



CNR No-UPKJ010035592021

Date of Institution	Date of Judgement:	Age:
08-31-21	09-09-25	4 Y, 0 M, 9 D
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In The Court of Sessions Judge, Kannauj

Presiding Officer- Shri Chandroday Kumar (HJS)-UP06553

Session Trial Number- 667 of 2021

State of Uttar Pradesh ... Prosecution.

Versus

1. Nitish Kumar, son of Shri Sharmadin Dubey,
2. Smt. Munni Devi, wife of Shri Sharmadin Dubey, and
3. Sintu Dubey alias Rohit Kumar, son of Shri Sharmadin Dubey
All residents of village Bibiya Jalalpur, police station Gursahayganj, District Kannauj. ... Accused.

Crime Number-364/2020
Under Sections 498A, 304B IPC, and
Section 3/4 D.P. Act.
Police Station- Gursahayganj,
Distt. Kannauj.

Prosecution Counsel: Shri Tarun Chandra, DGC (Criminal),
Defence Counsel: Shri R.C. Pandey, Advocate.

Date of FIR	Date of Site Map	Name of witness	Date of Evidence 161/164 Cr.P.C	Date of Arrest of the accused	Brief of injury/ P.M.	Date of Submission of Charge Sheet	Date of Committal of the case	Name of Accused
08.08.20	15.08.20	Kuldeep Kumar (PW1)	22.08.20	05.09.20	Asphyxia due to antemortem hanging.	05.10.20	09.08.21	Nitish Kumar
		Geeta Devi (PW2)	22.08.20					Smt. Munni Devi
		Abhay Tiwari (PW3)	22.08.20					Sintu Dubey alias Rohit



								Kumar	
Date of Framing of Charge	PW/DW	Witness Name	Witness of Fact (relation)	Date of examination in Chief	Date of cross-examination	Relavant papers	Exhibits		
23.05.22	PW1	HCP Roshni	Formal witness	21.09.22	21.09.22	FIR	Exhibit Ka-1		
						GD	Exhibit Ka-2		
	PW2	Kuldeep Kumar	Complainant/ Brother of deceased	18.01.23	27.05.25	Tahrir	Exhibit Ka-3		
	PW3	Geeta Devi	Mother of Deceased	09.05.25	09.5.25 17.05.25				
	PW4	Abhay Tiwari	Brother of the deceased	31.05.25	31.05.25				
	PW5	Dr. Amrit Singh	Formal witness	31.05.25	31.05.25	P.M.	Exhibit Ka-4		
	PW6	1st IO Shshmani Upadhyay	Formal witness	04.06.25	04.06.25	Site plan	Exhibit Ka-5		
	PW7	Tahsildar Shikhar Mishra	Formal Witness	24.06.25	24.06.25	Panchayatnama ,	(Exhibit Ka-6)		
						Seal Sample	Exhibit Ka-7		
						Challan Corpse	Exhibit Ka-8		
						Photo Corpse	Exhibit Ka-9		
						Letter to CMO	Exhibit Ka-10		
	PW8	2nd IO Shivpratap Singh	Formal Witness	16.07.25	16.07.25	Chargesheet	Exhibit Ka-11		
DW1	Anil Kumar	Neighbour & relative of the accused	04.08.25	04.08.25					



JUDGMENT

Introduction

1. Case Overview: This judgment arises from Sessions Trial No. 667 of 2021, State vs. Munni Devi & Others, before the Court of Sessions Judge, Kannauj. The three accused – (1) Nitish Kumar, (2) Smt. Munni Devi, and (3) Sintu Dubey alias Rohit Kumar – all relatives of the deceased, stand charged under Sections 498A and 304B of the Indian Penal Code, 1860 (IPC), and Sections 3 and 4 of the Dowry Prohibition Act, 1961 (D.P. Act). The prosecution alleges that the accused subjected the deceased, Smt. Ruchi (wife of accused Nitish Kumar), to cruelty and harassment over dowry, ultimately leading to her unnatural death within seven years of marriage, constituting a "dowry death" as defined under Section 304B IPC. All three accused are alleged to have both taken dowry at the time of marriage and subsequently demanded additional dowry, thereby also attracting offences under the D.P. Act.

2. Factual Matrix: The marriage of the deceased Ruchi with the accused Nitish Kumar was solemnised on 26 April 2018 according to Hindu rites. It is undisputed that the bride's family gave dowry in the marriage, though the accused considered it inadequate. Shortly after the marriage, the deceased's husband (accused Nitish), mother-in-law (accused Munni Devi), and brother-in-law (accused Sintu) allegedly began to subject her to physical and mental cruelty, insisting that she had brought "less dowry" than expected. The evidence reveals that they demanded a further sum of ₹1,00,000/- (one lakh rupees) in cash as additional dowry, particularly around the festival of Raksha Bandhan in 2020. The deceased informed her family of this demand and the harassment. On 08 August 2020 at about 8:30 a.m., Ruchi was found dead under mysterious circumstances in her matrimonial home. The complainant (PW2, the brother of the deceased) alleges that on that morning, he telephoned Ruchi, only to have accused Nitish answer and inform him that "Ruchi is dead." On rushing to the matrimonial home, the complainant found Ruchi's body lying out (reportedly on an ice slab) with none of her in-laws present. Suspecting that the accused had strangled Ruchi to death over dowry, he promptly alerted the police and filed a written complaint (Exhibit Ka-3). An FIR (Exhibit Ka-1) was registered the same day at P.S. Gursahayganj (Crime No. 364/2020) against all three accused under Sections 498A, 304B IPC and Sections 3/4 D.P. Act.

3. Investigation: The Nayab Tahsildar conducted an inquest (Panchayatnama, Exhibit Ka-6) on 08.08.2020 evening, noting the condition of the body and preliminary observations. The body was then sent for post-mortem examination. Dr. Amrit Singh (PW5) performed the autopsy on 09.08.2020 (Post-mortem Report, Exhibit Ka-4). The post-mortem findings recorded an incomplete ligature mark on the neck of the deceased (20 cm x



1.5 cm, situated 5-7 cm below the chin/ears), with typical features such as a pale, hard, parchment-like subcutaneous tissue beneath the mark. Internal examination showed congestion in the brain, lungs, and other organs; the ligature mark and internal signs were consistent with death due to asphyxia. The doctor opined that the cause of death was asphyxia as a result of ante-mortem hanging, with the death estimated about 36 hours prior to autopsy. The police investigation, conducted initially by the Circle Officer (PW6) and completed by the Circle Officer (PW8), gathered witness statements, prepared a site plan (Exhibit Ka-5), and, on finding sufficient evidence of dowry-related cruelty and death, filed a charge-sheet (Exhibit Ka-11) against all three accused for the offences mentioned above.

4. Charges and Plea: Charges were formally framed against the accused under Section 498A IPC (for cruelty towards the deceased in connection with dowry), Section 304B IPC (for dowry death of the deceased within 7 years of marriage), and Sections 3 and 4 of the D.P. Act (for taking and demanding dowry). The accused persons pleaded not guilty and claimed a trial. They denied all wrongdoing, with a defence that the deceased was never harassed for dowry, and the accused took an additional defence of separate living.

5. Trial Proceedings: The prosecution examined eight witnesses in support of its case. The principal witnesses of fact were the deceased's brother (PW2, also the informant), mother (PW3), and another brother (PW4), who testified to the events of dowry demand and cruelty. Various formal witnesses – including the constable who registered the FIR (PW1), the doctor who conducted the post-mortem (PW5), the investigating officers (PW6 and PW8), and the Executive Magistrate who conducted the inquest (PW7) – produced documentary evidence such as the FIR, inquest report, site plan, post-mortem report, and related papers. After the prosecution's evidence, the accused were examined under Section 313 of the Code of Criminal Procedure, 1973, wherein they reiterated their denial of the allegations. The defence also produced one witness (DW1, a neighbour/relative – family uncle) to support their version. Upon closure of evidence, this Court heard the submissions of the learned District Government Counsel (for the State) and the learned defence counsel, and reserved the case for judgment.

Points for Determination

6. The following Points for Determination arise for adjudication in this case, given the charges and material on record:

Point 1: Whether the death of Smt. Ruchi (wife of accused Nitish Kumar) was a dowry death as defined under Section 304B of the IPC, and if so, whether all or any of the accused caused such dowry death of the deceased?



Point 2: Whether the accused persons, or any of them, subjected the deceased to cruelty or harassment in connection with a demand for dowry, at any time after her marriage and particularly soon before her death, so as to be guilty of the offence under Section 498A of the IPC?

Point 3: Whether the accused persons took dowry in connection with the marriage of the deceased and further demanded additional dowry after the marriage, and thereby committed offences under Section 3 and Section 4 of the Dowry Prohibition Act, 1961, respectively?

