



In the Court of Sessions Judge, Ambedkar Nagar

Present: Chandroday Kumar, H.J.S., J.O. Code - UP06553

Sessions Trial No.: - 163/2022

Computer Number 517/2022

State of Uttar Pradesh

---- Prosecution

Versus

1. Govind Rajbhar, aged approximately 37 years, son of Santram, resident of village Khoria Alampur, Police Station Ahirauli, District Ambedkar Nagar
2. Santram, aged approximately 63 years, son of the late Ramsurat, resident of village Khoria Alampur, Police Station Ahirauli, District Ambedkar Nagar
3. Chinta Devi, aged approximately 61 years, wife of Santram, resident of village Khoria Alampur, Police Station Ahirauli, District Ambedkar Nagar

----Accused

Case No. - 220/2022

Sections - 302/34, 498A IPC, and

Sections 3/4 Dowry Prohibition Act

Police Station: Ahirauli

District: Ambedkar Nagar

Judgment

Introduction

1. Case Details: This judgment pertains to Sessions Trial No. 163 of 2022, State vs. Govind Rajbhar & Others, before the Court of Sessions Judge, Ambedkar Nagar. The three accused - Govind Rajbhar, Sant Ram, and Chinta Devi (hereinafter referred to as Accused No.1, Accused No.2, and Accused No.3 respectively) - were tried for offences under Sections 302/34 and 498A of the Indian Penal Code, 1860 (IPC), and Sections 3/4 of the Dowry Prohibition Act, 1961. The charges originate from the death of Smt. Ranjana Devi (daughter of the complainant) was found on 28.08.2022 under suspicious circumstances in her marital home.

2. FIR and Charges: The prosecution's case was initiated by a written First Information Report (Exhibit Ka-1) lodged on 29.08.2022 by the complainant, Achche Lal (PW-1), the father of the deceased. In the FIR, it was alleged that the deceased was married to Accused No.1 (Govind Rajbhar) about 10-12 years prior and had two minor children. It was alleged that since the marriage, the in-laws (the accused persons) treated the deceased with cruelty, frequently assaulting and harassing her for dowry. A demand for ₹5,00,000/- in cash (and other items like a vehicle) was allegedly made on the ground that the complainant was a government employee, and the accused would often pressurise the deceased to bring the money. The complainant further claimed that on 28.08.2022 at about 5:20 PM, his daughter Ranjana telephoned him, crying for help and stating that her husband (Accused No.1), father-in-law (Accused No.2), and mother-in-law (Accused No.3) were together beating her and she feared for her life. The complainant, along with others, rushed to her marital home, where they found Ranjana lying dead on a cot in the courtyard. The incident was reported to the police emergency helpline (Dial 1076) and, due to the immediate need to arrange post-mortem and last rites, the formal FIR was lodged the next day.

3. Investigation: Initially, a case was registered at Police Station Ahirauli on 29.08.2022 under Section 498A IPC, Section 304 IPC (dowry death/culpable homicide) and Sections 3/4 Dowry Prohibition Act. During the investigation, the police conducted an inquest (Panchnama) on 28.08.2022 itself, prepared a site map of the scene, and sent the body for post-mortem examination. Subsequently, based on evidence (notably the post-mortem findings), the charge under Section 304 IPC was converted to one under Section 302 IPC (murder) as it appeared that Ranjana's death was homicidal. A charge-sheet (Ex. Ka-14) was filed against all three accused for offences punishable under Sections 302, 498A IPC and 3/4 Dowry Prohibition Act.

4. Committal and Charge: Since the offence of murder is exclusively triable by the Court of Session, the case was committed to the Sessions Court by the Chief Judicial Magistrate on 04.11.2022. The Sessions Court framed charges on 17.11.2022 against Govind Rajbhar, Sant Ram and Chinta Devi for: (a) murder of Ranjana Devi on 28.08.2022 in furtherance of common intention (Sections 302/34 IPC); (b) cruelty towards her in connection with dowry demands (Section 498A IPC); and (c) demanding and accepting dowry (Sections 3 and 4 of Dowry Prohibition Act). The accused persons pleaded not guilty to all charges and claimed a trial. They were thus put on trial, and the matter proceeded to evidence.

5. Prosecution Evidence: In support of its case, the prosecution examined eight witnesses (PW-1 to PW-8) and produced documentary

evidence, including the FIR (Ex. Ka-1), inquest report (Ex. Ka-2), post-mortem report (Ex. Ka-12), site plan (Ex. Ka-13), charge-sheet (Ex. Ka-14), etc. The material witnesses included the complainant/father (PW-1), the deceased's mother (PW-2), two neighbours who witnessed the inquest (PW-3 and PW-4), the doctor who conducted the autopsy (PW-5), the investigating officer (PW-6), and two relatives/neighbours (PW-7 and PW-8). The defence did not lead any rebuttal evidence. The accused's statements were recorded under Section 313 of the Code of Criminal Procedure, 1973, in which they denied the incriminating evidence and reiterated their innocence.

6. Accused's Defence: During their Section 313 Cr.P.C. examinations, all three accused persons denied having harmed the deceased. The essence of their defence was that Ranjana Devi committed suicide by hanging in her room, and that the accused had been falsely implicated due to enmity and village factionalism. They stated that on the fateful evening, Accused No.1 (husband) and Accused No.2 (father-in-law) were not even present at home, and upon learning of Ranjana's demise, they returned immediately. It is asserted that the case was registered at the behest of the complainant's relatives and due to suspicion, but the accused claims no role in the death. They plead that the evidence is insufficient and that they are entitled to acquittal, contending that mere suspicion or conjecture has led to them being roped in.

7. Points for Determination: In light of the above, the following points arise for determination by this Court:

(a) Whether the death of Smt Ranjana Devi was caused by homicidal violence attributable to the accused Govind Rajbhar, Sant Ram, and Chinta Devi (in furtherance of their common intention), amounting to the offence of murder punishable under Section 302 read with Section 34 IPC?

(b) Whether the accused persons, being the husband and in-laws of the deceased, subjected her to cruelty as defined in Section 498A IPC in connection with the demand for dowry, and thereby committed an offence under Section 498A IPC?

(c) Whether the accused persons demanded or received dowry in connection with the marriage of Ranjana Devi, so as to attract the penal provisions of Section 3 and Section 4 of the Dowry Prohibition Act, 1961?

The findings on each of the above points will be discussed after an appraisal of the evidence and applicable law.

Appreciation of Evidence

8. Overview of Evidence: Before delving into each point, it is necessary to scrutinise the evidence on record. The prosecution's case hinges largely on circumstantial evidence and the testimonies of the deceased's family members, since there is no direct eyewitness account of the alleged murder. The star witnesses – the parents of the deceased (PW-1 and PW-2) – unfortunately did not support the prosecution's story in material particulars during the trial, and they were declared hostile. The remaining evidence consists of the medical evidence indicating homicide, and testimonies of neighbours/officials, which, as detailed below, do not conclusively link the accused to the crime. The Court has kept in mind that in a case of this nature, involving the death of a young woman in her matrimonial home, emotions run high; however, the verdict must rest strictly on the evidence brought before the Court.

9. Testimony of Complainant (PW-1: Achche Lal): PW-1 is the father of the deceased and the first informant. In his examination-in-chief, however, he departed significantly from the allegations in his FIR. He testified in court that the behaviour of all the accused towards his daughter had been “good” and that “these people never demanded any money from me or ever beat or harassed my daughter”. He stated that whenever his daughter visited him, she appeared happy and never reported any mistreatment or dowry demands by her husband or in-laws. Crucially, PW-1 denied that his daughter had ever telephoned him on 28.08.2022 asking to be rescued or telling him that she was being beaten – directly contradicting the FIR narrative. Instead, he stated that around the time of the incident, he received a phone call from Accused No.1 (his son-in-law, Govind) informing him of Ranjana's condition, after which he (PW-1) went to the in-laws' village along with others and found his daughter already dead. He also testified that he did not notice any injury marks on her body at that time. PW-1 further claimed that when he went to lodge the report, the police personnel drafted the complaint as per their own wording and took his signature; he professed ignorance about the contents of the written report (Ex. Ka-1) and about what was recorded in his statement to the investigating officer (IO) under Section 161 Cr.P.C. He flatly denied telling the police any facts about the accused assaulting his daughter or demanding ₹5 lakhs. On being confronted with his prior statements (FIR and police statement), he denied making them. At the prosecution's request, PW-1 was declared a hostile witness (having retracted his earlier statements).

