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UPAN010016662017



IN THE COURT OF THE SESSIONS JUDGE, AMBEDKAR NAGAR

Presiding Officer: Chandroday Kumar, H.J.S.

Sessions Trial No.: 117 of 2017

(Arising out of Case Crime No. 29 of 2017, Police Station: Kotwali Tanda,
District: Ambedkar Nagar)

State of Uttar Pradesh

versus

Dharmendra @ Ghantu, S/o Late Bajrangilal Saini

Mahendra, S/o Late Bajrangilal Saini

Nirankar, S/o Late Bajrangilal Saini (Proceedings **Abated** due to death)

Smt. Neelam, W/o Mahendra

Smt. Punita, W/o Nirankar

All Residents of Mohalla: Hayatganj, Police Station: Kotwali Tanda,
District: Ambedkar Nagar.

CRIMINAL LIABILITY & CHARGES Under Sections: 498A, 304B of the Indian Penal Code, 1860 (IPC) and Sections 3/4 of the Dowry Prohibition Act, 1961. Alternative Charge: Section 302 of the IPC.

JUDGMENT

This judgment governs the trial of the accused persons, namely Dharmendra @ Ghantu, Mahendra, Smt. Neelam, and Smt. Punita, who stand scheduled to face trial for committing offences under Sections 498A, 304B of the IPC, and Sections 3/4 of the Dowry Prohibition Act, along with an alternative charge under Section 302 read with Section 34 of the IPC. The trial against the co-accused Nirankar stands abated vide Citations are hyperlinked.

order dated 17.05.2017 following his demise during the pendency of the proceedings.

1. INTRODUCTION & PROSECUTION NARRATIVE

As per the prosecution framework, the informant Madanlal Saini (PW-1) moved a written informant report (Ext. Ka-1) at Police Station Kotwali Tanda on 08.03.2017 at around 13:00 hours.

The substance of the First Information Report (FIR) reveals that:

1. **Marriage:** The informant solemnised the marriage of his daughter, Sangeeta (aged about 25 years), with the accused Dharmendra @ Ghantu on 19.11.2013 according to Hindu rites and rituals, providing gifts and dowry matching his financial capacity. The Gauna ceremony was performed within a year.
2. **Dowry Demands & Cruelty:** Following the Gauna, the husband Dharmendra, brothers-in-law Nirankar and Mahendra, and sisters-in-law Smt. Neelam and Smt. Punita continuously harassed the deceased, demanding Rs. 1,00,000 in cash. The informant managed to pay Rs. 50,000. However, approximately 10 days prior to the incident, the accused persons escalated their demands, insisting on an additional Rs. 1,50,000. Due to non-fulfilment, Sangeeta was subjected to physical and mental torture.
3. **The Incident:** On 08.03.2017 at around 09:00 AM, the informant's son Mukesh received an anonymous call stating that Sangeeta's health had deteriorated severely. Upon rushing to her matrimonial house, the family found Sangeeta's dead body lying on a bed with a distinct bluish ligature mark around her neck. The informant alleged that the accused persons collectively murdered his daughter due to the unfulfilled dowry demand.

2. INVESTIGATION, COMMITTAL AND TRIAL PROCEEDINGS

Based on Ext. Ka-1, Head Constable Amar Bahadur Singh registered Case Crime No. 29/2017 and generated the Chick FIR (Ext. Ka-11) and GD entry (Ext. Ka-12). The investigation was initially taken up by Circle Officer Kamal Singh Yadav and subsequently completed by CO Virendra Kumar Srivastav (PW-6).

During the investigation, the Investigating Officer (IO):

1. Prepared the site map (Naksha Nazri, Ext. Ka-9).
2. Supervised the inquest proceedings (Panchayatnama, Ext. Ka-2) conducted by Naib Tehsildar Janardan (PW-5).

3. Recovered a red/blue dupatta from the spot (Ext. Ka-3).
4. Sent the body for post-mortem analysis via standard police forms (Ext. Ka-4 to Ka-8).

Finding sufficient prima facie evidence, the IO submitted the Charge Sheet (Ext. Ka-10) before the Chief Judicial Magistrate, Ambedkar Nagar, who took cognisance on 04.07.2017. Since offences under Section 304B and 302 IPC are exclusively triable by the Court of Sessions, the case was committed to this Court under Section 209 of the CrPC vide order dated 04.07.2017.

3. CHARGE FRAMING & PLEA OF THE ACCUSED

Charges were formally framed against all five accused persons under Sections 498A, 304B IPC, Section 4 of the Dowry Prohibition Act, and alternatively under Section 302. The accused persons pleaded "not guilty" and claimed full trial, asserting that they were falsely implicated due to an underlying family and financial dispute. After prosecution evidence, the accused were examined u/s 313 of the CrPC wherein they denied all the incriminating evidence against them and stated that they spent money in a criminal case of dacoity against the deceased's brother Mukesh and father Madanlal and when they demanded expenses Mukesh and Madanlal raised dispute. Aggrieved by this, Sangeeta committed suicide, and due to the dispute, a false case was registered against them. Defence produced three witnesses in his defence.