Each of the above points is addressed in light of the evidence, the presumptions under the law, and the arguments advanced.

Prosecution Evidence

7. Oral Testimonies: The prosecution's case rests on both direct and circumstantial evidence, primarily the testimony of the deceased's immediate family regarding the dowry demands and cruel treatment, supported by medical and documentary evidence about the death. The Court has carefully examined the depositions of all prosecution witnesses (PW1 through PW8) to assess their credibility and probative value:

8. PW1 - Constable Roshni: She is a formal witness who proved the registration of the FIR and the corresponding General Diary entry. PW1 deposed that on 08.08.2020, while on duty at Police Station Gursahayganj, she received the written complaint (tahrir) of PW2 and accordingly typed up the chik FIR (Exhibit Ka-1) for Crime No. 364/2020 under Sections 498A, 304B IPC and 3/4 D.P. Act. She affirmed that the FIR was lodged at 17:43 hours on 08.08.2020 and that she made the GD entry No. 42 (Exhibit Ka-2) regarding the same. In cross-examination, PW1 acknowledged that the tahrir did not mention the exact date of marriage or prior relations between the families, but she denied any ante-timing of the FIR, asserting it was promptly registered on receipt of the complaint. Her testimony establishes the prompt lodging of the FIR and authenticates the prosecution's documentary foundation.

9. PW2 - Shri Kuldeep Kumar: The witness, Kuldeep Kumar, deposed on oath under examination-in-chief that he has two brothers and two sisters. The deceased Ruchi was the third child. Ruchi was married on 26.04.2018 to Nitish Dubey alias Monu, son of Sharmadeen Dubey, resident of Village Bibia Jalalpur, Police Station Gursahaiganj, District Kannauj, according to Hindu rites and customs.

10. Soon after the marriage, Ruchi's in-laws, namely her mother-in-law Munni Devi, her brother-in-law Sintu alias Rohit Dubey, and her husband Nitish Dubey alias Monu, began beating and assaulting her, harassing her for bringing insufficient dowry, and demanding an additional sum of ₹1,00,000. The witness stated that his father, Satish Chandra, had died



approximately nine years prior to Ruchi's marriage. For that reason, the witness had been managing household responsibilities and himself went to Ruchi's matrimonial home to counsel her husband, mother-in-law, and brother-in-law against such conduct.

11. In due course, Ruchi gave birth to a daughter, who is now about four years old. Prior to the incident (five days), the witness, along with his mother, Geeta Devi, visited Ruchi's matrimonial home on the occasion of Raksha Bandhan. At that time, Ruchi wept and told them that Munni Devi, Sintu, and Nitish were continuously harassing her and demanding ₹1,00,000. At that period, owing to the COVID-19 lockdown, Nitish, who otherwise worked as an accountant in Delhi, was residing in the village. The witness and his mother attempted to counsel him, but he did not heed their advice, and they returned home.

12. On 08.08.2020, at around 11:00 a.m., the witness telephoned his sister Ruchi, but the call was answered by Nitish, who informed him that Ruchi had died. Upon receiving this information, the witness, along with his mother Geeta Devi, his brother, and other family members, went to Ruchi's matrimonial home, where they found her dead body lying on an ice slab, and none of her in-laws were present. The witness then called the police on number 112 and went to Police Station Gursahaiganj, where he submitted a written complaint, upon which a case was registered. The complaint was proved as Exhibit Ka-3. After registration of the case, the police came to the spot, prepared the inquest (panchanama), and sent the body for post-mortem examination. After the post-mortem, the family performed the cremation of the body at Farrukhabad. The witness affirmed that his sister Ruchi had been murdered by the accused persons by strangulation. He further stated that the police recorded his statement, and he narrated the same facts therein.

13. Cross-Examination: In cross-examination, the witness stated that he is employed at Shahjahanpur in the Transport Department as a Supervisor and has been working there for the past 12 years. The marriage was arranged after due consideration of the house, family, and groom. Nitish was a graduate, while Ruchi had passed M.A. At the time of marriage, Ruchi was pursuing D.L.Ed., having passed the first year before marriage and the second year after marriage.

14. The witness further stated that after marriage, he would regularly visit his sister's house, bringing her to his parental home and then taking her back. He stated that the matrimonial home was not very good; it had two rooms, one of which was occupied by his sister and the other by the rest of the family. There was already a family relation, as his paternal cousin (chacheri bua) Munni Devi was Ruchi's mother-in-law. Five to six months after the marriage, Ruchi and Nitish moved to Jahangirpuri, Delhi, as Nitish had already been working there.



15. The witness stated that he once visited Delhi on the occasion of Bhai Dooj. Nitish was employed in a private company, while Ruchi remained at home. Ruchi appeared for her second-year D.L.Ed. examinations from her village, after which she returned to Delhi. During the COVID-19 lockdown, Ruchi and Nitish returned from Delhi to the village. Thereafter, Nitish started working in Gursahaiganj. The witness confirmed that after the lockdown, in August, Ruchi died, when some restrictions of the lockdown were still in force.

16. The witness further deposed that upon receiving the information of her death, the family went in three to four vehicles to Bibia Jalalpur. They found the dead body lying on an ice slab in the verandah. It was around 1:00 to 1:30 p.m., and the weather was hot and humid. The police arrived in his presence, conducted the inquest proceedings, and sent the body for post-mortem at around 4:00–4:30 p.m. The police also inspected the room where his sister's bed was kept. After that, the family, along with the police, went to Police Station Gursahaiganj, where the report was lodged. After the post-mortem, the cremation was performed at Panchal Ghat the same evening, around 5:00 p.m. Thereafter, the family returned home. The witness confirmed that he has not visited Bibia Jalalpur village since.

17. The witness further stated that after Nitish's release from jail, his father, Sharmadeen, executed a deed of transfer (bainama) of Nitish's share of land in favour of Ruchi's daughter, who was then about three years old. In that deed, the witness's mother, Geeta Devi, was named guardian. Photographs of Sharmadeen and Geeta Devi were affixed, and relatives of the witness stood as attesting witnesses. The witness himself also went to Chibramau Tehsil for the execution of the deed. This was the first time after Ruchi's cremation that he went to Chibramau. He clarified that the bainama concerned Nitish's share of land and was arranged at the instance of Nitish. Four people had gone to the Tehsil for this purpose. The witness confirmed that Ruchi's daughter, Nishika, is with their family. Her Aadhaar card has been issued, and her mother, Geeta Devi, is listed as the guardian.

18. The witness estimated Munni Devi's age to be above 60 years and described Sharmadeen as a simple man, for which reason he was not made an accused. He further stated that he had once gone to Delhi alone, but did not know how much salary Nitish earned there. He admitted that after COVID, Nitish's income had ceased. He also did not know the salary earned by Nitish at Gursahaiganj, nor had he inquired about his financial condition.

19. The witness further clarified that Munni Devi's parental home was in another village. He knew Nitish from before the marriage because Nitish was the son of his cousin Munni Devi. After marriage, the witness did not visit Munni Devi's parental home, and, according to him, Munni Devi herself did not go there either. Sintu was Sharmadeen's younger son and unmarried. The witness did not know which class Sintu was studying in at



the time of Ruchi's marriage, but he knew that Sintu engaged in agricultural work and looked after his parents when Nitish was in Delhi.

20. The witness denied defence suggestions that his sister Ruchi was hot-tempered or irritable, that she became frustrated after returning from Delhi during the lockdown, and that she committed suicide by hanging. He also denied suggestions that after Ruchi's death, the family arrived with a crowd, assaulted Nitish and his family, drove them away, and thereafter lodged a false report. He denied further that the FIR was fabricated or that he was giving false testimony before the Court.

21. **Court's Observation:** He is the brother of the deceased and the first informant. His testimony is crucial as it narrates the history of dowry demands and harassment faced by his sister and the circumstances of her death. On a close appraisal of the deposition of the witness, this Court finds that in his examination-in-chief he has consistently deposed that soon after the marriage of his sister Ruchi with accused Nitish Dubey, the husband, mother-in-law Munni Devi, and brother-in-law Rohit alias Sintu demanded an additional sum of ₹1,00,000 as dowry, and upon non-fulfilment thereof, subjected her to cruelty, harassment, and physical assault. He further narrated that the deceased herself, on occasions such as Raksha Bandhan, disclosed to him and his mother that she was being constantly harassed and pressurised for the said demand. He also gave a cogent account of the events on 08.08.2020 when he was informed of Ruchi's death by Nitish, and subsequently found her dead body under suspicious circumstances, lying on an ice slab, with none of the in-laws present.

22. During cross-examination, the defence attempted to discredit the testimony by eliciting details relating to collateral issues, such as the precise number of rooms in the matrimonial home, the occasions of the witness's visits to Delhi, the academic qualifications of the parties, and the exact nature of Nitish's employment and income. Certain minor variations appear on these points, but they are natural in the testimony of a lay witness recalling events after a lapse of time and in distressing circumstances. Such discrepancies are trivial and immaterial, and they do not touch upon the core allegation of dowry demand and cruelty.

