

UPAN010007532018



In the Court of the Sessions Judge, Ambedkar Nagar

Present: Chandroday Kumar, H.J.S. JO Code: UP06553

Sessions Trial Number: 39/2018

State of Uttar Pradesh

.....Prosecution

Versus

1. **Sati Devi**, wife of Ramesh
2. **Ravi Gaur** (alias Munna), son of Ramesh
3. **Suresh Gaur**, son of Puttan Gaur
4. **Ramesh Gaur**, son of Puttan Gaur

All residents of Gaura Palivari, Police Station Jaitpur, District
Ambedkar Nagar.

..... Accused Persons

Case Crime Number: 194/2017
Under Sections: 498A, 304B, 316 of
the Indian Penal Code, 1860, and
Sections 3 and 4 of the Dowry
Prohibition Act, 1961. **Alternative**
Charge: Section 302/34 of the Indian
Penal Code, 1860. **Police Station:**
Jaitpur **District:** Ambedkar Nagar

Judgment

1. The judicial machinery of the State has brought before this Court a case of profound tragedy, involving the death of a young woman named Uma Devi and her unborn child within the initial nine months of her marriage. The prosecution alleges that the accused persons, being the husband and the immediate matrimonial relatives of the deceased, conspired and acted in a manner that led to her death following persistent and unfulfilled demands for dowry. This judgment addresses the criminal liability of Ravi Gaur (the husband), Sati Devi (the mother-in-law), Ramesh Gaur (the father-in-law), and Suresh Gaur (the uncle-in-law) under the stringent provisions of the Indian Penal Code and the Dowry Prohibition Act.

Factual Matrix and Prosecution Narrative

2. The genesis of this criminal trial is rooted in the written complaint (Tehrir) submitted by the informant, Lal Bahadur Gaur (PW-1), father of the deceased, on 28.11.2017 at approximately 08:15 hours at Police Station Jaitpur. The informant, a resident of District Ambedkar Nagar, stated that his daughter, Uma Devi, aged approximately 24 years, was married to Ravi Gaur (alias Munna) on 28.02.2017 in accordance with Hindu religious rites and customs. At the time of the marriage, the informant, despite being a low-salaried employee, provided dowry according to his financial capacity, which included a Bajaj Pulsar motorcycle, gold ornaments, furniture, and various household articles.
3. The prosecution narrative asserts that the initial days of the marriage were marred by dissatisfaction expressed by the accused persons regarding the quantum of dowry. Within five days of the nuptials, the deceased returned to her paternal home and confided in her parents that her husband Ravi, mother-in-law Sati Devi, father-in-law Ramesh, and uncle-in-law Suresh were demanding a four-wheeler car and ₹2,00,000 in cash. She reported being subjected to continuous taunts and threats of physical violence if these demands were not met. During the Gauna ceremony (the formal homecoming), the informant discussed these concerns with Ramesh Gaur, who reportedly offered hollow assurances that he would counsel his family members. However, the harassment did not cease; instead, it escalated into regular physical and mental torture, which the deceased communicated to her family on several occasions.
4. The events took a terminal turn on 26.11.2017. The deceased had been brought to her paternal home by her brother, Bheem (PW-8), to attend a cousin's wedding. This departure from the matrimonial home reportedly infuriated Ravi Gaur. He contacted the deceased telephonically, issuing a stark ultimatum: she was to return to the matrimonial home immediately, or he threatened that by the next day, "either you will remain or I will". Fearful of the consequences of this threat, the deceased insisted on returning to Gaura Palivari on foot on 27.11.2017. Her brother Bheem and cousins eventually escorted her back to her husband's house on a motorcycle and left her there in the evening.
5. On the morning of 28.11.2017, at approximately 05:22 hours, Suresh Gaur (the uncle-in-law) telephoned the informant to state that Uma Devi was unwell and that the family should arrive immediately. When the informant and his relatives reached the matrimonial house, they discovered the deceased lying dead on a bed. The house appeared largely abandoned by the members of

the family. Following the report, the police initiated an investigation, conducted an inquest (Panchayatnama), and requested a post-mortem examination. The medical findings revealed that the deceased had died of asphyxia due to hanging and, tragically, was carrying a 36-week-old female fetus, which also perished.