This Court has meticulously evaluated the entirety of the oral and documentary evidence on record and heard the arguments of rival parties' learned counsels.

A). Arguments of the Prosecution

The prosecution contends that the deceased, Sangeeta Saini, met an unnatural death within her matrimonial home under circumstances that implicate the husband (Dharmendra Saini) and his immediate family members. The testimony of PW-7 (Dr Vipin Chandra Upadhyay) and the post-mortem report (Exhibit Ka-13) conclusively prove that the death was unnatural, caused by "asphyxia as a result of hanging." DW-2 and DW-3 explicitly admit that the incident occurred inside the residential house. Since the deceased died an unnatural death within the privacy of the matrimonial home, the burden of proof shifts to the husband under Section 106 of the Indian Evidence Act to explain the exact circumstances leading to her death, which the defence has failed to do. While the defence claims the family lived separately, DW-3

(Shriprakash Singh) admitted during cross-examination that not only Dharmendra, but also his elder brother Nirankar Saini, sister-in-law Punita, younger brother Mahendra Saini, and sister-in-law Neelam were all arrested and jailed for 1.5 to 2 years in connection with this crime. This points toward systemic harassment or collective involvement by the household. The prosecution highlights that the defence witnesses are heavily coached, unreliable, and have explicitly discredited themselves during cross-examination. In his cross-examination, DW-2 openly admitted, *"I have no information regarding this incident... I have come to testify... at the instance of his family members... whatever information Dharmendra and his family members gave, I told the same."* This renders his testimony completely hollow regarding the actual crime. In his examination-in-chief, DW-3 claimed he was an eyewitness to the land sale deed executed by Dharmendra (Exhibit Kha-1) and identified his signature. However, during cross-examination, he completely turned around and stated, *"I have not testified as a witness in the sale deed... nor has any document been written by me in the registry office."* Most damagingly, DW-3 explicitly confessed to the court: *"I have come to testify at the call of Dharmendra Saini. I have come to testify to save him. He has come to give a statement exactly as he was told."* The defence's plea of innocence relies entirely on fabricated theories of independent family discord. Their star witnesses have openly admitted to being coached and lying to protect the accused, reinforcing the presumption of guilt against the defendants.

B). Arguments of the Defence Counsel

The defence contends that the accused persons have been falsely implicated in a tragic case of suicide, driven entirely by severe mental distress and financial discord caused by the deceased's own maternal family. The defence relies heavily on the medical admissions made by the medical officer (PW-7) to rule out homicidal strangulation or physical assault. PW-7 admitted in cross-examination that there was no internal injury caused to the respiratory system below the ligature mark. Crucially, the trachea, larynx, thyroid cartilage, and hyoid bone showed no abnormalities or fractures. In cases of violent homicidal strangulation, fractures of the hyoid bone and internal tissue tearing are standard; their absence strongly indicates voluntary hanging (suicide). The tongue of the deceased was not bitten or cut, the body bore no signs of struggle or resistance, and the oblique nature of the ligature mark (27 cm, moving upwards

toward the right ear) perfectly matches the mechanics of suicide by hanging. DW-1, DW-2, and DW-3 consistently established that a formal family partition was executed by the late father, Bajrangi Lal Saini, on 15.07.2008—nearly 9 years prior to the incident. Following this partition, the brothers (Dharmendra, Nirankar, and Mahendra) lived in completely separate households and managed their own affairs. Implicating the extended brothers and sisters-in-law is a classic case of over-implication by the complainant party to harass the entire family of the husband. The defence provides a clear, documented motive as to why the deceased was under severe emotional distress, completely unrelated to any demands for dowry. DW-1 and DW-3 proved that the accused, Dharmendra, sold his entire ancestral land share (Gata No. 291) to a third party (Asha Devi) to raise funds to bail out his brother-in-law (the deceased's brother, Mukesh Saini), who was jailed for a bank robbery. After being released on bail, Mukesh Saini reneged on his promise and refused to return the money. This financial betrayal caused immense distress, guilt, and severe domestic discord (*Klesh*) inside the house. The deceased, overwhelmed by the shame of her brother's criminal actions and his subsequent financial ruin of her husband, tragically chose to take her own life. The medical evidence completely falsifies any theory of homicide. The tragic suicide was the direct result of psychological distress stemming from the criminal actions and betrayal by the deceased's own brother, Mukesh. The extended family members, living separately since 2008, have been dragged into this matter solely due to emotional malice.

4. DEPOSITIONS

A. Prosecution Witnesses (Oral Testimony)

1) PW-1: Madan Lal Saini (Complainant/Father)

1. **Examination-in-Chief:** He deposed that he solemnised Sangeeta's marriage on 19.11.2013 with Dharmendra. Gifts included a gold chain (*seekad*), a ring, Rs. 72,000 cash, and household items. Sangeeta's Gauna was performed within a year. After the Gauna, she stayed for a month and disclosed that her husband, brothers-in-law Nirankar and Mahendra, and sisters-in-law Neelam and Puneeta demanded Rs. 1,00,000 as dowry, out of which he paid Rs. 50,000. Ten days prior to the incident, they demanded an additional Rs. 1,50,000 and collectively harassed her. On 08.03.2017 at 9:00 AM, an unknown person called his son Mukesh's mobile phone regarding Sangeeta's critical health. They

rushed to her house and found her corpse on the bed with a blue neck mark. Only Nirankar was present initially. He got the complaint drafted by Nitin Kumar (Ext. Ka-1) and signed the inquest report (Ext. Ka-2).