10. Cross-examination: In cross-examination by the defence (as well as the prosecution's cross after declaring him hostile), PW-1 reiterated that the accused had a cordial relationship with the deceased and that he maintained normal relations with the accused even after the

incident. He admitted that his two young grandchildren (the deceased's sons) continue to live with Accused No.1 (their father) and visit him, indicating that the families were on speaking terms. He denied suggestions that he had reached a compromise with the accused or that he was testifying falsely due to any pressure or arrangement; he maintained that he was simply unaware of any wrongdoing by the accused and that he did not know how his daughter died. Thus, the complainant's testimony in court completely negated the prosecution's allegations of dowry harassment and assault. His evidence provided no incriminating material against the accused on either the cruelty/dowry aspect or the circumstances of death, apart from confirming that Ranjana was found dead on the evening of 28.08.2022 at the matrimonial home.

11. Testimony of PW-2 (Smt. Mangla Devi): PW-2 is the mother of the deceased. Her evidence is similarly damaging to the prosecution due to her outright denial of any dowry demands or cruelty. In her examination-in-chief, PW-2 stated that Ranjana's marriage (about 13-14 years ago) had been performed happily and that "there was no demand from the groom's side" at the time of marriage. She testified that whenever her daughter visited the parental home, she never complained about her husband, mother-in-law or father-in-law, nor ever mentioned any harassment or demand for dowry. PW-2 said her daughter "used to tell me everything", and they spoke on the phone as well, yet Ranjana never spoke of any ill-treatment. Regarding the incident, PW-2 stated that on 28.08.2022, in the afternoon, she received information (through her husband) that Ranjana was unwell; PW-2 did not go to the spot that day, but her husband (PW-1) and son went. Only the next day did she learn that her daughter had died. She claimed not to know how Ranjana died. She also added that the police never recorded any statement from her during the investigation. Like PW-1, PW-2 was declared hostile on the prosecution's request.

12. Cross-examination: In cross-examination, PW-2 denied any knowledge of dowry demands by the accused, and affirmed that her daughter always appeared happy during visits. She confirmed that her husband had retired from a job in Delhi and that the family had no financial issues, implicitly refuting that ₹5 lakh or a car was ever solicited. She stated she never saw the dead body at the in-laws' house (as she arrived later during funeral preparations) and heard no rumours about whether it was a murder or suicide. On being read her alleged police statement under Section 161 Cr.P.C., she denied ever giving any such statement and could not explain how the police might have written one. She too refuted suggestions that she was withholding the truth due to a compromise or pressure from the accused, insisting that no such dowry harassment ever occurred. In

summary, PW-2's testimony corroborated PW-1 only to the extent of disproving the prosecution's story of sustained dowry cruelty. She provided no evidence of harassment or foul play by the accused.

13. Testimony of Other Family/Relative Witnesses (PW-7 and PW-8):

The prosecution also examined two other witnesses from the complainant's side – PW-7 Chintaram and PW-8 Mahendra Kumar – presumably to support the dowry harassment narrative or the events around the death. Their testimonies, however, failed to advance the prosecution's case:

14. PW-7 Chintaram: He is a villager known to PW-1. He deposed that he knew the complainant and the deceased, and heard about Ranjana's death on 28.08.2022. There is no indication that he witnessed any part of the occurrence. When confronted, he denied giving any statement to the police and expressed ignorance as to why any statement might have been recorded in his name. Essentially, PW-7 did not incriminate the accused at all; he neither spoke of any prior dowry issues nor shed light on how the death occurred. His evidence is neutral and adds little to the prosecution's case.

15. PW-8 Mahendra Kumar: He is a relative of the complainant (described as the husband of PW-1's cousin). In chief, PW-8 described the marriage of Ranjana with Accused No.1 and generally stated that PW-1 had given gifts according to his capacity at the time (implying that whatever was given in the marriage was voluntary and as per means). Notably, PW-8 did not testify to any express dowry demand or harassment either. In cross-examination, PW-8 revealed that on 28.08.2022, he was away on duty when PW-1 (Achche Lal) phoned him to inform him that Ranjana had died. By the time PW-8 reached the matrimonial home, he found Ranjana's corpse lying on a cot, and the incident had already occurred. He did not give any testimony suggesting that the accused people were responsible; he merely confirmed the factum of death. Like the others, he too was treated as hostile by the prosecution, and when questioned about his police statement, he denied having given any statement to the police about the incident. Thus, PW-8 also did not support any allegation of dowry demand or murder. In fact, his statement that PW-1 informed him of the death (as opposed to the deceased calling for help) further diverges from the original story in the FIR.

16. In sum, the family witnesses (PW-1, PW-2, PW-7, PW-8) who were expected to establish a motive of dowry harassment or to speak to the circumstances leading to the death have collectively failed to do so. All of them resiled from earlier statements, and none provided any direct or circumstantial evidence implicating the accused in a crime. Their testimonies, rather than proving the prosecution's case, have

introduced material contradictions and have eroded the very premise of dowry cruelty that the prosecution set out to prove.

17. Testimony of Independent Witnesses (PW-3 and PW-4): The prosecution examined two independent villagers who were witnesses at the police inquest proceedings – PW-3, Santosh Kumar, and PW-4, Sahdev – to establish the condition of the body and the initial observations at the scene.

18. PW-3 Santosh Kumar: He is the Pradhan (head) of the Gram Sabha (village council). In his examination-in-chief, he stated that he was present when the police conducted the Panchnama (inquest) on Ranjana's body on 28.08.2022 and that he signed the inquest report (Ex. Ka-2) as a witness. However, during cross-examination, PW-3 revealed that the police had taken his signature on blank paper and had neither recorded nor read any statement of his. He expressed ignorance of what the inquest report contained, implying that his attestation was merely formal. Thus, PW-3 did not provide substantive evidence beyond confirming procedural aspects of the inquest.

19. PW-4 Sahdev: This witness is a close neighbour of Accused No.1 (living next door to Govind's house). His testimony is significant because it gives a picture of what was known in the village immediately after the incident. PW-4 testified that on 28.08.2022, he was away at a nearby market when his son informed him by phone that "neighbour Govind's wife (Ranjana) has hanged herself." He rushed to the scene and found a crowd gathered at Govind's house. He stated that the police arrived after being called by someone, and that shortly thereafter, the family members from the deceased's parental side ("Govind's sasural people") also arrived. PW-4 was one of the Panch witnesses for the inquest. He deposed that the police, in the presence of the panch witnesses (including himself, Santosh and others), examined the body. He stated: "All of us panch witnesses opined that Ranjana's death appeared to be due to hanging, but to know the exact cause it would be better to conduct a post-mortem." He confirmed that the body was then sealed and sent for a post-mortem. He identified his signatures on the inquest report (Ex. Ka-2).

20. Crucially, PW-4 further revealed in cross-examination that "on the day of the incident, no male member was present in Govind's house; only upon getting the information did Govind (Accused No.1) and his father Sant Ram (Accused No.2) arrive." He thus corroborated the defence's assertion that Accused 1 and 2 were not at home at the time Ranjana was found in distress. PW-4 also stated that the contents of the panchnama were not read out to the witnesses at the time.

21. PW-4's testimony, coming from an independent neighbour, supports the scenario that initially, everyone believed the deceased had

committed suicide by hanging. His evidence also provides an alibi-like circumstance for the two male accused, indicating they were absent until after Ranjana's condition was discovered. Although PW-4's belief about the cause (hanging) was later challenged by medical findings, his account underscores a lack of any direct sight or accusation of the accused harming the deceased at the relevant time. There is no hint in his testimony of any quarrel or noise prior to the discovery, which one might expect if a violent murder by strangulation was occurring. Instead, his account points to a sudden discovery of the deceased in a lifeless state and a presumption of suicide by those who saw the scene.

