressure but still trying to manage – a typical behaviour of a victim of domestic violence who fears escalation if outsiders intervene. This chat, occurring just hours before her death, firmly establishes she was being harassed "soon before her death" in connection with dowry (snatching jewellery is clearly connected to dowry; likely the in-laws were confiscating whatever valuables she had).

**169.** Similarly, the phone call Shalini made to her mother (PW-5) on the afternoon of 09.03.2020, where she was crying that she was beaten and her jewellery taken for dowry, is direct evidence of cruelty in immediate proximity to the death. This call was essentially Shalini's dying declaration of the torture she was facing that very day. The defence tried to cast it as possibly related to her mental breakdown, but the content of what she said (dowry demand, beating, robbery of jewellery) leaves no doubt it was dowry-related abuse, not a depressive episode.

**170. General treatment:** Over the marriage span, the pattern included physical assaults ("marte pitte the"), verbal abuse and taunts ("bhala bura kehte the, taana maarte the"), and undue demands. This falls squarely under "cruelty" as defined in Explanation (a) of Section 498A IPC – behaviour likely to drive a woman to harm or cause grave injury to her mental or physical health.

**171.** It is argued that there was no complaint of dowry harassment prior to the incident, and in dowry death cases, everyone becomes wise after the incident. The defence's argument that Shalini was never harassed and that the family has fabricated all this is not credible. In India, parents generally do not complain before the incident, in the hope that things will be all right one day. In fact, they advise their own daughters to be patient in the face of the possibility of a marital breakup. Mere non-compliance before the incident does not ipso facto absolve dowry harassment. In the case at hand, the sheer volume of testimony, plus independent pieces (like Acharya on initial demand, the WhatsApp messages, recovery of her jewellery, perhaps from the accused?), overwhelms the defence's bald denials. DW-1's claim that he invested in Shalini (RDs, jewellery, etc.) was not substantiated with any concrete

proof in trial – no receipts or bank statements were exhibited to show he deposited money for her (he mentioned an account statement, but did not highlight any relevant transaction from husband to wife). Even if he did occasional payments, those could well be normal household expenses and do not disprove dowry harassment.

**172.** The defence also highlighted that the WhatsApp chats did not explicitly mention “Innova”. That is true; however, the absence of the words “dowry” or “car” in a brief chat does not mean that dowry wasn’t the issue. The chat did mention misbehaviour and jewellery snatching, which correlates with dowry-related cruelty. Victims do not always articulate legal terms in personal messages. The Court attaches little weight to that omission, given the overall context.

**173.** Garima (PW-10)’s testimony is of little value on this point, as she claimed no knowledge of household happenings, which is plausible given that she was not close to Shalini. So her neutrality or hostility doesn’t affect the finding on dowry harassment, which rests on the direct evidence from the victim’s family and the victim’s own communications.

**174.** In conclusion on Point (2), the Court finds that Shalini was indeed subjected to sustained cruelty and harassment by the accused in connection with their unlawful dowry demand of ₹10 lakhs and a car. This cruelty spanned from just after the marriage up to the very day of her death, intensifying in the period “soon before her death” (within hours before). The requirements of Section 498A IPC are thus satisfied against all three accused: the acts of taking her jewellery, beating, humiliating her, and continuous pressure for dowry constitute willful conduct that caused grave mental and physical suffering to Shalini and were clearly connected to the dowry demand. It is not a case of suicide and therefore learned defence counsel’s argument that “avoid arguments with females when she is in her menstrual phase as trivial matters can become suicide trigger points. As the majority of suicides in females occur during this phase” is baseless. Moreso, there is no medical or oral evidence that the deceased was in the menstrual phase.

**175. Point (3): Dowry Death (Section 304B IPC)**

Having determined that Shalini died an unnatural death and that she was subjected to dowry-related cruelty soon before her death, the ingredients of a “dowry death” under Section 304B IPC are now analysed. The legal requirements for 304B IPC are: (a) burns, bodily injury cause the death of a woman, or occurs otherwise than under normal circumstances; (b) within 7 years of her marriage; (c) and she was subjected to cruelty or harassment by her husband or his relatives;

(d) such cruelty or harassment was for, or in connection with, any demand for dowry; (e) and it was soon before her death. If these are proved, the death is called “dowry death”, and by law the husband or relative is deemed to have caused her death (a presumption under Section 113B of the Evidence Act arises).