2. **Cross-Examination:** Dharmendra has four brothers: Omkar (mentally unstable, unmarried, living with family), Nirankar, Mahendra, and Dharmendra. He visited Sangeeta almost every Tuesday. His in-laws live 1 km away from the accused. Narendra Karesa's house is adjacent to the north of the matrimonial home; Dharmendra's house is between Narendra's and Angad's. Marriage talks happened with his mother-in-law, Leela Devi. The marriage was finalised at Akbarpur, where he gave clothes and Rs. 151 to everyone. He later settled to give Rs. 51,000 cash, a gold chain, a ring, and Rs. 21,000 for the Tilak ceremony. His son Mukesh is an accused in a Rs. 36 Lakh bank robbery involving the "No. 72 Bidi" company where PW-1 works as a driver. Nitin Kasera is also an accused in that robbery. He denied that Dharmendra sold 1 Biswa of land to release Mukesh on bail or that any financial dispute (*Klesh*) caused Sangeeta's suicide. He denied any family partition occurred on 15.07.2008.

2) PW-2: Mukesh Saini (Brother)

1. **Examination-in-Chief:** Corroborated the marriage timeline and the initial Rs. 1,00,000 dowry demand. He stated Sangeeta repeatedly informed him of the harassment. Ten days before the incident, the accused demanded Rs. 1,50,000. Two days prior to her death, he visited her matrimonial home, where she wept and disclosed that her in-laws threatened to kill her if the money was not paid. On 08.03.2017 at 9:00 AM, an unknown person called his mobile number (842337XXXX) warning that Sangeeta's condition was critical. He, his father, brother Rajan, and friend Nitin found Sangeeta's dead body on the bed with a blue neck mark. Nirankar was present but fled shortly after.
2. **Cross-Examination:** They did not accept a motorcycle; his father purchased one in his own name. He and Nitin Kasera went to jail in the 72 Bidi case. He met neighbours Angad and Hanuman on the day of the incident, but they mentioned no fight. He did not share the unknown caller's number with his father because he was mentally disturbed. He was released from jail six months prior to the incident. Dharmendra and Sangeeta visited him together in jail, and Sangeeta met him at court. He has visited her house 10-15 times after the marriage. He denied that Dharmendra sold 1

Biswa of land to finance his bail or that Sangeeta committed suicide over disputes regarding non-repayment of that money.

3) PW-3: Rajan Saini (Brother)

1. **Examination-in-Chief:** Confirmed the structural dowry demands of Rs. 1,00,000, the payment of Rs. 50,000, and the subsequent demand of Rs. 1,50,000 ten days prior to the incident. On 08.03.2017, they discovered Sangeeta dead, covered with a bedsheet. Upon removing it, a dupatta was found tied around her neck with a blue mark underneath. He attested to the recovery and sealing of the red dupatta (Ext. Ka-3).
2. **Cross-Examination:** He does not know Narendra Kasera, Krishna Kumar Soni, or Sudhir Agrahari. He overheard the dowry demands at his house but cannot recall the exact date or time. He was working in Punjab when Mukesh was in jail. He acknowledged that Smt. Neelam Saini filed a counter-case against Mukesh, Nitin Kasera, Madanlal, and himself, but denied any knowledge of its contents or whether Dharmendra's land was sold for Mukesh's bail. He denied any family partition by Bajrangi Lal.

4) PW-4: Smt. Chameli Devi (Mother)

1. **Examination-in-Chief:** Confirmed the marriage on 19.11.2013. Stated the in-laws were unhappy with the gifts and demanded Rs. 1,00,000, prompting her husband to arrange Rs. 50,000. Sangeeta explicitly detailed the physical and mental torture orchestrated by her husband and in-laws, who choked her to death.
2. **Cross-Examination:** Marriage talks happened at her maternal home. They gave a gold chain, a ring, and Rs. 70,000 cash, including money for a vehicle. Mukesh went to jail for looting Rs. 37 Lakhs from the 72 Bidi company. Sangeeta and Dharmendra visited Mukesh in jail and during court remands. The company owners supported her family and got Mukesh released. She knows Bajrangi Lal had four sons, including the mentally unstable Omkar. She was aware Bajrangi Lal executed a family settlement to protect Omkar but did not know when the brothers separated. She claimed that during the wedding send-off (*Vida*), the in-laws drank alcohol, demanded dowry, and fought using chairs, injuring her son. She admitted she did not state this fight in her chief examination or to the police. She denied that Dharmendra sold any land for Mukesh's bail.