22. Medical Evidence (PW-5: Dr. Ankush Verma): The medical evidence is a critical piece of the puzzle, as it objectively determines the cause of Ranjana's death. PW-5 Dr. Ankush Verma, who was the Medical Officer who conducted the post-mortem examination on 29.08.2022, gave expert testimony. The post-mortem report (Ex. Ka-12) was proved by him. Key findings from his testimony and report are as follows:

1. The deceased was a 35-year-old female with an average build. Eyes and mouth were closed. Rigor mortis was present, indicating death had occurred within a day prior to the autopsy (which aligns with the death on 28.08.2022).
2. **Ligature Mark:** PW-5 described a ligature mark on the neck of the deceased. Notably, he observed that the **ligature mark was horizontal and continuous, located below the level of the thyroid (approximately 7.5 cm below the left ear and 7 cm below the right ear). The base of the mark was brown, and the subcutaneous tissues underneath were ecchymosed (bruised). The dimensions of the mark were 14 cm x 3 cm.**
3. The brain was congested. There was froth in the trachea, and the trachea was congested. Both lungs were congested. The right chambers of the heart were filled with dark blood, while the left side of the heart was empty. The liver, left and right kidneys, and spleen were congested. The gallbladder was half full.
4. The stomach contained approximately 100 ml of partially digested food. The small intestine contained semi-solid material and gas. The large intestine contained faeces and gas.
5. The spinal cord was not opened.

23. Cause of Death: The doctor concluded that the cause of death was asphyxia (suffocation) and shock resulting from ante-mortem throttling. To remove confusion between ligature and throttling or other means of asphyxia, the investigating officer further questioned the doctor. In his testimony, doctor said that he further clarified to IO

that it was throttling and there were no marks of fingers on the neck during throttling, which is likely because a piece of cloth was between the fingers and the neck. The ligature marks and their dimensions were recorded in the deceased's post-mortem report. These ligature marks could not have been caused by a heavy object. Such marks can only be produced by pressure applied to the neck with fingers and the palm of the hand. If a heavy object had been used to apply pressure to the neck, a fracture of the neck would have been highly probable.

24. The doctor admitted that the injury found on the deceased woman's neck was not caused by strangulation with a rope, saree, or any other object. It is not necessary to preserve and send the viscera to the forensic science laboratory only when the cause of death is unclear. In this case, the deceased woman's viscera were preserved and sent to the FSL (Forensic Science Laboratory). Apart from the injury noted during the post-mortem examination (ligature mark), there were no other injuries on the deceased's body, which is why he preserved the viscera. He further accepted that if the deceased had tried to defend herself against the injury she sustained, other injuries might have been present. He denied the suggestion that he did not properly examine the body and prepare the post-mortem report superficially.

25. No mention of bruises or wounds apart from the neck is brought out in evidence (this is inferred, as PW-1 had also stated he saw no injuries on her body), which might indicate there were no signs of a struggle or prolonged physical torture immediately before death.

26. The FSL report apparently did not detect any poison or sedatives.

27. Cursorily speaking, PW-5 was not effectively challenged in cross-examination on his conclusions. His expert opinion firmly characterises the death as homicidal by strangulation (throttling), not a suicidal hanging. This medical conclusion is a double-edged sword in this case: on one hand, it dismisses the initial assumption of suicide (which the defence suggested and PW-4 believed), pointing instead to murder; on the other hand, it raises the question of who committed the murder, since thus far the eyewitnesses and family have not implicated the accused.

28. But at this juncture, before determining who committed the murder, it is crucial to thoroughly analyse the medical evidence because whether this was a murder case or a suicide case hinges solely on the medical evidence. In Modi's Medical Jurisprudence and Toxicology (22nd Edition, LexisNexis Butterworths), the differences between hanging and strangulation are explained by highlighting the distinguishing features from a medical perspective (Page 583). Hanging is distinguished from strangulation in the following terms:

Hanging	Strangulation
1 Mostly suicidal.	1 Mostly homicidal.
2 Face - Usually pale and petechiae rare.	2 Face - Congested, livid and marked with petechiae.
3 Saliva - Dribbling out of the mouth down on the chin and chest.	3 Saliva - No such dribbling.
4 Neck - Not stretched.	4 Neck - Stretched.
5 Eternal sign of asphyxia, usually not well marked.	5 Eternal sign of asphyxia, very well marked (minimal if death due to vasovagal and carotid sinus effect).
6 Bleeding from the nose, mouth and ears very rare.	6 Bleeding from the nose, mouth and ears may be found.
7 Ligature mark-Oblique, non-continuous placed high up in the neck between the chin and the larynx, the base of the groove or furrow being hard, yellow and parchment-like.	7 Ligature mark - Horizontal or transverse continuous, round the neck, low down in the neck below the thyroid , the base of the groove or furrow being soft and reddish.
8 Abrasions and ecchymoses round about the edges of the ligature mark, rare.	8 Abrasions and ecchymoses round about the edges of the ligature mark, common.
9 Subcutaneous tissues under the mark-White, hard and glistening.	9 Subcutaneous tissues under the mark-Ecchymosed.
10 Injury to the muscles of the neck-Rare.	10 Injury to the muscles of the neck - Common.
11 Carotid arteries, internal coats ruptured in violent cases of a long drop.	11 Carotid arteries, internal coats ordinarily ruptured.
12 Fracture of the larynx and trachea-Very rare and that too in judicial hanging.	12 Fracture of the larynx and trachea - Often found also hyoid bone.
13 Fracture-dislocation of the cervical vertebrae - Common in judicial hanging.	13 Fracture-dislocation of the cervical vertebrae - Rare.
14 Scratches, abrasions and bruises on the face, neck and other parts of the body - Usually not present.	14 Scratches, abrasions fingernail marks and bruises on the face, neck and other parts of the body - Usually present.
15 No evidence of sexual assault.	15 Sometimes evidence of sexual assault.
16 Emphysematous bullae on the surface of the lungs - Not present.	16 Emphysematous bullae on the

	surface of the lungs - May be present.
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29. The above features of hanging and strangulation would not normally be present vice versa. These features are based on ligature, not throttling. Strangulation by ligature and strangulation by throttling are different things, while the result of both may be asphyxia.

30. The terminology of throttling, as per the medical experts, coupled with the Doctor Verma, means causing Asphyxia with hand/hands only, that is, by applying force with hand/hands. According to Modi's Medical Jurisprudence at page 577, ligature mark and throttling are well-defined as follows:

(A) Ligature Mark: Ligature mark is a well-defined and slightly depressed mark corresponding roughly to the breadth of the ligature, usually situated low down in the neck below the thyroid cartilage, and encircling the neck horizontally and completely. The marks are multiple if the ligature is twisted several times round the neck, also more than one firm knot of the ligature is certain of homicide. The mark may be oblique as in hanging, if the victim has been dragged by a cord after he has been strangled in a recumbent posture, or if the victim was sitting and the assailant applied a ligature on the neck while standing behind him, thus using the force backward and upward. The base of the mark, which is known as a groove or furrow, is usually pale with reddish and ecchymosed margin. It becomes dry, hard and parchment-like, several hours after death, if the skin has been excoriated. The pattern of the ligature may also be seen. Very often, there are abrasions and ecchymoses in the skin adjacent to the marks. In some cases, the mark in the neck may not be present at all, or may be very slight, if the ligature used is soft and yielding like a stocking or scarf, and if it is removed soon after death. A careful search of the neck may reveal minute fibres and any other material from the ligature.

The fibres can be lifted off by sticking thin transparent adhesive tape-5 cm long, around the ligature mark and its surroundings. This tape, later transferred to clean microscope slides, can be examined directly under microscope, for fibres. Inspection of the neck with oblique light, may show the pattern produced by ligature. Examination under ultraviolet light may also reveal the pattern and nature of the ligature.

Kunnen et al, has described a Semi-Micro-Radiography Technique employed to detect fractures and dislocations of larynx due to strangulation or hanging. 20 Such skiagrams taken

before commencement of post-mortem will also rule out the possibility of a post-mortem artefact, besides providing a permanent record to produce in the court later. Such a technique, however, has no special advantage over dissection.