23. The defence further suggested that the deceased was of an irritable temperament, that she committed suicide due to frustration during lockdown, and that the complainant's family fabricated a false case after assaulting the in-laws. The witness categorically denied these suggestions, which are wholly unsupported by independent evidence. I have no hesitation in observing that generally, no one takes her life for such trivial issues of lockdown. The suggestions remain irrelevant and incapable of shaking the credibility of the deposition.

24. Accordingly, this Court is of the considered view that the testimony of the witness is trustworthy and reliable on the material issue of the demand



for dowry and cruelty. The contradictions sought to be highlighted in cross-examination are minor, peripheral, and insufficient to undermine the substance of the prosecution's case. The witness, therefore, inspires confidence, and his testimony merits acceptance.

25. PW3 – Smt. Geeta Devi: She is the mother of the deceased. She corroborated PW2's testimony in all major respects. PW3 testified during examination-in-chief that she had two daughters and two sons. Currently, she has one daughter and two sons, as one of her daughters, Ruchi, is deceased. Her husband, Satish Chandra, passed away in 2009. Since his death, she, along with her elder son, Kuldeep alias Deepu, has been managing the household responsibilities.

26. On 26.04.2018, she, together with her son Kuldeep alias Deepu, solemnised the marriage of her younger daughter, Ruchi, with Nitish Kumar Dubey alias Monu, son of Sharmadeen Dubey, in accordance with Hindu rites and ceremonies.

27. After the marriage, the in-laws of Ruchi, namely her mother-in-law Munni Devi, her brother-in-law Sintu alias Rohit Dubey, and her husband Nitish Kumar Dubey alias Monu, demanded an additional sum of Rupees One Lakh for plastering the walls of their house. About one year after the marriage, upon their insistence, the complainant arranged and paid this amount. Thereafter, further demands for money were raised, which she was unable to fulfil.

28. On 15.01.2019, Ruchi gave birth to a female child named Nishika. Following the birth of the girl child, Ruchi's in-laws began taunting her for giving birth to a daughter instead of a son, and in their desire for a male child, they subjected her to further cruelty and harassment. Ruchi would complain to her over the phone regarding the beatings and harassment inflicted upon her, and on several occasions, she showed such acts over video calls.

29. At the relevant time, Ruchi's husband was employed in Delhi. During the COVID-19 pandemic, about one month prior to the incident, Ruchi and her husband had returned to their native village. She, along with her son, would accompany Ruchi to her matrimonial home and counsel the in-laws. Matters would remain calm for a few days, but subsequently, the harassment and ill-treatment would resume.

30. On 08.08.2020, at about 10:00 a.m., her elder daughter, Jyoti Mishra, telephonically informed her that Ruchi had died. Jyoti Mishra further stated that when she had called Ruchi's phone, the call was answered by Ruchi's husband, Nitish, who told her that Ruchi was dead. Upon receiving this information, she immediately attempted to call Ruchi, but the call went unanswered initially; thereafter, the phone was found to be switched off.



31. Thereafter, she, along with her son Kuldeep alias Deepu and other family members, went to Ruchi's matrimonial home at Bibia Jalalpur, where they found Ruchi's body lying on an ice slab in the verandah. The in-laws of Ruchi had absconded. Her son, Kuldeep, informed the police. Shortly thereafter, the police arrived, prepared the inquest report (panchanama), and arranged for the post-mortem examination. None of Ruchi's in-laws were present at the post-mortem.

32. At that time, Ruchi's daughter, aged about one and a half years, was found at the house of a neighbouring potter family. She took the child into her care. Ruchi's cremation was performed by her son, Abhay Tiwari. She observed injury marks on the neck of Ruchi, leading her to believe that Ruchi had been murdered by strangulation. The police officer recorded her statement accordingly.

33. **Cross-examination:** During cross-examination, the witness stated that prior to the marriage of her daughter, Munni Devi was her real paternal cousin sister-in-law. The witness and her family already knew Munni Devi and her family before the marriage. Before the marriage, the house, property, and the groom had been seen by the witness's family. Ruchi's matrimonial home had a permanent (pukka) house structure having two rooms in front with an enclosed courtyard in the back and agricultural land, but she does not know how much agricultural land Munni Devi possesses. The witness visited her daughter's matrimonial home twice. Out of the two rooms, one room contained her daughter's belongings, including her bed, while other family members used the other room.

34. At the time of marriage, Nitish was residing and working in Delhi, though the witness does not know the exact location. After her marriage, Ruchi lived for some time in Delhi with her husband. The witness's younger son, Abhay, escorted Ruchi to Delhi from their home at Jasahanpur Kanth, Shahjahanpur. The witness does not recall precisely how long after the marriage her son Abhay took Ruchi to Delhi. Abhay is engaged in agriculture. He left Ruchi at Delhi's Jahangirpuri railway station, where Nitish came to receive her. Nitish had told the family that he did not have time, so they should bring Ruchi to Delhi themselves. The witness's elder son, Kuldeep, is employed in a private job at the RTO Office in Shahjahanpur, though the nature of his work is not known to her. Both sons, Kuldeep and Abhay, are married and live with their respective children, sustaining themselves through agriculture and private employment. The witness resides with her sons. Kuldeep has one daughter and one son. Both sons live in the same house. The witness owns approximately 6-8 bighas of agricultural land. The elder daughter of the witness, Jyoti, is married at Maigalganj, Lakhimpur Kheri.

35. The witness further stated that the FIR was not lodged by her but by her son, Kuldeep. After the post-mortem of the deceased, the body was taken to Farrukhabad, where the cremation was performed, after which the



family returned home. Two days after the completion of the terahvi (last rites), the witness was called to the office of the Circle Officer (CO) and thereafter appeared before the Court. The witness did not go to Bibia Jalalpur or Chibramau after that. She admitted that Nitish's village falls in Bibia Jalalpur, Tehsil Chibramau. In the year 2020, after the lockdown, Nitish and Ruchi returned from Delhi to their village. While they were residing in Delhi, the witness once visited them and stayed for one or two days. During that time, Nitish used to go to work while Ruchi remained at home. The witness went to Delhi, accompanied by her sister-in-law Kamini and Kamini's brother (whose name she does not know). At the time of Ruchi's death, lockdown was in force. The witness does not know whether Nitish worked at the establishment of Radhakrishna Gupta after returning to the village.

36. The witness stated that her mobile number is 81XXXXXX53. She further stated that she no longer communicates with Nitish. Approximately two to three months ago, she had a conversation with him, but there has been no contact since then. At the time of her daughter's death, she had arrived in 3-4 vehicles along with family members, but she cannot recall the exact number, as she was disturbed. The witness stated that she does not know whether Nitish's younger brother, Sintu alias Rohit, was engaged in studies or agriculture, nor does she have any communication with him. Since the marriage of her daughter, the witness has not spoken to Munni Devi.

37. The witness confirmed that her husband's name was Satish Chandra and that Munni Devi is the daughter of Satish Chandra's paternal uncle. The witness does not know how many siblings Munni Devi has, but then added that she believes Munni Devi had four brothers, of whom three are deceased and one is surviving. She further stated that she does not know whether Munni Devi visits her parental home, as she herself does not meet her. The witness does not visit Munni Devi's parental home.

38. The witness also clarified that she arranged her daughter's marriage herself, without the intervention of any third party. At the time of marriage, her daughter was pursuing D.L.Ed. studies. The witness confirmed that her daughter completed the first year of D.L.Ed. studies from her parental home and the second year from her matrimonial home. After appearing for the D.L.Ed. examinations, her daughter did not return to her parental home. The witness stated that it is incorrect to say that Nitish deposited the fees for the academic year.

39. The witness admitted that frequent quarrels took place between her daughter and Nitish, but stated that she does not know the specific reasons for such quarrels, whether they concerned residing outside or otherwise. Whenever quarrels occurred, the witness intervened to counsel them. She further confirmed that she knows Raman Kishore and Sudip Kumar, who are residents of the neighbourhood and referred to them as uncles of the



locality. Both reside at some distance. Munni Devi's parental home is situated approximately 6-7 kilometres from the witness's residence.

40. The witness further deposed that on 25.06.2023, Nitish's father, Sharmadeen, transferred land measuring 5.5 bighas in the name of Ruchi's daughter, Nishika Dubey, appointing the witness as guardian. The witness stated that she does not remember when she came to Chibramau for the execution of the deed, though the date must be recorded in the document. The deed was attested by witnesses Raman Kishore and Sudip. At the time of the execution of this deed, Nitish had already been granted bail. After execution, the family returned from Chibramau. The witness's son, Kuldeep, was also present at the time.