Investigative Trajectory and Procedural Compliance

6. Following the registration of the FIR (Ext. Ka-9) and the corresponding entry in the General Diary (Ext. Ka-10), the investigation was taken up by the Circle Officer (CO) Chhadami Lal (PW-9). The investigative process involved the preparation of a site map (Ext. Ka-11) and the recording of statements under Section 161 of the Code of Criminal Procedure. The inquest (Panchayatnama, Ext. Ka-2) was conducted in the presence of witnesses, including PW-4, who noted the condition of the body and the surroundings.
7. The post-mortem report (Ext. Ka-8), prepared by a panel of doctors including Dr Hanuman Prasad (PW-6), confirmed the presence of a ligature mark on the neck and noted the existence of a dead female fetus within the uterus. Based on the evidence collected, the police filed a charge-sheet (Ext. Ka-12) against all four accused persons under Sections 498A, 304B, 316 IPC and Sections 3/4 of the DP Act. The Case was committed to the Court of Sessions on 28.02.2018, as the offences under Sections 304B and 316 IPC are exclusively triable by this Court.

Charges and Plea of the Accused

8. This Court framed charges against Sati Devi, Ramesh, Ravi Gaur, and Suresh Gaur for offences punishable under Sections 498A, 304B, 316 IPC and Section 4 of the DP Act. For Sati Devi, Ravi Gaur, and Suresh Gaur, charges were framed under Section 316 IPC. An alternative charge under Section 302/34 IPC was also framed against all the accused to address the possibility of homicidal strangulation.
9. The accused persons denied all charges and claimed to be tried. In their statements under Section 313 of the CrPC, they maintained that the case was false and fabricated. Sati Devi claimed that the deceased committed suicide and that she (the mother-in-law) had not demanded dowry and did not do cruelty. Ramesh Gaur raised a plea of alibi, claiming he was in Kolkata at the time of the death and refused the demand of dowry and cruelty. Suresh Gaur asserted separate living from Ramesh since 2010 and denied the

demand of Rs. 5,00,000 for depositing the tractor’s instalment as dowry. Ravi Gaur claimed he was in Faizabad with a friend on the fateful day and denied the demand for dowry or cruelty.

Summary of Evidence and Witnesses

10. The prosecution presented nine witnesses and twelve documentary exhibits to substantiate the charges. The defence presented two witnesses and documentary evidence concerning the alibi and separate residence.

Table 1: Prosecution Witnesses (Oral Evidence)

Witness ID	Witness Name	Role/Type	Essence of Testimony
PW-1	Lal Bahadur Gaur	Informant/Father	Detailed the marriage, the Pulsar bike demand, the ₹2 Lakh/car demand, and the discovery of the body.
PW-2	Sharda Devi	Mother	Corroborated the harassment narrative and the specific threat call from Ravi.
PW-3	Mewa Lal Gaur	Uncle	Confirmed the dowry demands and the situation at the matrimonial home on the morning of 28.11.2017.
PW-4	Khurmulli Lal Gaur	Uncle/Panch	Witness to the Panchayatnama; noted specific marks on the body, including a press-iron-like burn mark.
PW-5	SI Ravindra P. Singh	Formal/Police	Conducted the inquest and prepared police documents under the direction of the Naib Tehsildar.

WitnessName ID	Role/Type	Essence of Testimony
PW-6 Dr. Hanuman Prasad	Medical/Doctor	Conducted the autopsy; confirmed death by hanging and the presence of a 36 cm fetus.
PW-7 HM Nishendu Tiwari	Formal/Police	Registered the FIR and the GD entry at PS Jaitpur.
PW-8 Bheem (Attar Dev)	Brother	Narrating the specific threat issued by Ravi and the act of escorting the deceased back to her death.
PW-9 CO Chhadami Lal	Investigating Officer	Detailed the investigative steps, site map preparation, and the filing of the charge-sheet.