(B) If fingers are used (throttling), marks of pressure by the thumb and the fingertips are usually found on either side of the windpipe. The thumb mark is ordinarily higher and wider on one side of the front of the neck, and the finger marks are situated on its other side obliquely downwards and outwards, and one below the other. However, the marks are sometimes found clustered together, so that they cannot be distinguished separately. These fingertip bruises, each disc-shaped and 1-2 cm in diameter, look like red bruises (six penny bruises) if examined soon after death, but they look brown, dry and parchment-like sometimes after death. One should refrain from drawing inference from the direction of curved abrasion, as to how the hand of the assailant might have been applied to the neck of victim. The inherent quality of the victim's skin, the shape and length of the fingernails of the assailant render such inferences extremely tenuous." This linear or crescentic marks produced by the fingernails are occasionally present, if the fingertips are pressed deeply into the soft tissues of the neck. A body, which is wet, may not reveal fingernail marks until drying of the skin of the body. When both hands are used to grasp and compress the throat, the thumb mark of one hand and the finger marks of the other hand are usually found on either side of the throat. Sometimes, both thumb marks are found on one side and several finger marks on the opposite side. If the throat is compressed between two hands, one being applied to the front and the other to the back, bruises and abrasions may be found on the front of the neck, as well as on its back.

Besides these marks, there may be abrasions and bruises on the mouth, nose, cheeks, forehead, lower jaw or any other part of the body, if there has been a struggle. Similarly, fractures of the ribs and injuries to the thoracic and abdominal organs may be present, if the assailant kneels on the chest or abdomen of his victim while pressing his throat.

31. If the medical evidence discussed above is evaluated with reference to the above expert criteria of medical jurisprudence, the ligature mark appears in cases of strangulation by rope, wire, twisted cloth, etc., and its size depends on the width of the ligature object. In this case, the doctor found a continuous ligature mark measuring 14x3 cm, which rules out throttling, even though the doctor termed it as such (throttling). In cases of throttling, the continuous ligature mark of size

14x3 cannot appear, and if such a ligature mark is present, it cannot be a throttling mark. During the investigation postmortem report puzzled the Investigating Officer, as he noted in the case diary, and he further questioned the doctor. Upon which the doctor covered it up by saying that it is likely because a cloth would have been between the fingers and the neck. It may be conspicuously noticed that symptoms like a congested face, bleeding from the ear, petechial haemorrhage, fracture of the hyoid bone, dislocation of cervical vertebrae, etc., are not noticed. They do not conclusively establish that the death is an act of throttling. Injury marks showing a struggle should be there. It may happen that the deceased may not be in a position of resistance due to sedation, as argued by the prosecution, but the forensic report does not disclose any poison or sedative drug. Needless to say, the doctor did not suspect sedation and did not frame a question about the sedative drug while sending the viscera to the forensic lab. Hence, the argument is speculative only.

32. Appearances on the neck vary according to the means used. Ligature on the neck should preferably be photographed before commencing the post-mortem, and ligature fibres should be lifted for forensic analysis. To come to the conclusion that the death was due to strangulation, it is necessary, therefore, to note the effects of violence. At the same time, the possibility of other causes of suboxic or asphyxial (suicidal) death should be excluded. In the case of strangulation, bleeding from the nose, mouth and ears may be found. Not only should these dominant signs be present, but other important symptoms, such as fractures of the larynx and trachea, hyoid bone, scratches, abrasions, finger nail marks, and bruises on the face, neck, and other parts of the body, should usually be present. None of these symptoms is mentioned in the post-mortem report. Yet Doctor Verma has not given a reason as to why, in spite of the absence of dominant symptoms in the present case, the cause of death still remained throttling.

33. In the case of [State of Haryana Vs Bhagirath](#), AIR 1999 SC 2005, the Hon'ble Supreme Court has held that the opinion given by a medical witness need not be the last word on the subject. Such opinion shall be tested by the court. If the opinion is bereft of logic or objectivity, the court is not obliged to go by that opinion. After all, opinion is what is formed in the mind of a person regarding a fact situation. If one doctor forms one opinion and another doctor forms a different opinion on the same facts, it is open to the judge to adopt the view which is more objective or probable. Similarly, if the opinion given by one doctor is not consistent with probability, the court has no liability to go by that opinion merely because it is said by the doctor. Of course, due weight

must be given to opinions given by persons who are experts in the particular subject.

34. In the case of [Mahmood & Anr vs State Of U.P.](#), AIR 2008 SUPREME COURT 515, the Hon'ble Supreme Court has held that it is well settled that medical evidence is only an evidence of opinion and it is not conclusive and when oral evidence is found to be inconsistent with the medical opinion, the question of relying upon one or the other would depend upon the facts and circumstances of each case. No hard and fast rule can be laid down therefor.

35. In the case of [Tomaso Bruno & Another Vs State of Uttar Pradesh](#), (2015) 7 SCC 178 (Three-Judge Bench), Hon'ble Supreme Court has held at para 40 that the courts, normally would look at expert evidence with a greater sense of acceptability, but it is equally true that the courts are not absolutely guided by the report of the experts, especially if such reports are perfunctory and unsustainable. We agree that the purpose of an expert opinion is primarily to assist the court in arriving at a final conclusion, but such a report is not conclusive. This Court is expected to analyse the report, read it in conjunction with the other evidence on record and then form its final opinion as to whether such a report is worthy of reliance or not. As discussed earlier, serious doubts arise about the cause of death stated in the post-mortem reports.

36. Doubts Arising from the Medical Opinion of P.W.-5

While P.W.-5 Dr. Ankush Verma has opined that the cause of death was throttling, a careful scrutiny of his testimony reveals material infirmities which create serious doubt regarding the conclusiveness of such opinion.

Firstly, the medical evidence does not disclose any sign of struggle or resistance on the part of the deceased. P.W.-5 has categorically admitted in his cross-examination that, except for the alleged ligature mark on the neck, no other external or internal injury was found anywhere on the body of the deceased. In cases of homicidal throttling, particularly involving a conscious adult woman of about 35 years, some marks of resistance, such as abrasions, contusions, nail scratches, or defensive injuries on the limbs, are ordinarily expected. The complete absence of such injuries substantially weakens the prosecution's theory of forcible throttling and renders the medical opinion less certain.

Secondly, the alleged act of throttling is not supported by the presence of finger marks or nail impressions on the neck. P.W.-5 has admitted that there were no distinct finger marks on the neck and attempted to explain the same by stating that a cloth might have intervened between the fingers and the neck. This explanation is purely speculative in

nature and is not supported by any objective medical finding, as no cloth fibre lifting by adhesive tape has been done. It is settled that medical opinion must rest on demonstrable signs and not on conjectural possibilities. In the absence of finger impressions, nail marks, or localised bruising consistent with digital pressure, the opinion of throttling becomes doubtful. In cases of throttling, the 14 cm continuous width of the ligature mark may not be 3 cm, as the thumb of any person cannot be 3 cm wide.

Thirdly, the doctor's conduct casts a shadow on the certainty of his opinion. Despite asserting that the cause and manner of death were clearly due to throttling, P.W.-5 admittedly preserved the viscera and sent it for FSL examination. Ordinarily, preservation of viscera is required where the cause of death is doubtful or poisoning is suspected. If the doctor was fully confident that the death was due to throttling alone, there was no medical necessity to preserve the viscera. The ligature mark versus the throttling mark dispute also casts doubt on the certainty of the opinion. The doctor accepted in clear terms that there were no other injuries on the deceased's body, which is why he preserved the viscera. This act of preserving viscera, therefore, reflects an underlying uncertainty in the doctor's own assessment and contradicts the claimed definitiveness of his opinion.