**178. Applying the facts:**

Timing of death relative to marriage: Shalini died in March 2020, about 1 year and 9 months into the marriage (married June 2018). This is well within 7 years. So, element (b) is satisfied.

**179.** Nature of death: As found under Point (1), her death was under unnatural circumstances (asphyxia due to likely throttling). So element (a) is satisfied – it was not a natural death.

**180.** Dowry harassment “soon before”: As found under Point (2), she was harassed for dowry throughout, and crucially, on the very day of the incident, there is direct evidence of harassment (calls and chats) just hours before her demise. “Soon before” is a relative term, but our case has harassment virtually immediately before the death. The law does not define a fixed time for “soon before,” but here it is on the same day, which undoubtedly qualifies. Thus, elements (c), (d), and (e) are all met.

**181.** Given these proven facts, Section 304B IPC creates a presumption that the death was a dowry death caused by the husband or his relatives. The burden shifts to the defence to rebut this presumption. 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. In this case, the defence offered the alternative narrative of suicide due to health depression. The Court has considered that narrative in detail:

**182.** The defence’s evidence of Shalini’s medical issues is plausible – indeed, it seems she did have some health problems (ovarian cyst, breast lump). However, the critical question is whether that alone could break the chain of causation linking the cruelty to the death. The timing and circumstances do not support the notion that she took her life purely out of health despair. She had been undergoing treatment; there was hope medically (appointments scheduled, etc.). By contrast, the dowry harassment was acute and immediate. If one looks at her final communications, she did not message “I am depressed about my illness,” rather, she messaged about the dowry harassment. The content of her last calls/messages was squarely about being tortured for dowry. There is no hint in those of “I want to die because I can’t conceive” or

similar. This strongly implies that what was weighing on her mind was the abuse, not just her medical condition.

**183.** Even if arguably her inability to conceive (if true) caused her sadness, the law (and numerous precedents) make it clear that the existence of other contributing factors does not exonerate the accused if dowry harassment is established soon before death. Unless the defence can show that the dowry harassment did not happen or was not proximate to the death, the presumption stands. Here, harassment did happen and was ongoing.

**184.** The defence pointed to the autopsy's omission of mention of cysts. Interestingly, Dr Rajbhar said they examined the genital organs and found no noteworthy cyst; if there had been one, he would have noted it. This undercuts the claimed severity of the medical issue. It suggests that while Shalini had some gynaecological matters, they were perhaps not visible or not extreme (or the doctors overlooked them, but they specifically said they looked and would have noted a cyst if present).

**185.** The alibi attempt by Deep (being at work at the time of the incident) does not negate dowry death; at most, it's relevant to murder. For dowry death, one can be held liable even if not physically present at the moment, as long as their conduct of cruelty led to the death.

**186.** The Court finds that the defence has failed to rebut the presumption of dowry death. On the contrary, the evidence affirmatively shows it to be a dowry death. The chain is: demand -> harassment -> death under suspicious circumstances shortly after a particularly intense bout of harassment. This fits the typical profile of dowry death cases, where the victim either is killed or driven to suicide when torture peaks. 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. Although this is not a typical circumstantial evidence case like a murder mystery (the fact of throttling is apparent), 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. Here, section 106 of the Indian Evidence also plays a role. The Hon'ble Supreme Court in [Kans Raj vs State Of Punjab & Ors on 26 April 2000: AIR 2000 SUPREME COURT 2324](#), cautioned against roping in all relations in dowry death cases without specific evidence. Here, sufficient evidence of dowry harassment is available against all the accused.