5) PW-5: Janardan (Naib Tehsildar)

1. **Examination-in-Chief:** Deposed that on 08.03.2017, under orders of SDM Tanda, he conducted the inquest proceedings (Panchayatnama, Ext. Ka-2) of the deceased Sangeeta. He verified his signatures on Ext. Ka-2 and standard police forms Ext. Ka-4 to Ka-8.
2. **Cross-Examination:** He inspected the body where it was kept on the bed, not where she hung. Assisted by a female constable, he observed that the tongue was not protruding, eyes were closed, no blood was oozing, and the neck length had not increased. There was a mark on the neck with mild swelling; the swelling was accidentally omitted from the written inquest report. The fist was half-open, and no injuries were present on the limbs.

6) PW-6: C.O. Virendra Kumar Srivastava (Investigating Officer)

1. **Examination-in-Chief:** Took over the investigation on 22.03.2017. Inspected the spot, prepared the site plan (Ext. Ka-9), recorded statements of the accused Dharmendra upon his arrest on 08.04.2017, and subsequently recorded statements of the doctors, family members, and the matchmaker. Found offences fully proved and submitted the charge sheet (Ext. Ka-10). Proved the Chick FIR (Ext. Ka-11) and GD Entry (Ext. Ka-12).
2. **Cross-Examination:** He attempted to record statements of neighbours, but nobody in the entire neighbourhood was willing to give a statement or share their name. When he inspected the spot, the house was open and completely empty except for the police team, the complainant, and his son. He found no evidence during his investigation that the brothers lived separately.

7) PW-7: Dr Vipin Chandra Upadhyay (Autopsy Surgeon)

1. **Examination-in-Chief:** Conducted the autopsy on 09.03.2017 at 12:40 PM with Dr Chandrashekhar Yadav. Rigor mortis was passing off from the upper body and was present in the legs. Ante-mortem injury: A brown oblique ligature mark, 27 cm long, 1.0 to 1.3 cm wide, was present below the chin and above the thyroid gland, slanting upwards toward the right ear. Subcutaneous tissues underneath were white, dry, and glistening. Internal examination showed congestion of the lungs, brain, liver, spleen, and kidneys. Thick blood was present on the right side of the heart. Time of death was within 1-2 days prior. Cause of death was asphyxia as a result of hanging (Ext. Ka-13).

2. **Cross-Examination:** No internal injury was caused to the respiratory system below the ligature mark. The tongue was not bitten or cut. No abnormalities or fractures were found in the trachea, larynx, thyroid cartilages, or hyoid bone. Rigor mortis starts passing off 24 hours after death in March (summer). Because rigor mortis was passing off, death could have occurred more than 24 hours prior to the autopsy.

B. Defence Witnesses (Oral Testimony)

8) DW-1: Sudhir (Neighbour)

1. **Examination-in-Chief:** Claimed that on 15.07.2008, Bajrangi Lal executed a written family partition among Dharmendra, Nirankar, and Mahendra in his presence and that of Narendra Kasera, separating their households. Dharmendra sold his land share in Gata No. 291 to Asha Devi to raise money for his brother-in-law Mukesh's bail.
2. **Cross-Examination:** He is 41 years old and runs an Ayurvedic medicine shop directly in front of Dharmendra's house. He is not a relative or coparcener. Bajrangi Lal died 10 years ago. He cannot remember who wrote the partition deed or who else signed it besides himself and Narendra Kasera. He admitted he has no information regarding the internal matters of the family or the criminal incident.

9) DW-2: Narendra Kumar (Neighbour)

1. **Examination-in-Chief:** Stated his house is adjacent to the accused. Claimed a family partition occurred 16 years ago in his presence, separating the brothers. Stated Dharmendra sold his share of land to Swatantra Kumar's wife to finance his brother-in-law's bail.
2. **Cross-Examination:** Shares good domestic relations with Dharmendra. He explicitly admitted:

"I have no information regarding this incident. The incident occurred at the house, but he has no information regarding it. I have come to testify as a neighbour on behalf of Dharmendra and his family at the instance of his family members; I have stated exactly what information was given by Dharmendra and his family members."

10) DW-3: Shriprakash Singh (Neighbour)

1. **Examination-in-Chief:** Claimed Bajrangi Lal executed a family settlement in 2008 separating the sons. Stated Dharmendra sold his share in Gata No. 291 to Asha Devi to assist Mukesh Saini

following his arrest in the Bidi cash robbery. He identified his signature on a photocopy of the sale deed, marked as **Exhibit Kha-1**.

2. **Cross-Examination:** Stated his knowledge of Sangeeta's hanging was based purely on hearsay. Admitted that Dharmendra, Nirankar, Punita, Mahendra, and Neelam were all jailed for 1.5 to 2 years for this crime. He then completely turned around regarding the document, stating:

"I have not testified as a witness in the sale deed document executed by Dharmendra Saini. No document was written by Dharmendra Saini or any member of his family in the registry office, nor has he testified as a witness. I have no knowledge regarding the family partition... I have come to testify at the call of Dharmendra Saini. I have come to testify to save him. He has come to give a statement exactly as he was told."

5. DISSECTION OF THE DEFENSE THEORY

The defence's core contention is that Dharmendra sold his land holding to fund the bail of his brother-in-law Mukesh (PW-2), and that Sangeeta committed suicide due to severe family friction (*Klesh*) triggered by Mukesh's refusal to return the funds. When subjected to close judicial scrutiny, this alternative narrative completely collapses due to severe internal contradictions and systemic legal flaws.