Lastly, it is noteworthy that the alleged ligature mark was described as horizontal and continuous and echymosed tissues underneath the ligature, the main basis of the finding of throttling, which is not inconsistent with other modes of asphyxia and, by itself, cannot conclusively establish throttling or any other mode of strangulation in the absence of corroborative injuries. Despite only two features of strangulation, i.e. a horizontal and continuous ligature mark below the thyroid and underneath the echymosed tissues, no other relevant features of strangulation as mentioned in Modi's Jurisprudence have been noted in the postmortem report. Only two features may raise suspicion of strangulation, either by ligature or throttling, but not conclusively and suspicion, however strong, may not take the place of conclusive proof. The doctor's admission that the spinal cord was not opened further limits the depth of examination in relation to neck injuries. When the absence of struggle injuries, the absence of finger marks, speculative explanations, and the unnecessary preservation of viscera are cumulatively considered, the medical opinion of P.W.-5 falls short of the degree of certainty required in a criminal trial. The benefit of such doubt must necessarily enure to the accused. If the postmortem is not conducted carefully, as suggested by the defence counsel, there is a strong possibility that it may be a suicide case. Therefore, applying the settled principle that where two views are possible, the one favourable to the accused must be adopted ([Kali Ram](#)

[v. State of H.P.](#), AIR 1973 SC 2773), the benefit of doubt must necessarily be extended to the accused.

37. Role of Section 106 of the Indian Evidence Act in Cases of Unnatural Death of a Married Woman in the Matrimonial Home

1. Nature and Scope of Section 106

Section 106 of the Indian Evidence Act provides that when any fact is especially within the knowledge of any person, the burden of proving that fact lies upon him. The provision does not dispense with the prosecution's primary burden; it only applies after the prosecution establishes foundational facts. Hon'ble the Supreme Court has consistently held that Section 106 cannot be used to relieve the prosecution of its duty to prove the case beyond a reasonable doubt, but operates in a limited sphere where certain facts are exclusively or specially within the knowledge of the accused.

2. Applicability in Matrimonial Home Deaths

In cases where a woman dies unnaturally inside her matrimonial home, the prosecution often invokes Section 106 on the reasoning that:

The occurrence took place inside the privacy of the matrimonial home, and

The husband or in-laws were present or had control over the premises, and

The manner in which the death occurred is a fact especially within their knowledge.

The Supreme Court in [Trimukh Maroti Kirkan v. State of Maharashtra](#), (2006) 10 SCC 681 held that when an offence takes place inside the house, and the inmates offer no explanation or a false explanation, such conduct becomes a strong incriminating circumstance, permitting the court to draw an adverse inference under Section 106.

3. Foundational Facts Must First Be Proved

However, Section 106 is not automatic. Before it can be invoked, the prosecution must first establish:

That the death was unnatural,

That it occurred inside the matrimonial home, and

That the accused had an exclusive or special opportunity to explain the circumstances.

In [Shambhu Nath Mehra v. State of Ajmer](#), AIR 1956 SC 404, the Hon'ble Supreme Court clarified that Section 106 applies only to facts

which are impossible or extremely difficult for the prosecution to prove, and which are especially within the knowledge of the accused.

Thus, mere death in the matrimonial home is not sufficient to shift the burden.

4. Limits of Section 106 – No Presumption of Guilt

The Hon'ble Supreme Court has repeatedly cautioned that Section 106 does not create a presumption of guilt.

In *Sawal Das v. State of Bihar*, (1974) 4 SCC 193, it was held that neither an application of [Section 103](#) nor of 106 of the [Evidence Act](#) could, however, absolve the prosecution from the duty of discharging its general or primary burden of proving the prosecution case beyond reasonable doubt. It is only when the prosecution has led evidence which, if believed, will sustain a conviction, or which makes out a prima facie case, that the question arises of considering facts of which the burden of proof may lie upon the accused. In simpler words, even where the accused fails to explain the death, conviction cannot be based solely on Section 106 unless the prosecution's evidence independently points to guilt.

Similarly, in [Kali Ram v. State of Himachal Pradesh](#), AIR 1973 SC 2773, the Court held that suspicion, however strong, cannot take the place of proof, and failure of the accused to explain cannot cure defects in the prosecution case.

5. Section 106 and Circumstantial Evidence

Where the prosecution relies on circumstantial evidence, Section 106 operates only as an additional link, not as a substitute for proof.

In [Sharad Birdhichand Sarda v. State of Maharashtra](#), 1984 AIR 1622, the Hon'ble Supreme Court laid down that the chain of circumstances must be complete in itself, and only then can failure to explain become relevant.

Thus:

If the chain is incomplete → Section 106 cannot fill the gaps.

If the chain is complete → false or absent explanation may strengthen the inference.

6. Distinction from Section 113-B (Dowry Death Cases)

It is important to distinguish Section 106 from statutory presumptions like Section 113-B of the Evidence Act.

Section 106 → Rule of burden regarding facts within special knowledge,

Section 113-B → Statutory presumption of dowry death, applicable only when specific ingredients are proved.

The Hon'ble Supreme Court in [Bajinath v. State of Madhya Pradesh](#), (2017) 1 SCC 101, held that even in matrimonial deaths, presumptions do not arise unless statutory conditions are strictly satisfied.

7. Defence Perspective – When Section 106 Cannot Be Invoked

From the defence standpoint, Section 106 cannot be pressed into service where:

Medical evidence itself is inconclusive,

Time of death is uncertain,

Multiple persons had access to the place of occurrence,

No proof of the presence of the accused at the relevant time, or

Prosecution story suffers from contradictions.

In such cases, the accused's silence or inability to explain cannot be treated as incriminating.

8. Legal Position Summarised

Section 106 does not shift the legal burden of proof.

It applies only after the prosecution establishes basic incriminating facts.

Failure to explain is not substantive evidence, but only an additional circumstance.

Conviction cannot rest solely on Section 106.

The benefit of doubt remains paramount.

Concluding Principle

Section 106 is a rule of prudence, not a rule of presumption. It aids the court in evaluating evidence, but never replaces proof beyond a reasonable doubt.

38. Time and Place of Occurrence: The death occurred inside the matrimonial home of the deceased, on 28.08.2022, in the late afternoon/evening. According to PW-4 (neighbour), no adult male family member was at home just prior to the discovery of the body; Accused Nos. 1 and 2 arrived only after the fact. The only person who might have been present at home with Ranjana could be Accused No.3 (the mother-in-law). However, there is no direct evidence about her presence or involvement – no witness saw or heard any altercation or struggle involving her. It is notable that the two young children of the

deceased were present in the household, but they were not produced as witnesses (likely due to their tender age, and possibly they did not witness anything significant if they were away or too young to comprehend events).

39. Last Seen Theory: In a circumstantial case, often the “last seen” circumstance is important – i.e., evidence that the accused were the last persons seen with the victim alive. Here, no such reliable last-seen evidence has been presented. No one testified to seeing the accused with the victim in the moments before her death. On the contrary, PW-4’s testimony suggests the opposite for Accused 1 and 2. As for Accused 3 (mother-in-law), nobody specifically testified about her whereabouts at the critical time, so even “last seen with her” is not established. Thus, an important link in circumstantial proof is missing. In the case at hand, the prosecution has not been able to prove beyond a reasonable doubt that the death was homicidal and accused persons were present at the house. Hence, Section 106 cannot be pressed into service. It is also well settled that a case of murder (s. 302 IPC) cannot be converted into abetment of suicide (s. 306 IPC).

40. Investigating Officer’s Evidence (PW-6: Rajiv Srivastava): The IO PW-6 (Inspector Rajiv Srivastava) was the Station House Officer of PS Ahirauli at the relevant time. He detailed the steps of investigation: reaching the scene on 28.08.2022 upon receiving information of a woman’s death (it appears an intimation of death was given by Accused No.2 Sant Ram to police, treating it initially as a suicide case – referred to as *fauti soochna* in evidence), conducting the inquest, and thereafter registering the FIR when the complainant arrived on 29.08.2022. He proved the preparation of the site plan and the collection of evidence. He also confirmed that the FIR was lodged by Achche Lal (PW-1) and that initially the inquest report did not mention any crime number or Sections (since the formal case was registered only after the autopsy and complaint). He submitted the charge-sheet after altering Section 304 IPC to Section 302 IPC on obtaining the post-mortem report.