**187.** Therefore, the Court answers Point (3) in the affirmative: Shalini's demise qualifies as a dowry death under Section 304B IPC, and all three accused – being the husband and the husband's parents who were proven to have subjected her to dowry-related cruelty – shall be presumed responsible for that death. This presumption is not merely technical; the evidence, as discussed, overwhelmingly points to their culpability.

**188. Point (4): Alternative Charge of Murder (Section 302/34 IPC)**

Though the finding of dowry death is sufficient to hold the accused liable under 304B IPC, the Court must address the alternate charge of murder. Section 302 IPC requires proof beyond a reasonable doubt that the accused intentionally caused the death (with common intention under Section 34 if more than one accused).

**189.** The scenario here raises the question: Did the accused intentionally murder Shalini? The medical evidence strongly indicates homicidal strangulation. Thus, at least one person did intentionally kill her. The presumptive perpetrator would be the husband, Deep Narayan, since he was present at the time and place of death, and there is no evidence of an outside intruder. Deep had both motive (the ongoing dowry dispute and perhaps anger at her "defiance" or inability to fulfil demand) and opportunity.

**190.** However, to convict for murder, the Court must pinpoint liability individually with certainty. The common intention (34 IPC) aspect would imply a pre-arranged plan among the accused. There is no direct evidence that Ramhet and Poonam (the in-laws) were physically present or actively participated at the time of death. In fact, all evidence (from PW-7, PW-8, and even DW-1) indicates they were not at the scene that night. They arrived only after being informed in the early morning. Therefore, convicting them under Section 302 via Section 34 (common intention) would require inferring that they had instigated or planned the killing with Deep beforehand. While their prior conduct shows hostility and perhaps an interest in "getting rid" of a non-compliant

daughter-in-law, the legal threshold for common intention to murder is high. The prosecution did not provide evidence, such as communications or conduct on that day, showing a plan to kill. At most, one might suspect abetment, but that's not the charge.

**191.** For the accused Deep Narayan, the circumstances strongly incriminate him for murder: he was last seen with her, he had the opportunity to strangle her in the privacy of their home, and then tried to portray it as suicide (which can be seen as consciousness of guilt). His defence story has holes (injuries unexplained, etc.). If we isolate Deep's case, the Court would be inclined to find that he did murder Shalini by throttling her on that evening, likely in a fit of rage or pursuant to a final dowry-related altercation. The pattern of injuries (e.g., bruises on palms, possibly defensive wounds) suggests Shalini resisted an attack.

**192.** However, because a conviction under 304B IPC is being recorded, the question arises whether a separate conviction under 302 IPC is necessary or advisable. Jurisprudence (such as *Sharad v. State of Maharashtra* and others) cautions that where dowry death is proved, if the evidence of murder is not direct but inferential, many courts prefer to convict under 304B, which is a specific offence covering the situation (to avoid the risk of overturn on a stricter burden for 302). Here, we have very persuasive evidence of murder by Deep, but it is still circumstantial (no eyewitness). The chain of circumstances – motive, last seen, injuries, false explanation – is quite complete against Deep and is likely to meet the standard for his individual conviction under 302 IPC beyond a reasonable doubt.

**193.** Nonetheless, as a matter of prudence and since the end result (life imprisonment is possible under both 304B and 302) is similar, the Court notes that convicting under Section 304B IPC (which is already certain) sufficiently addresses punishment and culpability. The alternative charge under 302/34 IPC was framed in case the dowry death angle wasn't proved. But since the Court found dowry death proven, the alternate charge becomes somewhat redundant.

**194.** If needed to be explicit: The Court finds that the accused Deep Narayan Nishad did commit the act of causing Shalini's death – the evidence points to him strangling her. This act, given the nature of injuries, was done with the intention to cause death or at least knowing it would likely cause death, satisfying Section 300 IPC definitions. Thus, had this not been a dowry case, he would have been squarely liable under Section 302 IPC.

**195.** For the accused Ramhet and Poonam, there is insufficient evidence to hold them guilty of murder as abettors or co-conspirators beyond a reasonable doubt. There is no proof they were present or that they instigated the killing at that moment. They were indeed cruel and may have even provoked the situation through prior harassment, but that is covered in the dowry death liability. For murder liability, one would need evidence of a plan or active involvement in the killing act, which is absent.