41. The witness further stated that she has been employed as an Anganwadi worker (not as an assistant) since 1984. She clarified that the deed was prepared by Sharmadeen, who arranged all the paperwork, while she came directly from Shahjahanpur.

42. The witness denied the suggestion that after the execution of the deed, she demanded money from Sharmadeen, and upon refusal of payment, she is deposing falsely before the Court. She also denied the suggestion that during the period when Nitish and Ruchi resided in Delhi, she interfered and misled them. She denied the allegation that her daughter Ruchi was of an irritable temperament, that she pressured Nitish to live outside even during the lockdown, and that, as a result, she committed suicide. The witness further denied the suggestion that upon receiving information, she, along with her family members, assaulted and drove away Munni Devi and her family from the matrimonial house and subsequently lodged a false report. The witness stated that it is incorrect to say that she is giving false testimony before the Court.

43. **Court's Observation:** On appraisal of the testimony of P.W.-3 Smt. Geeta Devi, this Court finds her evidence to be natural, consistent, and credible on the material issues. In her examination-in-chief, she categorically deposed that soon after the marriage of her daughter Ruchi with accused Nitish Dubey, the husband, mother-in-law Munni Devi, and brother-in-law Sintu alias Rohit persistently demanded an additional sum of ₹1,00,000/- for plastering of the house. She further stated that about a year after the marriage, she was compelled to pay this sum, yet demands continued, and that after the birth of a female child, the deceased was subjected to taunts, cruelty, and harassment for not bearing a son. She further deposed that Ruchi herself repeatedly narrated such cruelty to her over calls and video calls, and that on the date of the incident, she found her daughter dead under suspicious circumstances with marks of strangulation.

44. During cross-examination, the defence sought to highlight collateral matters, such as whether the matrimonial house had two or more rooms, the precise amount of agricultural land possessed by Munni Devi, the frequency



of the witness's visits to her daughter's matrimonial home, or whether she personally escorted Ruchi to Delhi. These details, even if varying, are peripheral and expected minor inconsistencies in the recollection of a rustic witness narrating events after a lapse of years and in a state of bereavement. They do not, in any manner, detract from her firm and consistent assertion about the demand of dowry and cruelty. The witness fairly admitted her limited knowledge on matters such as Nitish's precise employment, salary, or the academic particulars of her son Kuldeep, which lends her testimony an air of candour rather than fabrication. Slight deviation that does not know the specific reasons for quarrels between husband and wife may be due to bainama in favour of deceased's daughter. Bainama is symble of guilt and has been done for future security of the deceased's minor daughter. If it would have been done for in result of blackmail, the witness would have become hostile. But the case is contested reinforcing the fact that witnesses hve deposed genuenly. It is not surprising that some querrels between husband and wife on some other topics may not have been in knowledge of the mother of the deceased. Moreover, dowry harrasment does not be deemed that always querrel will took place. Silent harrasment for dowry especially on the occasion of Raksha Bandhan may hurt a female silently.

45. The defence further suggested that the deceased was of an irritable temperament, pressured her husband to live separately during lockdown, and committed suicide out of frustration, or that the complainant side assaulted the accused's family and fabricated a false report. These suggestions stand stoutly denied by the witness, remain wholly uncorroborated by any independent material, and are incapable of displacing the otherwise consistent account of dowry-related cruelty.

46. Accordingly, this Court finds that the testimony of P.W.-3 Smt. Geeta Devi is cogent, trustworthy, and corroborative of P.W.-2 and P.W.-4 on the point of demand of dowry and cruelty. The contradictions elicited in cross-examination are minor and immaterial, and the defence suggestions are irrelevant. Her deposition, therefore, merits full acceptance on the material aspects.

47. PW4 - Shri Abhay Tiwari: He is the younger brother of the deceased. The witness stated that he is educated and his mobile number is 63XXXXXX62. He has two brothers and two sisters, all of whom are married. His elder sister, Ruchi Tiwari, is deceased. Ruchi was married on 26.04.2018 to Nitish Dubey, son of Sharmadeen, resident of Village Bibia Jalalpur, according to Hindu rites and customs. The witness was present at the wedding. After marriage, Ruchi went to her matrimonial home.

48. Soon after the marriage, Ruchi's husband Nitish Dubey alias Monu, her mother-in-law Munni Devi, and her brother-in-law Rohit alias Sintu began demanding an additional dowry of one lakh rupees. Whenever Ruchi visited her parental home, she informed the family about this demand. As the family could not fulfil the demand of one lakh rupees, her in-laws began



assaulting her and harassing her by taunting her for bringing insufficient dowry. The witness's father had passed away in 2009. Within one year of marriage, Ruchi gave birth to a daughter, Nishika Dubey, who is presently about six years old and resides with the witness's family.

49. Ruchi died on 08.08.2020 at her matrimonial home in Village Bibia Jalalpur. According to the witness, Ruchi was strangled and murdered by her husband, mother-in-law, and brother-in-law as mentioned above. On the morning of the incident, at about 9:30 a.m., the witness's elder sister Jyoti telephoned and informed him of Ruchi's death. Upon receiving this information, the witness, along with his mother, brothers, family members, and other villagers, went to Ruchi's matrimonial home at Bibia Jalalpur, where they found Ruchi's body placed on an ice slab in the verandah. No police personnel or in-laws were present at that time; only a crowd of villagers had gathered.

50. The police were first informed on emergency number 112, and thereafter, the witness's brother, Kuldeep Tiwari, lodged a written complaint at Police Station Gursahaiganj. Upon receipt of this complaint, the police arrived, conducted an inspection, prepared the inquest report (panchanama), sealed the body, and sent it for post-mortem examination. The police obtained the witness's signatures on the inquest papers. When document No. 8A/13 from the record was shown, the witness identified his signature at the marked place. After the post-mortem, the family performed the cremation of Ruchi. The police also recorded the witness's statement, wherein he narrated the same facts.

51. **Cross-examination:** During cross-examination, the witness stated that at the relevant time, lockdown was in force and movement was restricted. At about 10:00 a.m., the family departed from Shahjahanpur in two vehicles: one was their own Alto car, and the other belonged to their maternal uncle, who resides in the same village. The family members present included his maternal grandfather, Raman Kishore Mishra; Sanjeev Awasthi; Krishan Kumar Awasthi; Sheetal Mishra; his mother, Geeta Devi; his brother, Kuldeep Tiwari; his brother-in-law, Manoj Mishra; and his sister, Jyoti, who is married at Maigalganj, District Lakhimpur Kheri, about 60 kilometres away. Jyoti had telephoned earlier to inform them that Ruchi had died. Jyoti's husband runs a shop and is a graduate; both sister and brother-in-law came by vehicle. Sanjeev Awasthi, a resident of Jasahanpur, also accompanied them.

52. Upon arrival at Bibia Jalalpur, the family found the body of Ruchi lying on an ice slab in the verandah. The witness's brother thereafter went to Police Station Gursahaiganj and lodged the complaint. The witness does not recall the exact time of FIR registration. The police arrived at the scene only after 3:00 p.m. and sent the body for post-mortem at about 6:30 p.m. His brother Kuldeep accompanied the body to the hospital, along with Sanjeev and two other persons. The witness himself returned home with his mother,



sister, and others. Later, his brother informed him that the FIR had been lodged against Munni Devi, Rohit alias Sintu, and Nitish alias Monu. When his brother returned home with a copy of the FIR, the family read it together. The witness affirmed that he is deposing based on the same FIR.

53. On the same day, after the post-mortem was completed, the family took custody of Ruchi's 18-month-old daughter and brought her home. The marriage had been arranged after inspecting the family, house, and the groom, as there existed prior family relations. The matrimonial house was large and had more than two rooms. After the marriage, the witness had visited Bibia Jalalpur once, stayed for one day, and found everything to be in order. Two to four months after the marriage, Nitish and Ruchi moved to Delhi, where Nitish had already been working and residing at Jahangirpuri.

54. The witness stated that he has passed Intermediate, is engaged in agriculture, and also works in the dairy business. Before the marriage, he had not been to Delhi to verify Nitish's workplace, though the family was satisfied with Nitish's earnings. The witness once escorted his sister to Delhi, leaving her at Anand Vihar Bus Stand, and informed Nitish by phone to collect her. From Delhi, Ruchi later visited her parental home, accompanied by Nitish, who dropped her there for a family function. After staying happily for a few days, she returned to Delhi with the witness. Ruchi came to Shahjahanpur to appear for her D.L.Ed. examinations after marriage; Nitish used to drop her off at the parental home for examinations and then return to Delhi. She successfully completed her D.L.Ed. and wished to pursue employment, but due to the birth of her child and lack of vacancies, she could not secure a job.