41. In cross-examination, the defence highlighted certain procedural aspects, for example, PW-6 admitted that the inquest report did not record the FIR number or sections, as the FIR was issued later. He was also confronted with the fact that many witnesses (including PW-1, PW-2, etc.) had not supported their purported police statements. The IO’s evidence primarily establishes the formal chain of events and that the case was converted to a murder case following a medical opinion. Importantly, PW-6 could not add any direct evidence of guilt, since his role was an after-the-fact investigation. Any contradictions between what witnesses told him and what they deposed in court only underscore the inconsistency in prosecution evidence, but cannot by

themselves be used to prove the truth of the earlier statements (as per Section 162 Cr.P.C.).

Summary of Evidentiary Findings: From the above appraisal, the Court notes the following crucial points:

42. Alleged Dowry Harassment: The two primary witnesses on this aspect – the deceased's parents – have denied that any dowry demands or cruelty took place. No other witness has given firsthand evidence of the accused demanding dowry or mistreating the deceased during her marriage. Thus, the charge under Section 498A IPC (and the related dowry demand under the DP Act) currently stands on no substantive evidence. The only evidence of such harassment was the initial FIR statement, which is not evidence in itself (being hearsay in court unless corroborated by testimony). As things stand, the prosecution has not proved that the deceased was subjected to cruelty or harassment for dowry soon before her death.

Cause of Death: It is established that Ranjana's death was unnatural and caused by asphyxia. The defence's suggestion of a simple suicide by hanging is medically tenable given the suspicious autopsy findings. Thus, a crime may not have been committed.

Conduct of Accused: There is no evidence of suspicious conduct by any accused after the incident. In fact, it appears Accused No.2 (Sant Ram, the father-in-law) himself notified the police about the death immediately (treating it as an unexplained death), which led to the inquest on 28.08.2022. This conduct is not consistent with an attempt to conceal a murder; rather, it is consistent with someone who either discovered a suicide or at least wanted the authorities involved promptly. Accused No.1, by all accounts, returned to the scene upon learning of his wife's death and was present when police arrived. There is no evidence of absconding or destroying evidence by any of the accused.

Witness Credibility: Almost all material prosecution witnesses turned hostile or gave testimony favourable to the defence. This severely undercuts the prosecution's narrative. The court is cautious that these witnesses are the parents and relatives of the deceased who might have their own reasons (such as a possible out-of-court compromise or emotional considerations regarding their grandchildren) to not support the case. However, the court cannot speculate beyond the record. The fact remains that the evidence on oath, which is what the court must consider, does not inculcate the accused. Hostile witnesses' prior police statements have no evidentiary value as proof of facts (they can only be used to impeach credibility). Therefore, the net evidentiary value is that there is virtually no direct evidence of the accused's guilt.

Contradictions: There are glaring contradictions between the initial allegations and the trial evidence. For instance, the FIR claimed a frantic call from the victim at 5:20 PM naming all the accused as assailants, whereas in court, PW-1 denied any such call and instead claimed Accused 1 informed him of a problem. Similarly, initial allegations of daily harassment for ₹5 lakhs were withdrawn in testimony. Such contradictions make the prosecution's case inherently doubtful and unreliable.

In light of the above evidentiary assessment, the Court must now analyse the case against the legal standards of proof required in criminal law.

43. Legal Provisions and Precedents

Burden of Proof and Presumption of Innocence: It is a fundamental principle of criminal jurisprudence that an accused is presumed innocent until proven guilty. The burden of proving the accused's guilt beyond a reasonable doubt lies solely on the prosecution. Section 101 of the Evidence Act, 1872, encapsulates this, providing that the party asserting the affirmative (here, the prosecution alleging that the accused committed the crime) must prove it. Unless the prosecution discharges this burden with cogent evidence, the presumption of innocence avails the accused. As the Hon'ble Supreme Court has reiterated, "a person arraigned as an accused is presumed to be innocent unless that presumption is rebutted by the prosecution by evidence that shows him to be guilty of the offence" (Please see [K. M. Nanavati vs State Of Maharashtra on 24 November, 1961](#): 1962 AIR 605). In the present case, this means the prosecution must establish every ingredient of the offences (murder, cruelty, and dowry demand) with credible evidence. The accused have exercised their right to silence except for offering an explanation of suicide; they bear no burden to prove their innocence (except in the rare scenario of exceptions or presumptions not applicable here). Even the fact that a young woman died under unnatural circumstances in their house does not – by itself – shift the legal burden onto the accused to prove innocence; the initial burden remains on the prosecution to prove that the accused committed a crime.

44. Standard of Proof – Beyond a Reasonable Doubt: The level of proof required is "beyond a reasonable doubt," which is higher than the balance of probabilities of civil cases. If the evidence is such that it permits two reasonable interpretations – one pointing towards guilt and the other towards innocence – the law mandates that the benefit of the doubt be given to the accused. The Honb'le Supreme Court in [Kali Ram vs State Of Himachal Pradesh on 24 September, 1973](#): 1973 AIR 2773 observed: "Another golden thread running through the web of

criminal justice is that if two views are possible on the evidence – one pointing to guilt, another to innocence – the view favorable to the accused should be adopted.” Likewise, it is an “accepted rule that in case the court entertains reasonable doubt regarding the guilt of the accused, the accused must have the benefit of doubt.” This principle is not a charitable concession to the accused, but a guarantee of justice – the protection of the innocent. As famously stated, “it is better that ten guilty persons escape than one innocent suffer.” The present case, rife with contradictory and recanted testimony, must be evaluated against this standard: do the proven facts lead only to the conclusion of the accused’s guilt, or is there a reasonable doubt?

45. Circumstantial Evidence – Requirements for Conviction: The case at hand is devoid of any direct eyewitness to the alleged murder, and thus relies on circumstantial evidence. It is well-settled in a plethora of decisions (including [Hanumant vs The State Of Madhya Pradesh on 23 September, 1952: AIR1952SC343](#) and [Sharad Birdhi Chand Sarda vs State Of Maharashtra on 17 July, 1984: 1984 AIR 1622](#)) that when a case rests on circumstantial evidence, the circumstances proved must meet certain stringent tests. The Supreme Court in Sharad Birdhichand Sarda (1984) laid down the five cardinal principles (the “Panchsheel”) governing circumstantial evidence, which can be summarised as follows:

- (1) The circumstances from which the conclusion of guilt is to be drawn must be fully established. In other words, each incriminating fact must be proved beyond a doubt and clearly connected to the occurrence.
- (2) The proven circumstances should be consistent only with the hypothesis of the accused’s guilt. They should not be explainable on any other reasonable hypothesis except that the accused is guilty.
- (3) The circumstances must be of a conclusive nature and tendency, forming a chain of evidence so complete that there is no escape from the conclusion that, within all human probability, the crime was committed by the accused.
- (4) All other possible explanations or hypotheses of innocence must be effectively excluded by the proved circumstances.
- (5) Lastly, the chain of evidence should not leave any reasonable ground for a conclusion consistent with the innocence of the accused; it should be such as to show that, in all human probability, the act was done by the accused and none else.

46. Unless all these conditions are satisfied cumulatively, the accused cannot be convicted on circumstantial evidence alone. The Court must

guard against filling gaps in the evidence with conjectures. Suspicion, no matter how strong, cannot replace proof of guilt. Even a “false explanation” or false plea by the defence does not, by itself, lead to a conviction unless the chain of evidence is otherwise complete; a false defence can at most lend some assurance to the prosecution's case, but it cannot substitute for proof of an essential fact. In the present matter, these principles will be applied to assess whether the circumstances proved (like the fact of death in the accused's house, medical cause of death, etc.) unerringly point to the accused and exclude all other possibilities.