Defense Witness	Chief Examination Assertion	Cross-Examination Admission / Fatal Reality
DW-1 (Sudhir)	Claims separate living arrangements and a land sale out of Dharmendra's share.	Admits he is an ayurvedic shop owner with no personal access to the internal family dealings.
DW-2 (Narendra)	Attests to a family partition and details of the land transaction for bail money.	<i>"I have no information regarding this incident... I have come to testify... at the instance of his family members... whatever information Dharmendra and his family members gave, I told the same."</i>

Defense Witness	Chief Examination Assertion	Cross-Examination Admission / Fatal Reality
DW-3 (Sriprakash)	Attests to the land boundaries of Gata No. 291 and the resulting family financial discord.	<i>"I have come to testify at the call of Dharmendra Saini. I have come to testify to save him. I have come to give a statement exactly as he was told."</i>

I. Inability to Produce Land Sale Documents

The defence's reliance on the alleged land sale to establish a non-dowry motive fails on fundamental evidentiary and procedural grounds:

1. **Exhibit Kha-1** is a photostate copy of an agreement to sell / mutual agreement dated 03.08.2015 of the share of accused Dharmendra for land identified as **Gata No. 291**.
2. When the defence counsel was questioned about the best evidence, the original copy of Exhibit Kha-1, which was purportedly in favour of Asha Devi, they argued that the deed was destroyed in a fire at Dharmendra's house. However, this argument lacks credibility, as there are no witnesses to verify that such a fire ever occurred. Documentary evidence excludes oral evidence. The defence offered no explanation as to why the original was not summoned from the custody of the purchaser, Asha Devi or why Asha Devi was not examined in the court.
3. Additionally, Asha Devi was not called as a witness by the defence to confirm that she purchased the land in question. A mere family arrangement and partition of shares for **Gata No. 291** does not imply that Dharmendra sold his share to raise money for his wife's brother, who was involved in a criminal case, nor does it substantiate the claim that the funds demanded were for that purpose. The sale agreement, labelled as Exhibit Kha-1, indicates a date of August 3, 2015. During his cross-examination, PW2, Mukesh, admitted that he was imprisoned in 2017 and was released approximately six months before this incident. This means that the land was sold about two years prior to Mukesh's involvement in the bank robbery. Even if we assume that the land was indeed sold, the time gap between Mukesh's robbery and the sale does not establish a connection suggesting that the land was sold to raise money for his defence in the robbery case.

4. **Complete Retraction by Purported Attesting Witness (DW-3):** The legal validity of the purported sale deed / agreement was destroyed during the cross-examination of DW-3. Despite identifying his signature on the photocopy of Exhibit Kha-1 (which is a family arrangement/partition, not a sale deed) in chief, he explicitly confessed under cross-examination that he never witnessed any document execution at the registry office, had no knowledge of a partition, and came solely to give a tailored statement to save Dharmendra.
5. **Withholding of Material Witness:** The purported buyer, Asha Devi, was never brought to the stand. Her non-examination triggers a strong adverse inference under **Section 114(g) of the Indian Evidence Act**, indicating that her testimony would have disproved the defence's claims.

II. Factual Improbabilities & Lack of Financial Nexus

1. **No Financial Trail:** The defence produced no bank records, receipts, or legal entries showing that any money from the alleged sale of Dharmendra's share in Gata No. 291 was transferred to PW-1, PW-2, the advocate or the court.
2. **Independent Source of Bail Funding:** Smt. Chameli Devi (PW-4) clarified that Mukesh was released because the owners of the "72 Bidi" company supported the family and handled his release, independent of any intervention by the accused.
3. **Inherent Improbability of the 'Distress' Theory:** The defence argues Sangeeta was so guilt-ridden by her brother's financial betrayal that she committed suicide. This is highly improbable. It contradicts standard human conduct to suggest a wife would hang herself out of empathy for her husband's finances when that very husband and his family were actively tormenting her for more cash, as established by the fresh demand of Rs. 1,50,000 made just 10 days prior to her death.

III. Judicial Reconciliation of Admitted Custody Visits

The defence relied heavily on the admission that Dharmendra and Sangeeta visited Mukesh (PW-2) during his detention to argue deep family harmony and a shared financial interest. This Court finds that the custody visits are entirely justified and do not support the defence's conclusions:

1. Sangeeta's visits to her biological brother in jail or court reflect natural sibling affection during a family crisis. Given social norms,

her husband accompanying her to court remands, or jail visits, represents basic domestic protocol, not an entry into a financial contract.

2. The physical presence of Dharmendra at the jail or court does not bridge the evidentiary gap left by the defence's failure to produce primary land sale documents or establish a financial link to the bail bonds.