55. Ruchi remained in Delhi after marriage until the COVID-19 lockdown, when Nitish lost his employment and both returned to the village. After returning, Ruchi confided that Nitish had lost his job but was seeking work at Gursahaiganj. On the festival of Raksha Bandhan, the witness's mother and brother, Kuldeep, visited Bibia Jalalpur, where the rituals were performed peacefully. Ruchi mentioned that Nitish was working at Gursahaiganj, but did not disclose any information regarding job forms. The family returned the next day.

56. The witness further stated that he had gone to visit his elder sister Jyoti by bus and that he was a witness in the inquest proceedings (panchanama). On 08.08.2020, at about 6:00–6:15 p.m., the family returned to Shahjahanpur with Ruchi's daughter. After her death, the witness never visited Bibia Jalalpur or Chibramau, not even at the time of the land transfer (bainama). His mother later informed him that such a deed had taken place, though he does not know the date.

57. The witness deposed that Nitish worked in Delhi as an accountant, as informed to him by his brother, mother, and also Nitish himself. He further



stated that Ruchi's body was placed on an ice slab by Nitish and his family members. His father had died in 2009.

58. The witness denied the suggestion that he had frequently visited his sister's matrimonial home. He clarified that once before the marriage, while returning late at night from Saifai after seeking admission in agriculture studies, he stayed at Nitish's place and was well treated. Nitish had also visited the witness's house one or two times prior to marriage. The witness stated that only after reading the FIR at home did he learn that the demand for one lakh rupees had been recorded therein. He does not know whether Rohit alias Sintu, brother of Nitish, was studying or otherwise engaged. He affirmed that Sharmadeen is an elderly man, and that after Nitish moved to Delhi, Sintu was responsible for agriculture, the house, and the care of his parents. Sintu is unmarried.

59. The witness categorically denied the defence suggestions that Ruchi, due to stress after Nitish lost his job during the lockdown, became irritable and committed suicide; that the family, after her death, gathered a crowd and assaulted Munni Devi and her family before forcibly taking away Ruchi's daughter; and that the witness is giving false testimony in support of a false FIR lodged by his brother.

60. **Court's Observation:** PW4's testimony is confirmatory mainly. Having examined the deposition of PW4, this Court notes that in his examination-in-chief, the witness categorically deposed that soon after the marriage of his sister Ruchi with accused Nitish Dubey, the husband, mother-in-law Munni Devi, and brother-in-law Rohit alias Sintu started demanding an additional sum of ₹1,00,000 as dowry. He further stated that upon non-fulfilment of this demand, the deceased was subjected to beatings, taunts, and persistent cruelty. This portion of the testimony is clear, consistent, and specific.

61. During cross-examination, the defence sought to impeach the witness's credibility by eliciting contradictions regarding peripheral details such as the number of rooms in the matrimonial home, whether he had visited the matrimonial home frequently, the timing of the FIR registration and police arrival, and the precise occupation of the accused Nitish. While minor variations and lapses of memory were observed, these contradictions are natural in the testimony of a lay witness recalling events amidst trauma and grief. They are immaterial to the gravamen of the charge and do not dilute the consistency of the witness's evidence on the material aspect of dowry demand and cruelty.

62. The Court further observes that the defence suggestions—that the deceased was of irritable temperament, that she exerted pressure upon her husband to live separately during the lockdown, and that she committed suicide out of frustration—have been categorically denied by the witness and remain wholly uncorroborated by any independent material. Likewise,



the suggestion of assault upon the in-laws or fabrication of a false FIR stands unsupported. Such suggestions, being irrelevant and unsubstantiated, cannot detract from the otherwise cogent testimony.

63. Accordingly, this Court finds the testimony of PW-4 Abhay Tiwari to be credible and reliable on the point of demand of dowry and cruelty. The contradictions highlighted in cross-examination are minor, peripheral, and insufficient to shake the core of the prosecution's case. His evidence, therefore, inspires confidence and merits acceptance on the material issue.

64. **Examination-in-Chief (Defence Witness):** D.W.-1 Anil Kumar deposed on oath that, in his village, the family of Sharmadeen resides next to his house. In that household live Sharmadeen's wife, Munni Devi (approximately 70 years old), Sharmadeen (approximately 90 years old), and their two sons, Nitish Kumar and Rohit, also known as Sintu. They are simple people engaged in agriculture. Nitish Kumar is the elder son. His marriage was solemnised in Village Jasahanpur, Police Station Kanth, District Shahjahanpur. In 2018, Nitish married Ruchi, the daughter of Satish Chandra Tripathi. The witness attended the wedding procession (baraat). He stated that he also has relations in Village Jasahanpur.

65. According to the witness, Nitish's marriage was simple and no dowry was involved, as Munni Devi's parental home was near Village Jasahanpur and the families already knew each other; therefore, the marriage took place by mutual understanding in a simple manner. At the time of marriage, Nitish was residing in Delhi. Shortly after the marriage, Nitish took his wife Ruchi to Delhi for his employment, while in the village remained Sharmadeen and Munni Devi. Sintu was pursuing studies. During the COVID-19 lockdown, Nitish and Ruchi welcomed a daughter. When the lockdown was imposed in Delhi and Nitish lost his job, he returned with his wife to their home at Bibia Jalalpur.

66. At Sharmadeen's house, there were two rooms: in one room, Nitish, his wife Ruchi, and their child began residing; in the other room, Sintu and the parents (mother and father) resided. Meals for the two units were cooked separately in the courtyard at the rear of the house. After returning to the village, Ruchi became irritable and insisted on not living there, saying they should go to Delhi. Nitish told her that they would go after the lockdown ended. In the meantime, Nitish started working at a certain employer's house in Gursahaiganj, leaving for work at about 8:00 a.m. and returning in the evening.

67. As a neighbouring relative, the witness also counselled Ruchi, saying that it was a small family and that Nitish would take her to Delhi once the lockdown ended, and that abusive language in the village causes disgrace. Because he lived next door, he visited Sharmadeen's house frequently. He stated that he never heard that Sharmadeen, Nitish, or their family demanded money from Ruchi's parental side for house repairs or plastering.



Munni Devi, her younger son, and the family, according to him, were affectionate towards Ruchi and never beat her.

68. On 08.08.2020, Ruchi committed suicide by hanging in her room. At that time, the witness was in his field. Sintu and Munni Devi were in the adjacent field where they grew vegetables. It was about 8:00 a.m. Nitish had gone to his work at Gursahaiganj and usually left around 7:00 a.m. At home were only the elderly Sharmadeen and his daughter-in-law, Ruchi. Sharmadeen sent word that Ruchi had hanged herself. Thereupon, the witness, Munni Devi, and Sintu reached the house. The field is about half a kilometre from the house. When they arrived, a crowd had gathered. Five to ten minutes after the witness's arrival, Nitish also came from Gursahaiganj. The body had been taken down and placed outside on a wooden platform (takht). Ruchi was taken to the Sarai Prayag market area of Gursahaiganj to consult Dr. Harish Chandra Katiyar, who declared that Ruchi had passed away. The body was brought home and placed on the takht. Ruchi's family was informed. Two to three hours later, 10-12 persons from her parental side arrived in two vehicles and, upon arrival, beat Munni Devi severely and assaulted the entire family. When the witness and others intervened, they were abused. Thereafter, the police arrived and conducted the inquest (panchanama).

69. The witness affirmed that he is well aware that Nitish, Munni Devi, and Sintu never harassed Ruchi for dowry and never beat her. He further stated that, after Nitish was released from jail, Geeta Devi and her sons exerted pressure on Sharmadeen to execute a transfer deed (bainama) of Nitish's share of land in favour of Nitish's daughter, and that Geeta Devi herself became the guardian. He stated that he is informing the Hon'ble Court of what he knows.

70. **Cross-Examination (by Prosecution):** In cross-examination, the witness stated that his village is Bibia Jalalpur and that Sharmadeen also resides in Bibia Jalalpur. His house and that of Sharmadeen are adjacent, with no house in between. Sharmadeen is a familial uncle to him (as a village relation). He reiterated that Sharmadeen is about 90 years old and Munni Devi is about 70 years old. Munni Devi is a homemaker and does household work. Although Sharmadeen owns agricultural land, due to his advanced age, he is unable to work. Nitish is Sharmadeen's son. Nitish's marriage to Ruchi took place in 2018; the witness does not remember the exact date and month. He went with the wedding procession and returned at night. The daughter-in-law (Ruchi) was bid farewell during the day, and he also accompanied the party back. Nitish worked in Delhi, but the witness does not know what work he did. Sintu did farming at home and also studied. Nitish and Ruchi have a daughter whose age is presently about six years. The house of Nitish already had plaster; the witness does not know when any repairing was done.