47. Dowry Deaths and Caution in Implicating Relatives: Although this case is charged as murder (302 IPC) rather than dowry death (304-B IPC) due to the marriage being more than 7 years old, the allegations involve dowry-related cruelty (498A IPC) and dowry demands (DP Act). Courts have repeatedly observed that in cases of unnatural death of a married woman, the entire family of the husband is often implicated in the heat of the moment or due to suspicion. The Hon'ble Supreme Court in [Kans Raj vs State Of Punjab & Ors on 26 April, 2000](#): AIR 2000 SUPREME COURT 2324 sounded a note of caution: “For the fault of the husband, the in-laws or other relations cannot, in all cases, be held to be involved in dowry harassment. In cases where such accusations are made, the overt acts attributed to persons other than the husband must be proved beyond a reasonable doubt. By mere conjectures and implications, such relations cannot be held guilty... A tendency has developed to rope in all relations of the in-laws of a deceased wife in matters of dowry deaths, which, if not discouraged, is likely to weaken the prosecution's case even against the real culprit.” This principle is directly relevant here, where, along with the husband, his parents (the husband's mother and father) have been accused. The evidence against each of them must be scrutinised individually and cannot be generalised. If the prosecution's evidence is found to be general or vague about their roles, or if it appears that they were implicated solely due to their relationship with the husband, then, consistent with the above precedent, the benefit of the doubt must be extended to them.

Ingredients of the Offences: It is also pertinent to recall the legal ingredients of the charged offences:

48. Section 302 IPC (Murder): The prosecution must prove that the accused intentionally or knowingly caused the death of the victim. If common intention (Section 34 IPC) is invoked, it must show a pre-arranged plan or meeting of minds to commit the murder. In the absence of direct evidence, intention and participation must be inferred from circumstances such as conduct, motive, opportunity, and acts of the accused.

49. Section 498A IPC (Cruelty): The prosecution must establish that the victim was subjected to cruelty by her husband or a relative. "Cruelty" as per Explanation to 498A includes: (a) any willful conduct which is of such a nature as is likely to drive a woman to commit suicide or cause grave injury/harm to her, or (b) harassment with a view to coercing her or her relatives to meet an unlawful demand for property or valuable security (dowry), or on account of failure to meet such demand. Thus, evidence of harassment or abuse linked with dowry demand, or extreme physical/mental abuse, is required.

50. Sections 3 and 4, Dowry Prohibition Act: Section 3 penalises giving or taking dowry, and Section 4 penalises demanding dowry. To prove these, it must be shown that the accused demanded dowry (Section 4) or accepted dowry. Here, the allegation was a demand of ₹5 lakhs and a vehicle, which would fall under Section 4 if proven. However, evidence must show that such a demand was made "in connection with the marriage," and it was unwarranted.

51. In assessing these, the Court is mindful that no statutory presumption (such as Section 113B of the Evidence Act, applicable to dowry deaths within 7 years of marriage) applies in this case, since the death occurred beyond 7 years of marriage. Therefore, the prosecution has to prove the charges without the aid of presumptions – purely on the strength of evidence.

With these legal standards in mind, the Court now proceeds to record its Findings on the points for determination, analysing whether the prosecution has met the burden of proof for each charge.

Findings

52. Point (a): Regarding the charge of Murder (Section 302/34 IPC)

The first point is whether the three accused (alone or in furtherance of a common intention) caused the death of Smt. Ranjana Devi by homicidal violence (strangulation) on 28.08.2022. After careful consideration, the Court finds that this charge is not proved beyond a reasonable doubt against any of the accused. The reasons are as follows:

53. Homicide Not Proven: It is not proven that Ranjana's death was a homicide. There is a complete lack of direct evidence linking any of the accused to the act of strangulation. No witness saw the accused committing any assault on the deceased that day. The prosecution also hinged on an alleged dying declaration via phone (the 5:20 PM call in the FIR) wherein the deceased named the accused as attacking her. This, coupled with a clear-cut opinion of homicide, could have been powerful evidence if established. Unfortunately, the sole witness to that call (PW-1) has disowned the occurrence of any such call. There is

no call recording or other proof of that conversation. Thus, the purported last words of the deceased implicating the accused evaporated from the case. I am left with an unnatural death in a private home, but no clarity on who was present and responsible at the crucial time. I am left with an unnatural death in a private home, but no clarity on who was present and responsible at the crucial time.

54. Circumstantial Gaps: For a murder conviction on circumstantial evidence, the prosecution needed to establish a chain of circumstances that unerringly point to the accused's guilt. Here, the circumstances proved are insufficient and inconclusive. It is established that Ranjana was alone (or at least not in the company of Accused 1 and 2) at the time of her death. The presence of Accused 3 (mother-in-law) at that moment is not firmly established by evidence – nobody testified to seeing her with Ranjana. There is no evidence of any of the accused having an opportunity to strangle the deceased without being noticed, especially since PW-4 arrived at the scene of commotion but did not mention seeing any of the accused doing something nefarious. Motive, which can be an important link, was alleged as persistent dowry demands. But all the witnesses who could prove motive (the deceased's family) have refuted that allegation. Without proof of motive, the prosecution's case weakens further, although motive is not sine qua non for murder; its absence is a relevant factor when evidence is purely circumstantial.

55. Alternative Hypothesis: The defence hypothesis (and initial inference at the scene) was that the deceased committed suicide by hanging. Strictly speaking, the medical evidence makes a pure homicidal death unlikely (as discussed above). However, the possibility that someone other than the accused, or self-harm, caused the death cannot be completely ruled out on the evidence. Even if it is supposed for a moment that it was homicide, then more realistically, the possibility that Accused 3 (the mother-in-law) or someone else may have had a tussle with the deceased, resulting in strangulation, is not supported by any evidence either—it remains a matter of conjecture. The point, however, is that the prosecution's evidence does not exclude other hypotheses. It is conceivable, given the lack of earlier violence evidence, that Ranjana's death might have been a result of a suicide, not involving a planned dowry murder by all three accused as alleged. The chain of circumstances is far from complete; it has missing links regarding who had the opportunity and intent to kill the deceased. Therefore, it cannot be said that the facts are consistent only with the guilt of these accused and no one else.

56. No Forensic Links: There is no forensic evidence produced to tie any of the accused to the act of strangulation. The ligature (if any was used) was not described in evidence – no rope or cloth was seized or

exhibited that could connect to any accused. In the absence of such evidence, I rely on testimonies, which, as discussed, do not indicate the accused's involvement.

57. Behaviour Post-Incident: The immediate conduct of the accused (calling police, not fleeing) is inconsistent with guilt. If indeed all three had collectively murdered Ranjana, it is curious that Accused No.2 would inform police and invite an official inquiry rather than attempt to quietly dispose of the body or feign a natural death without authorities. Their behaviour aligns more with innocence or at least a lack of consciousness of guilt.

58. Hostile Witness Statements: The prosecution might urge that the earlier statements of PW-1 and PW-2 to police (where they incriminated the accused) should be considered. However, in law, those statements cannot be treated as substantive evidence since the makers have not affirmed them in court. They have value only to impeach credibility, not to establish facts. Thus, I cannot rely on the FIR or 161 Cr.P.C. statements as proof that the accused committed the murder. I have to go by what has been proved during the trial, which, as analysed, does not prove the accused caused the death.

In view of the above, the Court finds that the circumstantial evidence falls far short of the requirement. It leaves ample room for reasonable doubt. One of the fundamental principles is that the accused cannot be convicted on mere probabilities or suspicions – the guilt must be established such that there is no reasonable hypothesis of innocence. Here, the hypothesis that none of the accused (at least Accused 1 and 2) were present at the time of death is supported by a prosecution witness (PW-4), and the hypothesis that there was no pre-planned dowry motive is supported by all key witnesses. There is no credible evidence that Accused 3 alone could or did commit the act, either. Therefore, an alternative hypothesis consistent with innocence has not been excluded. As such, following the guidance of the Hon'ble Supreme Court, "if the circumstances proved in the case are consistent either with the innocence of the accused or with their guilt, the accused are entitled to the benefit of doubt."

59. The Court must also consider that the prosecution's theory of a dowry-related murder by all three accused appears to be an overgeneralization, possibly born from suspicion and anger at the loss of a young life. But in our system, suspicion cannot take the place of proof. Therefore, on point (a), the finding is in the negative – it is not proved that the accused Govind Rajbhar, Sant Ram and Chinta Devi (or any of them) committed the murder of Ranjana Devi. They must be given the benefit of doubt and cannot be held guilty under Section 302/34 IPC on the evidence presented.