IV. Judicial Justification for the Lack of Pre-Incident Dowry Complaints

The defence argued that because PW-1, PW-2, and PW-4 admitted they never filed a formal police complaint or convened a community panchayat prior to Sangeeta's death, the allegations were a malicious afterthought. This Court rejects that contention based on well-settled sociological and legal realities:

1. **Policy of Marital Preservation:** In Indian society, a bride's family treats recourse to law enforcement as an absolute last resort. To file an FIR at the first instance of a demand would permanently rupture the marriage. The family's initial compliance – arranging and paying Rs. 50,000 – demonstrates a consistent intent to quietly satisfy demands to protect Sangeeta's domestic security.
2. **Continuous Negotiation Matrix:** The lack of prior reports is logically explained by the sudden escalation of the dispute. When the accused persons issued a fresh demand of Rs. 1,50,000 just 10 days before the incident, PW-1 sought to defuse the pressure by promising to "arrange and pay it gradually". The family was actively trying to accommodate the demand, an effort that was cut short by her sudden death.
3. **Legal Sufficiency of the Proximate Link:** The absence of prior police reports does not weaken a case under Section 304B IPC if a live, proximate link between the cruelty and the death is established. The prosecution has proved that direct threats and severe harassment occurred just 10 days prior to the suicide, fully satisfying the requirement of "soon before death" to activate the strict legal presumption under **Section 113B of the Indian Evidence Act**.

6. APPRECIATION OF EVIDENCE & FINDINGS

It is well established that any natural testimony may contain minor contradictions, exaggerations, and errors that arise from fading memories over time, particularly if the witnesses have not been coached.

Citations are hyperlinked.

This important fact should be considered when evaluating the credibility of a witness's testimony.

A. Point No. 1: Nature and Timeline of Death

1. To attract the penal provisions of Section 304B IPC, the prosecution must show the death happened within seven years of marriage under abnormal circumstances.
2. Timeline: The marriage took place on 19.11.2013. Sangeeta's death occurred on 08.03.2017. The time gap is approximately 3 years and 3 months, well inside the statutory 7-year ceiling.
3. Medical Findings: The Post-Mortem Report (Ext. Ka-13) and the expert testimony of Dr Vipin Chandra Upadhyay (PW-7) detail a prominent brown 27 cm ligature mark located above the thyroid and below the chin, slanting upwards toward the right ear. The underlying subcutaneous tissue was described as white, dry, and glistening. Internal organs like the lungs, liver, and kidneys were congested.
4. The medical team concluded that death was caused by asphyxia due to ante-mortem hanging. The defence cross-examination did not reveal any struggling marks, defensive wounds, or signs of manual strangulation. The hyoid bone was completely intact. This rules out homicidal assault under Section 302 IPC. The death is conclusively proved to be unnatural and suicidal.

Hence, Point No. 1 is decided in the Affirmative.

B. Point No. 2 & 3: Cruelty "Soon Before Death" & Evaluation of Individual Liability

1. The statutory framework governing dowry deaths creates a legal presumption under Section 113B of the Indian Evidence Act, 1872.

Section 113B of the Indian Evidence Act:

When the question is whether a person has committed the dowry death of a woman and it is shown that soon before her death such woman has been subjected by such person to cruelty or harassment for, or in connection with, any demand for dowry, the Court shall presume that such person had caused the dowry death.

2. The Hon'ble Supreme Court in [*Satbir Singh v. State of Haryana*](#): [*AIR 2021 SUPREME COURT 2627*](#) ruled that "soon before death"

denotes a proximate and live link between the dowry-related cruelty and the unnatural death, rather than a rigid timeline.

C. Analysis of Evidence Against Husband (Dharmendra @ Ghantu):

1. PW-1, PW-2, PW-3, and PW-4 consistently testified that Sangeeta was repeatedly targeted for financial demands. An initial payment of Rs. 50,000 did not satisfy the family. All witnesses stated that just 10 days prior to her death, a fresh demand of Rs. 1,50,000 was introduced, accompanied by direct threats to her life. This provides the necessary proximate link to trigger the statutory presumption against the husband.
2. The defence tried to shift the blame, pointing to a financial dispute over bail money for Mukesh (PW-2). While it is documented that Mukesh was jailed in a bank robbery case, the defence's narrative falls apart under scrutiny:
 - 1) During cross-examination, DW-3 (Sriprakash Singh) admitted: "*I have come to testify at the behest of Dharmendra... to save him, and I am giving the statement exactly as he told me.*"
 - 2) DW-2 (Narendra Kumar) similarly admitted that he possessed no firsthand knowledge of the domestic incident and was merely repeating what Dharmendra's family requested him to say.
 - 3) No financial transaction trail or bank records were produced to show that the proceeds from Ext. Kha-1 were transferred to PW-1 or PW-2 for bail purposes.
3. The defence failed to present credible evidence to disrupt the statutory presumption against the husband. Sangeeta was in the exclusive privacy of the matrimonial household when she died, and her husband offered no valid legal explanation under Section 106 of the Evidence Act.

D. Analysis of Evidence Against In-Laws (Mahendra, Smt. Neelam, Smt. Punita):

4. The legal landscape regarding the broader family requires a more cautious approach. The Hon'ble Supreme Court in [*Kahkashan Kausar @ Sonam v. State of Bihar: CRIMINAL APPEAL NO. 195 OF 2022*](#) observed that there is a recurring tendency to sweepingly implicate all close relatives of the husband in matrimonial friction using omnibus, non-specific allegations.
5. A careful examination of the testimonies of PW-1, PW-2, and PW-3 reveals that the allegations against the brothers-in-law and

sisters-in-law are generalised. No separate, specific acts of physical violence or individual instances of harassment were attributed to Mahendra, Neelam, or Punita.