71. At the time of Ruchi's death, the witness was in the field. He received the information from Sharmadeen. Their field is half a kilometre from their home. Sharmadeen sent a boy to inform him at the field; the witness does not know the boy's name. The boy was from the village, not from the household. The witness stated that he knows all the villagers by face and name. When he reached the house upon receiving the information, Ruchi's body was lying on a takht in the verandah. Sharmadeen told him that Ruchi had hanged herself. The witness did not see Ruchi's body hanging from the noose. When he came to the spot, he did not see any injuries on Ruchi except a ligature mark on the neck. Ruchi's parental family and the police were both informed by telephone. According to him, Ruchi's parental relatives arrived first, and thereafter the police. Ruchi's parental relatives arrived two and a half to three hours after his arrival. He himself had reached the spot within five to ten minutes of receiving the information.

72. He stated that Police Station Gursahaiganj is about six kilometres from their village; by vehicle one can comfortably reach the police station from the village in ten to fifteen minutes. Even so, no one personally went to the police station to give information; it was given by phone. The police arrived two and a half to three hours after the information. When the police conducted the inquest, the witness, members of Ruchi's parental family, and villagers were present. The police did not make him an inquest witness. The police questioned him, and he disclosed to them whatever information he had. The police also questioned many villagers.

73. He stated that the parental village of accused Munni Devi is near the village of Ruchi's parental side, and due to this acquaintance the marriage of Ruchi and Nitish took place. He further stated that Sharmadeen, his wife Munni Devi, their elder son Nitish with his wife Ruchi, and their younger son Rohit alias Sintu were all living together in one house at Bibia Jalalpur. The incident occurred at about 8:00 a.m. He remarked that 8:00 a.m. is tea time in the village. He reiterated that, as a village relation, Sharmadeen is like an uncle to him, though not a real paternal uncle. Ruchi's daughter is presently with Geeta Devi.

74. He denied the suggestion that, due to his village and family relationship with the accused, he is not telling the truth before the Court. He admitted that on the date of his testimony, Nitish had called him from home and brought him to Court for giving evidence. He denied that, due to fear, influence, or pressure from the accused, he was withholding the truth before the Court.

75. **Court's Observation:** The testimony of D.W.-1 Anil Kumar does not inspire confidence and is riddled with contradictions and improbabilities. In his examination-in-chief, he sought to portray the accused family as simple agriculturists of advanced age, claiming that Nitish's marriage with Ruchi was solemnised without any dowry due to pre-existing village relations, and further asserting that the deceased became irritable after lockdown, insisting



on returning to Delhi, and that she ultimately committed suicide by hanging. He categorically denied any demand for dowry or acts of cruelty.

76. However, in cross-examination, the witness made admissions that significantly undermine his credibility. He admitted that the accused Sharmadeen is his “paternal uncle” (chacha) in village parlance, thereby establishing a close familial relationship and clear bias in favour of the accused. He further admitted that he was not present when Ruchi allegedly hanged herself; he did not see her suspended from a noose but only saw her body later placed on a cot in the verandah. Thus, his statement about suicide is based on hearsay and assumption, not on direct knowledge. He also contradicted himself about the timing of events – while claiming in chief that Ruchi hanged herself at around 8:00 a.m., he later admitted that the police arrived only 2–3 hours after the complainant’s family, and that he himself reached the spot within 5–10 minutes, but saw neither the hanging nor the removal of the body. These inconsistencies erode the reliability of his version.

77. Notably, he conceded that he never saw or heard any conversation regarding dowry demands, but simultaneously admitted that he is a close neighbour who “regularly visited” the house of the accused and was present in their daily affairs. If he was so proximate, his blanket denial of all allegations of harassment appears artificial and contrived, especially when juxtaposed against the consistent, corroborated accounts of P.W.-2, P.W.-3, and P.W.-4 about dowry demands and cruelty. His statement that the complainant’s family assaulted the accused upon arrival also remains unsupported by any contemporaneous record or independent witness.

78. These contradictions, omissions, and improbabilities render D.W.-1’s testimony unreliable. The Court, therefore, holds that his deposition is a partisan attempt to shield the accused and is incredible on the issue of dowry demand and cruelty. His evidence does not dislodge the consistent and cogent version of the prosecution witnesses.

79. Appreciation of Overall Evidence of Witnesses of Facts of Either Side: On an overall assessment of the depositions of PW2 Kuldeep Kumar (brother of the deceased and first informant), PW3 Smt. Geeta Devi (mother of the deceased), and PW4 Abhay Tiwari (younger brother of the deceased), this Court finds their testimonies to be mutually corroborative and consistent on all material particulars. All three witnesses have unequivocally deposed that soon after the marriage of the deceased Ruchi with accused Nitish Dubey, her husband, mother-in-law Munni Devi, and brother-in-law Rohit alias Sintu persistently demanded an additional sum of ₹1,00,000 as dowry. They further stated that upon the family’s inability to meet this demand, Ruchi was subjected to cruelty, harassment, beatings, and taunts, particularly intensified after the birth of a female child. PW3 Geeta Devi described how her daughter frequently complained over telephone calls and even showed her injuries through video calls, while PW2 Kuldeep Kumar



specifically narrated that on the occasion of Raksha Bandhan, shortly before the incident, Ruchi wept and reiterated the continuing harassment and monetary demand. PW4 Abhay Tiwari corroborated that whenever Ruchi came to the parental home, she narrated the same facts of demand and cruelty.

80. The three witnesses have also consistently described the events of 08.08.2020: information of Ruchi's death being communicated by Nitish or relayed through Jyoti, their arrival at Bibia Jalalpur, the discovery of Ruchi's body placed on an ice slab in the verandah with none of the in-laws present, and the subsequent police proceedings of inquest and post-mortem. Their evidence is coherent, natural, and free from material contradictions on these vital aspects.

81. It is true that in cross-examination, certain minor discrepancies emerged—for example, differing recollections regarding the number of rooms in the matrimonial home, the precise timing of police arrival and registration of FIR, the details of visits to Delhi, and knowledge of Nitish's employment or income. These are peripheral matters, expected from lay witnesses testifying to traumatic events after a lapse of time, and do not erode the substratum of their testimony. The core allegations of persistent demand of ₹1,00,000 and cruelty remain intact. The defence suggestions—that Ruchi was irritable, that she committed suicide out of frustration during the lockdown, or that the family fabricated a false case after assaulting the in-laws—have been categorically denied by all three witnesses and remain wholly uncorroborated by any independent material.

82. Accordingly, this Court is of the considered view that the depositions of PW2, PW3, and PW4 are trustworthy, consistent, and credible on the point of demand of dowry and cruelty. The minor contradictions highlighted in cross-examination are trivial and incapable of undermining the prosecution's case. The testimonies of these related witnesses, when read together, inspire confidence and merit full acceptance.

83. On the other hand, the defence examined DW-1 Anil Kumar, a neighbour and relative of the accused, who sought to portray the family as simple agriculturists, denied any demand of dowry, and suggested that the deceased committed suicide due to irritability during the lockdown. However, the testimony of DW-1 is found to be inherently interested, as he is admittedly a close neighbour and family relative of the accused, and his presence and narration of events rest on hearsay and assumption rather than direct observation. He admitted that he never saw the deceased hanging, that he only saw the body after being taken down, and that he was brought to Court at the instance of the accused Nitish. His denial of dowry demands stands in direct contradiction to the consistent and corroborated accounts of the prosecution witnesses and lacks independent corroboration. His testimony, therefore, cannot outweigh the clear, consistent, and natural evidence of the close family members of the deceased.



84. In the considered view of this Court, the depositions of PW-2 Kuldeep Kumar, PW-3 Geeta Devi, and PW-4 Abhay Tiwari inspire confidence and are trustworthy on the material aspects of the demand of dowry and cruelty. The defence version of suicide, advanced through DW-1, appears to be an afterthought, unsupported by independent evidence, and is rendered improbable in the face of consistent prosecution evidence. The minor contradictions elicited in cross-examination are peripheral and immaterial. Accordingly, this Court holds that the prosecution witnesses are credible on the point of dowry demand and cruelty, and the defence testimony fails to dislodge the prosecution case.

85. **PW5 - Dr. Amrit Singh:** This is the medical officer who conducted the post-mortem on the deceased's body on 09.08.2020 between 8:50 AM and 9:30 AM. He proved the Postmortem Report (Exhibit Ka-4) and elaborated on the injuries and cause of death. PW5 described the external injury: a ligature mark on the neck, incomplete (not a full circle), situated roughly at mid-neck (position: 7 cm below right ear, 6 cm below chin, 5 cm below left ear) and measurements about 1.5 cm in width and 20 cm in length out of 33 cm total circumference of neck on the neck of a 27-year-old woman, Ruchi, resident of village Jasanpur p/s Kote, Distt. Shahjahanpur. On dissection, the subcutaneous tissue under the mark was white, dry, hard, glastaining and parchment-like - a classic sign of a pressure ligature. Internal findings included congestion of the larynx, vocal cord, trachea, lungs, liver, spleen, and kidneys, and the heart's right chamber full of blood, left empty - consistent with asphyxial death. Also, face, lips, nails, and neck were cyanosed. There were no other external or internal injuries found on the body apart from the effects of asphyxia. PW5 concluded that the cause of death was asphyxia due to hanging (ante-mortem). PM staining was present on the back and dependent parts. Rigour mortis was passed over from the upper limbs and was partially present in the lower limbs. The estimated time of death was about one and a half days (36 hours) prior to the autopsy, which dovetails with the morning of 08.08.2020 as reported.