60. Point (b): Regarding the charge of Cruelty (Section 498A IPC)

This point pertains to whether the accused subjected the deceased to cruelty in connection with dowry demands or otherwise. The Court finds that this charge has no legs to stand on in view of the evidence:

The primary witnesses who could prove cruelty – the parents (PW-1 and PW-2) and close relatives (PW-7, PW-8) – unequivocally stated that no cruelty or dowry harassment took place. PW-1 and PW-2 both testified that the accused never mistreated or beat the deceased and never demanded money or dowry from her or from them. They portrayed a normal marital life. This is the exact opposite of “cruelty.” Their statements effectively exonerate the accused on this point.

61. There is no other evidence of cruelty – no independent witness (like a neighbour or friend of the deceased) was produced to say that the deceased had ever complained of harassment, nor any letters, messages, or contemporaneous records to suggest she was tortured or tormented for dowry or any other reason. The deceased herself, tragically, is not alive to testify, and there is no dying declaration from her. The prosecution’s entire assertion of cruelty rests on the initial allegations that have been retracted.

62. The prosecution declared its own key witnesses hostile for not supporting the cruelty allegations. But even in cross-examining them, nothing fruitful was elicited. They stuck to their version that no dowry demands were made. The Court cannot ignore such clear and affirmative testimony from the victim’s own parents. If they do not even support the claim of cruelty (and rather suggest that relations were cordial), the prosecution cannot possibly prove this charge beyond a reasonable doubt.

63. It is notable that the marriage was over a decade old, and the couple had children aged about 7 and 5 years. Typically, in cases of prolonged cruelty, one might expect some independent indicators (neighbours noticing fights, parental intervention attempts, etc.). Here, apart from the one FIR, there is no prior complaint, Panchayat report, or any outcry during those 12 years. This absence of any history, combined with the parents’ testimony, strongly suggests that the story of ongoing dowry harassment is not credible.

64. The ingredients of Section 498A, as mentioned, require proof of either severe physical/mental harm or harassment for dowry. None is proven. There is no evidence of any specific incidents of assault or abuse, nor any evidence of a demand “soon before her death” (an element if I consider the dowry death context). On the contrary, PW-2 said whenever Ranjana visited, she was cheerful and never made any complaint.

65. The prosecution in cross suggested a theory of compromise (that maybe after the incident, the families reconciled for the sake of the children), implying that this might be why the parents turned hostile. Even if that were true, legally it does not supply proof of cruelty – it only explains why witnesses turned hostile. Regardless of the motive for their testimony, the record, as it stands, contains no evidence of cruelty. And even if I suspect that cruelty might have occurred but was later covered up by a compromise, suspicion is not enough. The Court can only go by evidence given under oath.

Therefore, the charge under Section 498A IPC fails. The prosecution has not proven that the accused treated the deceased with cruelty or harassed her in relation to dowry demand. All accused are entitled to acquittal on this count as well.

66. Point (c): Regarding the charge under Sections 3/4 of the Dowry Prohibition Act (dowry demand/receipt)

These charges concern the accused allegedly demanding ₹5,00,000 and other dowry from the complainant's family. The fate of these charges is effectively sealed by the same evidentiary shortcomings discussed above:

67. No proof of demand: PW-1 (father) explicitly stated in court, "These people (accused) never asked me for any money, nor did they ever ask my daughter for five lakh rupees." He also said he gave what he could at the wedding, and there was no discontent from the groom's side. PW-2 (mother) likewise said there was no demand made from the in-laws' side either at marriage or thereafter. These are the very people to whom any demand would have been made. Their testimony flatly refutes the occurrence of a dowry demand.

68. No proof of acceptance: There is no evidence that any dowry was actually given to or taken by the accused apart from customary gifts. Even the FIR did not allege a specific instance of giving dowry after marriage, only a demand. So Section 3 (giving/taking dowry) does not arise on facts, and Section 4 (demand) remains unproven because the only evidence (FIR assertion) was denied by witnesses.

69. Hostile witness effect: The hostility of the complainant and family essentially leaves the Dowry Prohibition Act charges baseless. No independent evidence of a demand (like a recorded phone call or a letter threatening dowry) was brought.

70. It is also worth noting that the alleged demand of ₹5 lakhs was said to be because the complainant was in a telephone department job. PW-1 retired in 2019 and had presumably a decent financial position; yet he says no such demand was made. If a demand of that magnitude had truly been made, it is unlikely he would completely deny it unless it

genuinely never happened or he has some compelling reason to shield the accused. The Court, however, cannot speculate beyond the evidence, and the evidence says “no demand.”

71. Under Section 4 of the DP Act, even a demand without actual exchange is punishable, but there must be credible testimony of that demand. Here, I have the opposite – credible testimony that there was no such demand. Therefore, the prosecution also fails to prove the guilt under Sections 3/4 of the DP Act.

72. In reaching the above conclusions on Points (b) and (c), this Court is not unmindful that dowry harassment often occurs behind closed doors and witnesses (especially family) turning hostile is not uncommon due to social or familial pressures. However, the court cannot convict on moral conviction or suspicion without evidence. The legal system requires that a fact be proved by evidence beyond a reasonable doubt. Here, I simply do not have that evidence. As the Hon’ble Supreme Court observed in Sharad Sarda, “a case based on moral conviction or suspicion alone cannot form the basis of conviction. The court has to consider only the evidence adduced.” The evidence adduced here, taken as a whole, not only fails to prove the prosecution's case, but in material parts actually supports the defence version (of no dowry demand and of the accused not being present at the critical time).

73. Ancillary Observations: Before concluding, the Court must express that the death of Smt. Ranjana Devi is a tragic loss of life, and it is indeed unfortunate that the postmortem doctor did not conducted postmortem carefully and professionally. The real perpetrator (if it was a murder by some person) remains in doubt. The law demands proof. If the prosecution’s own witnesses choose not to reveal the truth (for whatever reasons), the prosecution's case cannot be built on conjecture. The benefit of such doubt has to go to the accused as a matter of right, not a concession. The Court’s conscience is satisfied that it has scrutinised the evidence with the required caution. There is a reasonable doubt on every charge: doubt about homicide, doubt about whether any cruelty happened at all, and doubt about whether any dowry was demanded. Therefore, as per the settled law, these doubts must result in acquittals.

74. It is also worth noting that if the family of the deceased has indeed reconciled with the accused (as implied by the testimonies), then a conviction against that backdrop, without evidence, would not serve the ends of justice. The Hon’ble Supreme Court has warned that courts should not be swayed by public emotion or the mere factum of a young bride’s death to assume guilt; rather, the evidence must speak. It is well settled that wrongful acquittals are undesirable, but wrongful

convictions are worse, and the judicial approach must always err on the side of caution and protect the innocent. Guided by these principles, this Court finds itself not sufficiently convinced to hold the accused liable on any count.

Final Order

In view of the foregoing discussion and findings, this Court reaches the conclusion that the prosecution has failed to prove the charges against the accused persons beyond a reasonable doubt. All the key ingredients of the alleged offences remain unestablished due to a lack of reliable evidence. Accordingly, the Court records the following order:

Accused No.1 – Govind Rajbhar, Accused No.2 – Sant Ram, and Accused No.3 – Chinta Devi are hereby found NOT GUILTY of the offences punishable under Section 302 read with 34 IPC, Section 498A IPC, and Sections 3/4 of the Dowry Prohibition Act, 1961.

They are acquitted of all the charges in this case. The accused Govind Rajbhar is in jail. His release order shall be sent forthwith. The accused Sant Ram and Chinta Devi are on bail. Their bail bonds are cancelled, and sureties are discharged.

The property (if any articles of the deceased were held during the investigation) shall be dealt with in accordance with the law and released to the lawful claimant(s) as per procedure.

PW-1 Achchey Lal has disowned his Tehrir Eibit Ka-1 in his cross-examination. Hence, proceedings under section 344 Cr.P.C. shall be initiated against him.

Let a copy of this judgment be sent to the District Magistrate, Ambedkar Nagar, for information (as per Section 365 Cr.P.C.), and the file be consigned to record.

Signed, Dated and Pronounced in open court on this 28th day of January 2026.

(Chandroday Kumar)
Sessions Judge, Ambedkar Nagar.