Furthermore, the mother, PW-4 (Smt. Chameli Devi), admitted during cross-examination:

"I have not seen the beating or the demand for dowry with my own eyes."

6. DW-1 and DW-2 provided uncontroverted evidence that a family arrangement and partition occurred back in 2008, long before Dharmendra's marriage in 2013, indicating that the brothers operated separate domestic units. In the absence of clear, individualised roles in the dowry harassment, the extended family members are entitled to the benefit of the doubt.

Consequently, Point No. 2 is decided in the Affirmative against Accused Dharmendra @ Ghantu, and in the Negative against Mahendra, Smt. Neelam, and Smt. Punita. Point No. 3 regarding Section 302 IPC is decided in the Negative due to the clear medical finding of suicide by hanging.

7. FINAL CONCLUSION

The prosecution has successfully proved its case beyond reasonable doubt against the husband, Dharmendra @ Ghantu, under Sections 498A, 304B IPC, and Section 4 of the Dowry Prohibition Act. The statutory presumption remains unrebutted. However, the charges against Mahendra, Smt. Neelam, and Smt. Punita lack specific, individualised proof, and they are acquitted on the benefit of the doubt. The alternative charge under Section 302 IPC stands dismissed against all parties.

ORDER

1. **Accused Dharmendra @ Ghantu is hereby Convicted for offenses punishable under Sections 498A, 304B of the IPC, and Section 4 of the Dowry Prohibition Act.**
2. **Accused Mahendra, Smt. Neelam, and Smt. Punita are Acquitted of all charges. Their bail bonds are discharged, and they are set at liberty. Their personal bonds shall remain operational for six months under Section 437A CrPC.**
3. **Let the convicted prisoner Dharmendra @ Ghantu be heard on the quantum of sentence.**

ORDER

1. Accused **Dharmendra @ Ghantu** is hereby **Convicted** for offences punishable under Sections 498A, 304B of the IPC, and Section 4 of the Dowry Prohibition Act.
2. Accused **Mahendra, Smt. Neelam, and Smt. Punita** are **Acquitted** of all charges. Their bail bonds are discharged, and they are set at liberty. Their personal bonds shall remain operational for six months under Section 437A CrPC.

QUANTUM OF SENTENCE (Dharmendra @ Ghantu)

Heard on quantum of sentence. The 11-year-old daughter of the convict Dharmendra is living with the deceased's parents at the paternal home since the incident, while the convict was enlarged on bail. No custody of his daughter has been claimed by the convict Dharmendra, the father. The convict lodged an FIR after the incident against the deceased's paternal family to mount pressure in order to settle the score. These are aggravating factors. Having balanced the aggravating nature of dowry offences against the mitigating factors of a clean prior record and an infirm partially dependent family, this Court sentences the convict as follows:

1. **Under Section 304B IPC:** Sentenced to undergo Imprisonment for **Ten (10) Years**.
2. **Under Section 498A IPC:** Sentenced to undergo Imprisonment for **Two (2) Years** and to pay a fine of **Rs. 5,000**. In default of fine payment, he shall undergo additional imprisonment for two months.
3. **Under Section 4 of the Dowry Prohibition Act:** Sentenced to undergo Imprisonment for **One (1) Year** and to pay a fine of **Rs. 2,000**. In default of payment, he shall undergo additional imprisonment for one month.

All substantive sentences shall run concurrently. The period of incarceration already undergone during the investigation and trial shall be set off against the substantive sentence under Section 428 CrPC. Material objects shall be disposed of in accordance with law after the expiration of the appeal period.

Judgment signed, dated, and pronounced in open court today.

(Chandroday Kumar)

Sessions Judge,

Ambedkar Nagar (U.P.)

Date: June 12, 2026

Citations are hyperlinked.

In strict compliance with the landmark mandate of the Hon'ble Supreme Court of India in [Manojbhai Jethabhai Parmar \(Rohit\) vs The State of Gujarat \(Criminal Appeal No. 2973 of 2023, 2025 INSC 1433\)](#), which requires criminal trial courts to institutionalise a structured, uniform, and standardised system of cataloging records to enhance the clarity and systematic appreciation of evidence, the mandatory compiled evidence tables for **Sessions Trial No. 117 of 2017 (State vs. Dharmendra and others)** are presented below.

APPENDIX: COMPLIED EVIDENCE TABLES

Sessions Trial No. 117 of 2017 (State vs. Dharmendra and others)

Under Sections: 498A, 304B of the IPC and Sections 3/4 of the Dowry Prohibition Act (Alternative Charge: Section 302 read with Section 34 of the IPC)

I. Standardised Chart of Witnesses Examined

This table logs all oral testimony recorded during the trial by both the Prosecution and the Defence, outlining their respective evidentiary roles.