Table 2: Defence Witnesses (Oral and Documentary Evidence)

WitnessName ID	Role	Essence of Defense
DW-1 Suresh Gaur	Accused	Claimed separate residence since 2010; submitted Ration Card and Family Register to prove partition and RC of tractor Ex. Kha-2, Ex. Kha-1 and Ex. Kha-3, respectively.
DW-2 Ramesh Gaur	Accused	Claimed alibi in Kolkata; submitted a railway ticket for the Jammu-Tawi Express dated 28.11.2017 and Excess Fair Ticket receipt, Ex. Kha-4 and Ex. Kha-5, respectively.

Points for Determination

11. The resolution of this trial hinges upon the following structured points for determination, as per the legal requirements of the Indian Penal Code and the Indian Evidence Act:
1. **Factum of Unnatural Death:** Whether the death of Uma Devi occurred within seven years of her marriage under circumstances other than normal?
 2. **Dowry Harassment (Soon Before Death):** Whether, soon before her death, the deceased was subjected to cruelty or harassment by her husband or his relatives for, or in connection with, any demand for dowry?
 3. **Presumption under Section 113B:** Whether the prosecution has established the foundational facts necessary to trigger the legal presumption of dowry death against each of the accused?
 4. **Homicidal Intent vs. Abetment:** Whether the evidence points toward murder (Section 302 IPC) or a forced suicide (Section 304B IPC)?
 5. **Liability for the Fetus (Section 316):** Whether the accused Ravi Gaur is liable for the death of the quick unborn child?
 6. **Validity of Alibi and Separate Residence:** Whether the defence has successfully rebutted the prosecution's case through the pleas of alibi (Ramesh and Ravi) and separate living (Suresh)?

Appreciation of Evidence: It is a basic rule of appreciation that minor contradictions, discrepancies due to lapse of time and fading memories are inevitable in every genuine witness. These do not create a reasonable doubt.

Analysis of the Statutory Ingredients of Section 304B IPC

12. Section 304B of the Indian Penal Code creates a legal fiction to combat the social menace of dowry deaths. As established in *Smt. Shanti And Anr vs State Of Haryana on 13 November, 1990, 1991 (1) SCC 371*, and *Rajinder Singh vs State Of Punjab on 26 February, 2015, AIR 2015 SUPREME COURT 1359*, the prosecution must prove four essential ingredients: (i) the death must be caused by burns, bodily injury, or occur otherwise than under normal circumstances; (ii) the death must occur within seven years of marriage; (iii) the woman must have been subjected to cruelty or harassment by her husband or his relatives; and (iv) such cruelty or harassment must be in connection with a demand for dowry and must have occurred "soon before her death".

13. In the present case, the first two ingredients are satisfied beyond any shadow of doubt. The marriage took place on 28.02.2017, and the death occurred on 28.11.2017, a span of exactly nine months. The post-mortem report (Ext. Ka-8) identifies the cause of death as asphyxia due to hanging, which is clearly an "unnatural death" within the meaning of the statute.

The Specificity of Dowry Demands

14. The testimony of PW-1 (Lal Bahadur Gaur) provides a nuanced insight into the nature of the demands. He testified that even before the marriage, a demand for a Pulsar motorcycle was substituted for the initially agreed-upon Splendor motorcycle. This demonstrates a specific and targeted material greed on the part of the husband, Ravi Gaur. Following the marriage, the demand escalated to a four-wheeler car and ₹2,00,000 in cash.
15. The defence argues that these are general allegations. However, the Court notes that PW-1 provided a detailed account of his conversations with Ramesh Gaur and the specific instances where his daughter reported harassment. The credibility of a father's testimony regarding his daughter's suffering in the matrimonial home carries significant weight, as such disclosures are typically made to the closest family members. The demand for a "car" is a common trope in dowry death cases, but here it is corroborated by the testimony of the brother (PW-8), who added that Ravi specifically demanded ₹5,00,000 to pay tractor instalments.