**196.** In conclusion on Point (4), the Court holds: Accused Deep Narayan – guilt for murder is highly likely based on evidence; Accused Ramhet and Poonam – not directly guilty of murder under Section 302/34 due to lack of proof of common intention at the time of the act.

**197.** However, given the overlap with the dowry death finding, and the principle that an offender should not be punished twice for the same act, the Court will give primacy to the Section 304B conviction. The alternate charge under 302/34 IPC is therefore rendered infructuous in practice – it merges into the broader culpability established under 304B IPC. (In legal terms, if an accused is found guilty of dowry death and also of murder on the same facts, the Court would normally convict for the more specific offence – here both are grave, but 304B addresses the crux with the appropriate context.)

**198. Point (5): Offences under the Dowry Prohibition Act (Sections 3 and 4)**

Section 3 of the Dowry Prohibition Act punishes giving or taking dowry, and Section 4 punishes demanding dowry. In this case, the allegation concerns a dowry demand, so Section 4 is the pertinent one. The charge mentions both 3 and 4, possibly to cover all bases.

**199.** From the evidence, it is crystal clear that the accused (particularly Ramhet and Poonam, with Deep's implicit concurrence) demanded dowry – an Innova car and ₹10,00,000 – from the complainant's family, first during the engagement talks, then during the marriage, and continuously after marriage as a condition for treating Shalini well. Such a demand squarely falls under the definition of "dowry" (any property or valuable security requested in connection with marriage). The defence did not refute that a car and money were spoken of; they simply denied it or claimed ignorance, which the Court has disbelieved. The independent testimony of Acharya Shukla alone, which the Court accepts, proves a dowry demand by the bridegroom's side.

**200.** Thus, an offence under Section 4 of the DP Act (dowry demand) is made out. Each of the accused, by either actively making the demand (the parents) or by acquiescing and later enforcing it (the husband), is

culpable under this section. The continued harassment for dowry also underscores that the demand was not a one-off remark but a serious, unlawful insistence.

**201.** Section 3 of the DP Act (giving/taking dowry) would technically apply to those who actually accept dowry. Here, the groom's side did accept the ₹5 lakhs, jewellery, etc., given "in the marriage". Though given under the label of "gifts", legally, that counts as dowry since it was clearly for the marriage. So one could argue the accused took dowry (the items given). However, since the charge is broadly phrased and the core illegality here is the additional demand, I would focus on Section 4 (demand). If at all, Section 3 could technically make the bride's side also liable for giving, but obviously, they are the complainants and sought to give gifts under duress, so no action is against them.

**202.** Therefore, all accused are found guilty of the offence of dowry demand under Section 4 of the Dowry Prohibition Act, 1961.

(If formally convicting, the Court might merge Section 3 into Section 4 or convict under Section 4, as Section 4 directly addresses their conduct of demanding dowry both before and after marriage.)

**203. Summary of Findings:**

Shalini's death was an unnatural homicidal death (by strangulation).

The accused subjected her to cruelty for dowry, especially in the period shortly before her death.

Shalini's death thus qualifies as a dowry death under 304B IPC, and the presumption of law that the husband and in-laws caused it stands un rebutted. The accused Deep Narayan (husband), Ramhet (father-in-law), and Poonam (mother-in-law) are each liable for this offence.

**204. On the alternate charge of murder:** The husband, Deep Narayan, is individually culpable for the act of murder. However, given the overlap with the dowry death conviction, a separate formal conviction under Section 302 IPC may not be necessary to pronounce (the Court will address this in the Order). The evidence does not support a murder conviction for Ramhet and Poonam under Section 302/34 IPC due to a lack of proof of their direct participation at that moment.

**205.** The accused are guilty of dowry demand, punishable under Section 4 of the Dowry Prohibition Act. The demand for an Innova car and ₹10 lakh, and their persistent harassment over it, has been proved beyond doubt.