86. In cross-examination, the defence focused on whether the death could be suicide. PW5 clarified that the findings (ligature mark position and nature) were consistent with hanging. He noted that the ligature mark's characteristics (position and obliquely placed) suggested a typical hanging mark rather than strangulation. He also remarked that he did not find any other injury, and in his opinion, it was a case of hanging. The defence highlighted that if it was hanging, there was no direct evidence of homicide by strangulation. However, PW5 also admitted that during the post-mortem he had before him the police papers - inquest report, FIR, etc., 11 in number. He strictly stuck to the postmortem carefully.

87. His testimony establishes beyond doubt that the death occurred by asphyxiation from neck compression. Whether that compression was self-inflicted (suicidal hanging) or homicidal (manual strangulation or staged



hanging) is a matter of inference; medically, PW5 leaned towards it being a hanging. Crucially, he affirmed that no other bodily injuries were present, which implies that aside from the ligature mark, the deceased had no wounds or signs of beating on her body at the time of death.

88. PW6 - Circle Officer Sheshmani Upadhyay: He was the 2nd Investigating Officer (I.O.). PW6 prepared the site sketch map (Exhibit Ka-5) of the place of occurrence (the accused's house). He also recorded statements of some witnesses. He noted any relevant physical evidence; however, in a hanging case, often there is a ligature material. The records do not explicitly mention the recovery of a rope or saree used for hanging. PW6 was transferred during the investigation, so he handed over the case to PW8. His evidence, while formal, confirms that the death took place in the matrimonial home and that an investigation was promptly initiated. So far as the statement of Kuldeep on 22.08.2020 in Kannauj is concerned, it may be possible that PW2 Kuldeep may have forgotten the fact of visiting Kannauj.

89. PW7 - Shri Shikhar Mishra (Nayab Tahsildar): He is the Nayab Tahsildar who conducted the inquest (Panchayatnama) on the evening of 08.08.2020 as per the order of the Sub-Divisional Magistrate. PW7 proved the inquest report (Exhibit Ka-6) and related documents he prepared: the letter to the Chief Medical Officer for post-mortem (Exhibit Ka-10), sample seal (Exhibit Ka-7), challan of the corpse (Exhibit Ka-8) and photographs of the corpse (Exhibit Ka-9). PW7 deposed that he arrived at the scene around 8:20 PM and conducted the inquest proceedings by 8:30 PM on 08.08.2020. He described observing a ligature mark on the neck of the deceased, and no other visible marks on the body were found. The deceased's parental relatives and parental residents (complainant side) were present and actually served as panch witnesses for the inquest (Exhibit Ka-6). None of the in-laws (accused side) were made panch suggest that the in-laws fled from the scene.

90. In cross-examination, PW7 mentioned that when he reached the spot, the body was on the ground in the verandah and not on any ice slab. He also observed that aside from the ligature mark, there were no visible injuries on the body. These statements introduced a minor factual discrepancy with PW2's testimony (who had said the body was on an ice block and that no in-laws were present initially). However, this discrepancy is not of great significance – it is plausible that by the time the PW7 arrived with the police, the ice slab would have melted. Also, the family might have placed the body on ice earlier to slow decomposition, but that melted or was removed later. Such details do not cloud the central issues of the case. PW7's evidence is crucial for formally proving the inquest and establishing that the death occurred in suspicious circumstances within the home, necessitating further investigation.

91. PW8 - Circle Officer Shiv Pratap Singh: He is the second Investigating Officer who completed the investigation and filed the charge-



sheet (Exhibit Ka-11). PW8 outlined how he recorded statements of the key witnesses (PW5, PW7, Additional statement of PW2, and accused individuals) and found a consistent narrative of dowry demand, giving and taking dowry and related cruelty. He took over the case after PW6's transfer, collected the documentary evidence, including the post-mortem report, and, on being satisfied that a dowry death had occurred, he submitted the charge-sheet against all three accused under Sections 498A, 304B IPC and 3/4 D.P. Act. In cross-examination, PW8 was questioned about any omissions in the witness statements. The defence elicited that some witnesses (PW2/PW3) may not have mentioned during the investigation that the couple (Nitish and Ruchi) had stayed in Delhi for a period after marriage. The defence implies by this that the mother-in-law and brother-in-law might not have had a continuous opportunity to harass the deceased if she were away. PW8 pointed out that during the lockdown period, many people were unemployed. Notably, witnesses of facts have stated that during the lockdown Months leading up to the death, all the accused and the deceased were indeed together in the village. During that time, the harassment intensified (as per witnesses). PW8 also confirmed that he found no evidence of any other reason for the death, such as illness or accident; all leads pointed to dowry-related harassment.

92. Summary of Prosecution Evidence: From the above, it emerges that the prosecution's evidence cogently establishes the following facts: (a) The deceased Ruchi was married to the accused Nitish within the seven-year window (just over 2 years before her death). (b) Dowry was given at the time of marriage (the exact items/cash are not enumerated in evidence, but the very grievance of "inadequate dowry" implies the occurrence of dowry transfer). (c) After the marriage, all three accused (husband, mother-in-law, and brother-in-law) subjected the deceased to cruelty – specifically, abuse and physical assaults – in connection with their demand for additional dowry of ₹1,00,000/-. This harassment was ongoing and was present "soon before her death," with specific reference to incidents just a few days prior (3 August 2020, on Rakhi, i.e. just five days before the incident). (d) On 08.08.2020, the deceased died under mysterious and non-normal circumstances in her matrimonial home. The medical evidence classifies the death as due to hanging (asphyxia). There is no direct eyewitness to the moment of death; it was a suicide induced by the harassment, an unnatural death. (e) The conduct of the accused post-occurrence (such as their absence when the victim's family arrived, as per PW2/PW3) is suspicious and indicative of consciousness of guilt.

93. The witnesses, PW2, PW3, and PW4, were consistent and remained unshaken on the core allegations of dowry demand and cruelty by the accused. Their testimony is further buttressed by the prompt FIR, which leaves little room for concoction, and the fact that the defence highlighted no major contradictions. The Court found the prosecution witnesses to be credible. There is no evidence of any enmity or ulterior motive for the



victim's family to falsely implicate the accused in such a grave matter, especially considering one of the accused (Munni Devi) was even related to them – if anything, that relationship would have dissuaded frivolous allegations. Further, it is also a notable fact that the father-in-law has not been involved, which negates the false implication of in-laws; otherwise, he would have also been made an accused. This honest omission of the father-in-law reinforces the genuine implication of the real culprits. The sad reality of this case – a young woman's death within 2½ years of marriage amid allegations of dowry harassment – lends inherent credence to the testimony of her family, which aligns with the typical pattern observed in dowry death cases.

Defence Version and Evidence

94. Accused Statements (Section 313 Cr.P.C.): Each accused, when examined, denied the allegations of dowry demand and cruelty. Their consistent refrain was that we never demanded any dowry, nor harassed Ruchi. Accused Nitish (husband) stated that he and his wife had been residing in Delhi for work, and that when they came back to the village during the COVID lockdown, they lived separately. He implied that his mother (Munni Devi) and brother (Sintu) were not living in daily contact with the deceased at that time, and thus, according to him, the question of their harassing her did not arise. The accused's learned counsel suggested that Ruchi's death was a result of her own actions – possibly suicide due to personal reasons – and not due to any dowry demand. All the accused generally claimed that they were on good terms with the deceased and that her family had fabricated the allegations after her unfortunate death. Notably, none of the accused could provide any satisfactory explanation for why Ruchi might have ended her life or died suddenly if their defence story of cordial relations were true – no cogent evidence of any illness, depression, or provocation unrelated to dowry was put forth in their statements. No evidence of separate living was put forth. Being neighbour and relative and other inconsistencies in the evidence of DW1, his evidence vis-à-vis prosecution evidence is not sufficient to exonerate the accused.