The Concept of "Soon Before Death"

16. The phrase "soon before death" is the most critical link in the chain of Section 304B. As interpreted by the Supreme Court in [Sher Singh @ Partapa vs State Of Haryana on 9 January, 2015](#), 2015 (3) SCC 724, it does not mean "immediately before" but requires a proximate and live link between the effect of cruelty arising from a dowry demand and the consequential death. The relevant para is being quoted herein:

"18.The learned counsel has essayed for the Appellant to impress upon us that the cruelty postulated in this provision has not been shown to have occurred "soon before her death". This argument assumes, on a demurrer, that statutory cruelty had, in fact, been committed. The deceased and the Appellant were married in February 1997, and the former committed suicide within one year; to even conjecture that it was not soon before death, has only to be stated to be stoutly shot down."

17. The evidence presented by PW-8 (Bheem) is pivotal here. He testified that on 27.11.2017 – the very day preceding the death – Ravi issued a lethal threat over the phone. The threat ("Tomorrow either you will remain or I will") created such an atmosphere of terror that the deceased, who was in the advanced stages of pregnancy, felt compelled to leave her paternal home on foot to appease her husband. It can be easily inferred that the threat was due to non-fulfilment of the dowry demand. This sequence of events establishes a direct, proximate, and live link between the husband's conduct and the deceased's decision to end her life or the subsequent homicidal act. The interval between the threat and the death was less than 24 hours, satisfying the proximity test established in [Kans Raj vs State Of Punjab & Ors on 26 April, 2000, 2000 \(5\) SCC 207.](#)

Medical Jurisprudence and the Post-Mortem Findings

18. The medical evidence provided by Dr Hanuman Prasad (PW-6) is essential for understanding the mechanism of death. The autopsy revealed a ligature mark of 18 cm x 1.5 cm on the front of the neck. However, the testimony of PW-4 (Khurmulli Lal) and PW-8 (Bheem) brings a disturbing element to light: they observed a mark on the deceased's back where her blouse had stuck to the skin, appearing as if she had been pressed with a hot iron.
19. While the doctor (PW-6) focused on the ligature mark as the cause of death, the absence of other bodily injuries (the "press marks") suggests that the deceased's kin are exaggerating some facts. In India, the maxim '*falsus in uno, falsus in omnibus*' does not apply. Under Section 106 of the Evidence Act, when a death occurs within the privacy of the matrimonial home, the burden shifts to the husband to explain why it happened. Ravi Gaur's failure to explain, combined with the medical evidence of a 36-week fetus, paints a picture of cruelty directed at a vulnerable, pregnant woman.

Liability under Section 316 IPC (Quick Unborn Child)

20. Section 316 IPC deals with acts that cause the death of a "quick unborn child" under circumstances that would amount to culpable homicide if the mother had died. A "quick" child is one who has reached a stage where movement is felt, usually after the fourth or fifth month of pregnancy. In this case, the female fetus was 36 cm long, the umbilical cord was 38 cm, hair and skin were fully developed, and the genitalia were also formed. Using **Haase's rule** foetus age may be predicted as follows:

$$\text{Age in months} = \frac{\text{Length in cm}}{5}$$

For a fetus of **36 cm**:

$$\text{Age} = \frac{36}{5} = 7.2 \text{ months}$$

So the fetal age is approximately:

7.2 months $\approx$ 28–30 weeks

Correlation with developmental features

Hair and skin are fully developed

External genitalia are well-formed

Umbilical cord ~38 cm

These features usually suggest a fetus around the **7th to 8th month**, more commonly around **30–32 weeks**. Most probable answer is approximately **30 weeks (about 7–7.5 months of intrauterine life)**, i.e., a living foetus.

21. The prosecution argues that Ravi Gaur's cruelty in connection with the dowry demand and the subsequent death of Uma Devi inevitably led to the death of the fetus. In cases where the mother's death is a "dowry death" caused by the husband's cruelty, and the presumption that the husband was aware of the pregnancy, the intent or knowledge required for Section 316 is inferred from the nature of the cruelty. If Ravi Gaur's harassment drove Uma Devi to suicide, he is responsible for the termination of the life of the fetus that was nearly capable of independent existence. The presence of a female fetus also adds a grim sociological layer to the potential motives for dissatisfaction within the matrimonial home.