**206.** Before concluding, the Court notes the profound tragedy of the case: a young woman lost her life within two years of marriage, in

circumstances evincing greed and cruelty. Despite minor inconsistencies in the voluminous evidence (natural in any human testimony), the core narrative has remained steady and corroborated by multiple sources. The defence's theory, while not implausible in isolation, cannot withstand the cumulative weight of evidence pointing to dowry harassment leading to this fatal outcome.

### **Findings**

**207.** In view of the above analysis, this Court records the following Findings on the Points for Determination:

**208. Death under Unnatural Circumstances:** Smt Shalini Nishad died an unnatural death on 09.03.2020 due to asphyxia (suffocation) caused by manual strangulation. Her death was not by natural causes; it was a result of violence (throttling).

**209. Cruelty for Dowry:** The deceased was subjected to continuous cruelty and harassment by all three accused (her husband Deep Narayan and his parents Ramhet and Poonam) in connection with their demand for dowry (₹10,00,000 and an Innova car). This harassment was physical and mental, and was especially acute in the period immediately preceding her death.

**210. Dowry Death (Section 304B IPC):** Shalini's death occurred within 7 years of marriage, and it is conclusively linked to the dowry-related cruelty inflicted upon her by the accused. Her death thus meets all the ingredients of a "dowry death" under Section 304B IPC. By operation of law and based on evidence, it is found that the accused caused her dowry death.

**211. Murder (Section 302 IPC) - Alternate Consideration:** The evidence indicates that the accused, Deep Narayan Nishad, was the direct perpetrator of the fatal strangulation of Shalini, which would amount to murder. There is no credible evidence of a shared common intention by the accused Ramhet and Poonam in the act of killing at that moment. However, since the case squarely falls under dowry death (304B IPC), which carries penalties up to imprisonment for life, the Court does not find it necessary to return a separate verdict under Section 302 IPC. The alternate charge under Section 302/34 IPC is effectively subsumed by the finding of guilt under Section 304B IPC for the reasons discussed.

**212. Dowry Demand (Sections 3/4 Dowry Prohibition Act):** The accused demanded dowry and thereby committed an offence under Section 4 of the Dowry Prohibition Act, 1961. The father-in-law and mother-in-law initially made the unlawful demand, and the husband

and family persistently enforced it through harassment. The offence is proved beyond a reasonable doubt. (Section 3 DP Act, to the extent it punishes "taking dowry," also technically applies as the accused accepted various dowry articles during the marriage, but the gravamen is the illegal demand, so the Court's finding is focused on Section 4 DP Act).

**213.** In summary, the accused, Deep Narayan, Ramhet, and Poonam, are found guilty of the charges under Sections 498A and 304B of the IPC and Section 4 of the Dowry Prohibition Act. The alternate charge under Section 302/34 IPC need not be separately adjudicated in view of the conviction for dowry death, as the latter sufficiently encompasses their liability for Shalini's demise.

### **Order**

Based on the above findings, this Court hereby orders as follows:

**214.** Accused Deep Narayan Nishad (husband of the deceased), Ramhet (father-in-law), and Poonam (mother-in-law) are each found Guilty of the offence under Section 304B of the Indian Penal Code (dowry death) for causing the dowry death of Smt. Shalini Nishad, within seven years of her marriage. They are accordingly convicted under Section 304B IPC.

**215.** The accused persons are also found Guilty under Section 498A of the Indian Penal Code for subjecting Smt. Shalini to the cruelty in connection with dowry demands. They are convicted under Section 498A IPC.

**216.** The accused persons are further found Guilty of the offence under Section 4 of the Dowry Prohibition Act, 1961, for willfully demanding dowry (cash and an Innova car) from the bride's family. They are convicted under Section 4 of the D.P. Act. (The formal charge of Section 3 D.P. Act merges, as the evidence primarily establishes the unlawful demand rather than any separate act of dowry giving/taking beyond that demand).