S.No.	Witness Designation	Name of the Witness	Brief Description / Role of the Witness
1.	PW-1	Madan Lal Saini	Complainant / First Informant / Father of the Deceased. Deposed on marriage, initial/subsequent dowry demands, and finding the corpse.
2.	PW-2	Mukesh Saini	Circumstantial Witness / Brother of the Deceased. Deposed on telephonic disclosures of harassment, custody visits, and receiving the anonymous distress call.
3.	PW-3	Rajan Saini	Circumstantial Witness / Brother of the Deceased. Witness to structural dowry demands and the recovery/sealing of the crime scene ligature material.
4.	PW-4	Smt. Chameli Devi	Circumstantial Witness / Mother of the Deceased. Testified to the historical

S.No.	Witness Designation	Name of the Witness	Brief Description / Role of the Witness
			progression of dowry coercion and physical/mental abuse suffered by Sangeeta.
5.	PW-5	Janardan	Executive Witness / Naib Tehsildar. Conducted and proved the inquest proceedings (<i>Panchayatnama</i>) and associated administrative police forms.
6.	PW-6	Virendra Kumar Srivastava	Investigating Officer (C.O.). Conducted the primary scene inspection, prepared the site plan, recorded statements, arrested the accused, and filed the charge sheet.
7.	PW-7	Dr Vipin Chandra Upadhyay	Medical Expert Witness / Autopsy Surgeon. Conducted the post-mortem examination and proved the cause of death as asphyxia due to ante-mortem hanging.
8.	DW-1	Sudhir	Defence Witness / Neighbour. Deposed regarding an ancient oral family partition (2008) and the alleged land sale transaction by Dharmendra.
9.	DW-2	Narendra Kumar	Defence Witness / Neighbour. Testified to support the defence's partition and land sale theories; admitted during cross-examination to being a completely coached witness.
10.	DW-3	Shriprakash Singh	Defence Witness / Neighbour. Brought to identify his signature on the

S.No.	Witness Designation	Name of the Witness	Brief Description / Role of the Witness
			land transaction photocopy (<i>Ext. Kha-1</i>); completely retook his statement and turned hostile during cross-examination.

II. Standardised Chart of Exhibited Documents

This table tracks all documentary evidence formally proved, marked, and admitted as exhibits during the course of the trial proceedings.

Exhibit No.	Description of the Exhibit	Proved By	Attested By / Remarks
Ext. Ka-1	Written Complaint / Tehrir	PW-1 (Madan Lal Saini)	Drafted by Nitin Kumar; moved at Police Station Kotwali Tanda.
Ext. Ka-2	Inquest Report / Panchayatnama	PW-5 (Janardan)	Executed under orders of SDM Tanda; signed by PW-1, PW-4, and other panch witnesses.
Ext. Ka-3	Recovery Memo of Ligature Material	PW-3 (Rajan Saini)	Pertains to the seizure of the red/blue dupatta found near the corpse.
Ext. Ka-4 to Ka-8	Administrative Police Forms & Correspondence	PW-5 (Janardan)	Procedural documents generated to dispatch the body for forensic autopsy.
Ext. Ka-9	Spot Site Plan / Naksha Nazri	PW-6 (V.K. Srivastava)	Prepared by the Investigating Officer during physical inspection of the matrimonial bedroom.
Ext. Ka-10	Criminal Charge Sheet	PW-6 (V.K. Srivastava)	Formally submitted before the Chief Judicial Magistrate following the

Citations are hyperlinked.

Exhibit No.	Description of the Exhibit	Proved By	Attested By / Remarks
			conclusion of the probe.
Ext. Ka-11	Chick FIR	PW-6 (V.K. Srivastava)	Registered and transcribed by Head Constable Amar Bahadur Singh based on Ext. Ka-1.
Ext. Ka-12	General Diary (GD) Entry	PW-6 (V.K. Srivastava)	Corresponding GD entry validating the exact time and date of FIR registration.
Ext. Ka-13	Forensic Post-Mortem Report	PW-7 (Dr V.C. Upadhyay)	Jointly executed and signed with Dr Chandrashekhar Yadav; logs the 27 cm slanting ligature mark.
Ext. Kha-1	Photocopy of Land Sale Agreement / Deed	DW-3 (Shriprakash Singh)	Brought by defence to prove bail funding; legally dismantled when DW-3 denied its execution under cross-examination.

III. Standardised Chart of Material Objects

This table registers the specific physical items produced, authenticated, and verified as physical evidence during the trial.

Material Object No.	Description of Material Object	Source of Recovery / Produced By	Proved By (Witness)
M.O. 1	One Red/Blue Dupatta	Recovered directly from the spot/vicinity of the deceased's corpse inside the matrimonial home.	PW-3 (Rajan Saini) & PW-6 (V.K. Srivastava)

Judicial Note on Traceability

In compliance with paragraphs 81 to 88.1 of the *Manojbhai Jethabhai Parmar* judgment, these tables are designed to act as permanent analytical reference blocks appended to the final record. They preserve the strict traceability of proof under the statutory laws of evidence, ensuring that every document and material object matches the specific oral statement that introduced it.

(Chandroday Kumar)

Sessions Judge,

Ambedkar Nagar (U.P.)

Date: June 12, 2026