Evaluation of Defence Arguments and Alibis

22. The defence has primarily relied on the pleas of alibi and separate living to exonerate the husband's relatives.

The Alibi of Ramesh Gaur (Father-in-law)

23. Ramesh Gaur (DW-2) testified that he was working in Kolkata at the time of the incident. He produced a railway ticket for the Jammu-Tawi Express and an Excess Fair Ticket Receipt Ex. Kha-4 and Ex. Kha-5, respectively, showing he arrived at Akbarpur station only on 29.11.2017—a day after the body was found. The prosecution witnesses (PW-1 and PW-8) admitted during cross-examination that Ramesh Gaur worked in Kolkata and was not present during the events of 27.11.2017.
24. The Supreme Court in [Geeta Mehrotra & Anr vs State of U.P. & Anr. on 17 October, 2012](#), 2012 (10) SCC 741, emphasised that courts should be wary of roping in all family members in

matrimonial disputes based on vague or omnibus allegations. Since Ramesh Gaur was physically absent and there is no evidence of his issuing specific instructions or threats from Kolkata "soon before the death," the proximate link required for Section 304B is missing in his case. He appears to have been implicated simply because he is the patriarch of the family.

The Separate Residence of Suresh Gaur (Uncle-in-law)

25. Suresh Gaur (DW-1) contended that he had been living separately from his brother Ramesh since 2010. He submitted a Ration Card and Family Register entries and RC of the tractor to prove this separation. While the informant (PW-1) claimed the family lived together, documents never lie. Even separate kitchens in a large house may be treated as separate living spaces.
26. Suresh Gaur was the person who informed the father of the deceased about her "illness". This act of calling the family is more consistent with a neighbour or relative who discovered the tragedy than someone who actively participated in a midnight murder or harassment. Furthermore, as an uncle-in-law, his interest in the dowry (the car or the Pulsar bike) is naturally more remote than that of the husband. Following the principles of [*Devender Singh vs The State Of Uttarakhand on 21 April, 2022*](#), 2022 INSC 456, a relative who is not a direct beneficiary of the demanded dowry and who lives separately is entitled to the benefit of the doubt.

The Role of Sati Devi (Mother-in-law)

27. The allegations against Sati Devi (the mother-in-law) are largely general. PW-8 (Bheem) admitted in his testimony that when he went to fetch his sister on the 26th, Sati Devi had permitted the departure "happily" (raji-khushi). If Sati Devi were a perpetrator of continuous, lethal cruelty, it is unlikely she would have voluntarily allowed the victim to leave the house.
28. The prosecution has failed to attribute any specific act of cruelty to Sati Devi that occurred "soon before death." The primary aggressor on the night of the 27th was Ravi Gaur, acting through his telephonic threats and physical presence at the house upon the victim's return. Consequently, the "omnibus" nature of the allegations against Sati Devi makes it unsafe to convict her under the heavy burden of Section 304B IPC.

Findings on Each Accused

Table 3: Comparative Analysis of Culpability

Accused Name	Specific Overt Act	Defence/Alibi	Court's Finding
Ravi Gaur	Telephonic threat on 27.11.2017; Demand for Pulsar/₹5 Lakh.	Claimed he was in Faizabad; no proof.	Guilty. Proximate link established.
Sati Devi	General allegations of taunting.	Permitted the deceased to visit parents on 26.11.2017.	Not Guilty. Omissions in testimony.
Ramesh Gaur	Alleged participation in demand conversations.	Documented alibi in Kolkata.	Not Guilty. Lack of proximity.
Suresh Gaur	Informing the father of the death.	Documented separate residence since 2010.	Not Guilty. Remote relative/separate.

Reasoning for the Conviction of Ravi Gaur

29. The Court finds that Ravi Gaur's guilt is established by a combination of direct evidence (the threat call) and the failure to rebut the statutory presumption. The "Pulsar bike" incident is illustrative of his state of mind; his refusal to marry unless the specific bike was provided indicates a personality driven by dowry-related entitlement. Upon the deceased's return on 27.11.2017, she was in his sole custody. The defence of alibi (being in Faizabad) was not supported by any call detail records (CDR) or witnesses. In contrast, the prosecution's evidence regarding his threat is corroborated by the deceased's mother (PW-2) and brother (PW-8), who both witnessed the deceased's terror after the call. Under Section 113B of the Evidence Act, the Court *must* presume he caused the death because the prosecution has proved the foundational facts of dowry demand and cruelty "soon before death".