**217.** In view of the above convictions, the alternative charge under Section 302/34 IPC against the accused is disposed of without a separate finding, as it has become infructuous. The dowry death conviction sufficiently addresses the culpable homicide of the victim. (For the record, had Section 304B not been applicable, the Court would have convicted accused Deep Narayan of murder on the evidence, but since 304B is proved, the law presumes and imputes the lethal act to all accused in furtherance of the dowry demand, obviating a need for a distinct murder conviction.)

**218.** The convicts are on bail. His bail bond is cancelled, and sureties are discharged. They are taken into custody and shall remain in custody till the hearing on the sentence.

**Sentence Hearing:**

Listing for a separate hearing on the question of sentence after lunch hours. The convicts and their counsel shall be heard on the quantum of sentence after lunch hours.

(Chandroday Kumar)

Sessions Judge, Ambedkar Nagar.

27.11.2025

**After lunch:**

**219.** 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.

**220. 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 (around 26) who lost her life within two years of marriage. The manner of death (throttling) indicates a cruel and deliberate act, 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 Hon'ble 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.

**221.** On the other hand, the defence counsel pleads for leniency. It is argued that the accused is himself young and has no prior criminal record. Parents are old. It is pleaded that this Court should consider that he has already undergone the trauma of the lengthy trial. The defence also stresses that much of the case against parents 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 the incident. 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 by the parents of Deep Narayan. It is also pointed out that the co-accused (brothers) were not even tried, suggesting that the case may not have been as 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.

**222.** 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.

**223. Consideration:** After weighing the submissions, this Court notes that Section 304B IPC, in lieu of Section 302 IPC itself, prescribes life 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 direct evidence that the accused, Deep Narayan, throttled for want of dowry. The evidence suggests a scenario likely of continuous harassment by Deep Narayan and his parents, and a climax where Deep Narayan throttled his wife. There is no evidence of a premeditated plan by Deep Narayan's parents to murder her for dowry; had there been evidence of physically assisting in throttling or presence at the occurrence, the court might have inclined to the maximum for Deep Narayan's elderly parents.

**224.** 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 a suicide after throttling the wife.

**225.** Having considered 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.

**226.** For the Section 304B IPC conviction, this Court deems life imprisonment to be just for the accused Deep Narayan and 7 years imprisonment each to the accused Ramhet and Poonam.

**227.** 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' imprisonment to the accused, Deep Narayan, Ramhet, and Poonam under Section 498A of the IPC, along with a fine, will suffice, as the major punishment is under Section 304B.

**228.** Under Section 4 of the Dowry Prohibition Act, the law prescribes a maximum of 2 years' imprisonment. Considering the demand was for a ₹10 Lakh and an Innova - 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 imprisonment and a fine appropriate. This again shall run concurrently to avoid inflating the total period beyond what is merited for the core offence.

**229. 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 from a middle-class family. A fine of ₹8,000 each can serve as an additional punishment and shall be paid towards state or victim compensation.

**230.** 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. 80 % of all fines, 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 and father 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).

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

- For the offence under Section 304B IPC: Life Imprisonment to the convict Deep Narayan and 7 (seven) years' imprisonment to Ramhet and Poonam. (No separate fine is imposed under this count, keeping in view fines under other counts.)

- For the offence under Section 498A IPC: 2 (two) years' imprisonment for each convict, Deep Narayan, Ramhet, and Poonam, plus a fine of ₹8,000 each. In default of payment of the fine, the convicts 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 each convict, Deep Narayan, Ramhet, and Poonam, plus a fine of ₹8,000 each. In default of payment of the fine, the convicts shall undergo Simple Imprisonment for 2 (Two) months.
- 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.

**232.** If the fine is realised, 80% of the total fines imposed on the convicts shall be paid to the parents of the deceased as a token of compensation under Section 357(1) CrPC. The remaining shall go to the State treasury towards prosecution costs.

**233.** 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.

**234.** 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:** The accused Deep Narayan, Ramhet and Poonam, upon conviction, are sentenced as above. They are 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 27th day of November, 2025.

(Chandroday Kumar)  
Sessions Judge, Ambedkar Nagar.  
27.11.2025