Reasoning for the Acquittal of Other Accused

30. The Court is mindful of the warning issued in *Karan Singh v. State of Haryana on January 31, 2025, 2025 INSC 133*, against the use of "moral conviction". While it is heartbreaking that a woman died, the Court cannot convict relatives based solely on their relationship with the husband. The omissions in the statements of PW-1 and PW-2 during cross-examination regarding the specific roles of the mother-in-law and uncle-in-law create significant gaps.
31. The father-in-law's alibi is substantiated by a railway ticket, documentary evidence, and admissions by prosecution witnesses that outweigh the oral allegations. The uncle-in-law's separate residence is similarly documented. To convict them would be to ignore the "proximity" requirement of the law. They are, therefore, entitled to be acquitted of all charges.

Order of the Court

Having carefully appraised the oral and documentary evidence, and having analysed the legal provisions and precedents cited, this Court arrives at the following verdict:

I. Conviction of Ravi Gaur

Accused **Ravi Gaur** is hereby **found guilty** and **convicted** of the following offences:

1. **Section 304B of the IPC** (Dowry Death).
2. **Section 316 of the IPC** (Causing death of a quick unborn child).
3. **Section 498A of the IPC** (Cruelty by husband).
4. **Section 4 of the Dowry Prohibition Act** (Taking and Demanding Dowry).
5. The case of **murder** is not made out.

II. Acquittal of Other Accused

Accused **Sati Devi**, **Ramesh Gaur**, and **Suresh Gaur** are hereby **acquitted** of all charges. The prosecution has failed to prove their involvement beyond a reasonable doubt. All the accused are on bail. Their bail bonds are cancelled, and sureties are discharged subject to the provisions of Section 437A CrPC. Accused Ravi Gaur is taken into custody.

Sentence for Ravi Gaur

The Court has heard the convict and his counsel on the question of sentence. While the defence pleads for leniency, citing the convict's

youth, the prosecution emphasises the heinous nature of the crime – the death of two lives (the mother and the child) due to unbridled greed. Considering all mitigating and aggravating circumstances, I deem the following sentences would serve the ends of justice:

Corrected vide
order dated 29.4.2026
(sd)
29.4.2026
D.J.
ABN

Chandroday Kumar
Digitally signed by Chandroday Kumar
DN: OU=District Court Ambedkar Nagar, O=Indian Judiciary, CN=Chandroday Kumar, E=dcnb@allahabadhighcourt.in
Reason: I am the author of this document
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Date: 2026.04.29 15:33:17+05'30'
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1. For Section 304B IPC: The convict is sentenced to ~~Life~~ **Imprisonment** for 10 years and a fine of ₹50,000, in default of which he shall undergo a further five months of imprisonment.
2. For Section 316 IPC: The convict is sentenced to **7 years of Rigorous Imprisonment** and a fine of ₹10,000, in default of which he shall undergo a further one month of imprisonment.
3. For Section 498A IPC: The convict is sentenced to **2 years of Imprisonment** and a fine of ₹5,000.
4. For Section 4 DP Act: The convict is sentenced to **2 years of Imprisonment** and a fine of ₹5,000.

All sentences shall run concurrently. The period of detention already undergone by the convict during the investigation and trial shall be set off against the substantive sentence as per Section 428 CrPC.

Out of the total amount of fine, ₹60,000 shall be given to the family of the deceased as compensation under section 357 CrPC.

The case property or other articles shall be disposed of in accordance with the law after the appeal period.

Judgment signed, dated and pronounced by me in open Court today.

Date: 28.04.2026

(Chandroday Kumar)

Chandroday Kumar
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DN: OU=District Court Ambedkar Nagar, O=Indian Judiciary, CN=Chandroday Kumar, E=dcnb@allahabadhighcourt.in
Reason: I am the author of this document
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Sessions Judge, Ambedkar Nagar