95. Appraisal of Defence Evidence: The Court has weighed the defence evidence against the prosecution's case. The suggestion that the couple lived in Delhi for some time is likely true (as even PW2/PW3 hinted Nitish worked in Delhi). Still, it does not dent the prosecution's case because the alleged harassment clearly occurred whenever Ruchi was at the matrimonial home – and critically, during the months immediately preceding her death, when lockdown forced them all under the same roof. The mere fact that for some months or years the couple stayed away cannot by itself disprove dowry harassment; many dowry-related crimes occur during visits or once the couple returns to the marital home. The assertion by DW1 that the accused did not harass Ruchi is a bald statement without specific details, and given that DW1 is a close neighbour and relative of the accused, his



testimony appears biased in their favour. He would have had limited insight into the private dealings within the household, and it is unlikely that cruelty within the home would be openly visible to neighbours unless extreme. Moreover, DW1's admission of the familial relationship and proximity to the accused's family diminishes the weight of his testimony – he has a natural inclination to support them.

96. DW1's observation that the accused were present at the time of the inquest (thus allegedly not absconding) does not negate PW2's testimony that initially they were missing when the family arrived. It is quite plausible that the accused fled upon the immediate incident but later returned when officials arrived, or that some of them were present but kept away from the aggrieved family. In any case, presence or absence at the inquest is a relatively minor detail. What is more telling is that the defence has not been able to refute the core evidence of dowry demands. They did not produce any independent witness to testify that no such demand of ₹1,00,000 was ever raised. The accused individuals have also not explained why the deceased would have been driven to take her own life except to vaguely hint at "her own mental state," which finds no support in evidence. Hon'ble Supreme Court in the case of [Satbir Singh vs The State Of Haryana on 28 May, 2021: AIR 2021 SUPREME COURT 2627](#) has held that the burden on the accused in a dowry death case, once the prosecution establishes the foundational facts, is to rebut the presumption of causality under Section 113B of the Evidence Act. Here, apart from denial and the DW1's interested testimony, the defence has not produced material to rebut the presumption that arises (discussed more fully in the findings below).

97. A few minor contradictions pointed out by the defence – such as whether an ice slab was present under the body, or the non-mention of the Delhi stay in initial police statements – do not go to the root of the prosecution case. They do not undermine the consistent narrative that the deceased was subjected to dowry harassment. No evidence was presented to suggest any other plausible cause for discord or death (e.g., an extramarital issue, illness, etc.). The suggestion that since the families were related, dowry demand is implausible is rejected outright – unfortunately, dowry practices cut across relations and social strata, and being related is no guarantee that illegal demands will not be made. In fact, PW3 admitted the pre-existing relation, which, if anything, shows the candidness of prosecution witnesses rather than any concoction.

98. In sum, the defence version fails to cast a reasonable doubt on the prosecution's case. The Court finds that the testimony of DW1 is not sufficient to disbelieve the clear, cogent, and corroborative evidence of PW2, PW3, and PW4. The accused persons' mere denial cannot stand in the face of the positive evidence against them, especially when they offer no convincing alternative explanation for the death.

Findings



99. Having analysed the evidence, the Court now proceeds to determine the points framed above, in light of the legal provisions and precedents. Before addressing each point, it is apposite to recall the relevant legal framework:

100. Section 498A IPC punishes a husband or his relative who subjects a woman to “cruelty.” Explanation (b) to the section explicates “cruelty” to include harassment of a woman with a view to coercing her or her relatives to meet any unlawful demand for property or valuable security. Demands for dowry (either before or after marriage) squarely fall within this definition of cruelty (Please see Hon’ble Supreme Court’s case - [Smt. Shanti And Anr vs State Of Haryana on 13 November, 1990: 1991 AIR 1226](#)).

101. Section 304B IPC defines “dowry death.” The ingredients of Section 304B, in brief, are: (1) the death of a woman is caused by burns, bodily injury, or occurs otherwise than under normal circumstances; (2) within seven years of her marriage; (3) and it is shown that soon before her death she was subjected to cruelty or harassment by her husband or any relative of her husband; (4) such cruelty or harassment was in connection with the demand for dowry. If these elements are proved, the death is called “dowry death”, and by legal fiction, the husband or relative is deemed to have caused her death. The term “dowry” in this context has the same meaning as in Section 2 of the Dowry Prohibition Act, i.e., any property or valuable security given or agreed to be given in connection with the marriage, either at the time of marriage or before/after, directly or indirectly.

102. Section 113B of the Indian Evidence Act, 1872, provides a critical presumption applicable to dowry death trials. It states that when the question is whether a person has committed the dowry death of a woman and it is shown that soon before her death she was 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.” This is a mandatory presumption of law (as signified by the words “shall presume”), which arises once the prosecution proves the foundational facts mentioned in Section 304B IPC. It shifts the onus to the accused to rebut the presumption of guilt by proving otherwise. However, the presumption is rebuttable – the accused can escape its effect by leading credible evidence that the death was accidental or unrelated to dowry harassment. If they fail to do so, the presumption alone can sustain a conviction.

103. Sections 3 and 4 of the Dowry Prohibition Act, 1961: Section 3 makes both the giving and taking of dowry a criminal offence, punishable with a minimum of five years’ imprisonment and a fine of ₹15,000 or the value of dowry given, whichever is higher. Section 4 makes it an offence to demand dowry (directly or indirectly from the parents or relatives of a bride or bridegroom), punishable with imprisonment up to two years and a fine of up to ₹10,000. Notably, even a demand for dowry after the marriage (e.g., asking the bride’s family for money or gifts post-wedding) is covered under



Section 4 and is illegal. In the context of a dowry-death case, if it is proved that the accused indeed demanded dowry and accepted dowry, separate convictions under these sections may be recorded in addition to IPC offences.

With these provisions in mind, the Court now returns to the specific points:

Point 1: Dowry Death (Section 304B IPC)

104. Determination: The death of Ruchi was unquestionably “otherwise than under normal circumstances” and occurred within 7 years of her marriage. The evidence overwhelmingly shows she was subjected to cruelty/harassment by the accused soon before she died in connection with dowry demands. Therefore, all ingredients of Section 304B IPC stand satisfied, and the Court finds that the deceased’s demise was a dowry death within the meaning of the law. Consequently, by operation of the statutory presumption under Section 113B of the Evidence Act, it is presumed that the accused persons caused her dowry death. The accused have failed to rebut this presumption with any credible evidence; hence, the presumption, coupled with direct evidence of harassment, solidifies their culpability under Section 304B IPC.

Reasons:

105. Marriage within 7 Years & Unnatural Death: It is undisputed that Ruchi was married to the accused Nitish in April 2018. Her death on 08.08.2020 falls well within seven years of marriage (approximately 2 years and 4 months after marriage). The manner of her death was clearly unnatural. The medical evidence (PW5) ruled out natural causes and indicated asphyxial death by hanging. Under Section 304B, it is immaterial whether the death was homicidal, suicidal, or accidental, so long as it was not due to natural causes. The Supreme Court has emphasised in *Satbir Singh* (supra) that Section 304B “does not take a pigeonhole approach in categorising death as homicidal or suicidal or accidental,” because any death occurring in circumstances other than normal qualifies, provided the other ingredients are met. In the case of *Smt. Shanti* (supra), the Apex Court observed that even if a case appears to be a suicide, it is still an “unnatural death” attracting Section 304B, so long as dowry-related cruelty is proven. Therefore, whether Ruchi died by suicide due to hanging or was killed and hanged is of no consequence for the applicability of Section 304B IPC – by all accounts, her death was not normal, satisfying the first ingredient of dowry death.

106. Cruelty/Harassment “Soon Before” Death: The evidence of PW2, PW3, and PW4 establishes that the deceased was subjected to persistent cruelty and harassment by all accused in connection with dowry, and that this continued till very shortly before her death. The phrase “soon before her death” in Section 304B has been the subject of judicial interpretation. It does



not imply an immediate proximity in terms of hours or days, but rather a factual connection between the harassment and the death. In [Kans Raj vs State Of Punjab & Ors on 26 April, 2000: AIR 2000 SUPREME COURT 2324](#), the Hon'ble Supreme Court held that "the term 'soon before' is a relative term; it would depend on the facts of each case, and no straitjacket formula can be laid down. The prosecution must show a proximate and live link between the dowry-related harassment and the death, and if the incidents are not too remote in time, the requirement is satisfied.". Here, the evidence shows that just five days before the death, during Raksha Bandhan (around 3rd August 2020), the deceased had complained to her mother (PW3) and brother (PW2) about the ongoing harassment and the specific demand of ₹1,00,000 by the accused. This was an ongoing situation, not a one-off event. The death occurred on 8th August 2020 – merely a few days after the last reported incident of harassment. This clearly constitutes "soon before" her death. The proximity in time and continuity of demand form a direct chain of cause and effect. The cruel conduct had not become "stale" or disconnected from the death; rather, it was continuous up to the eve of the tragedy. As the Hon'ble Supreme Court underscored in Satbir Singh (supra), courts must assess "the factum of cruelty or harassment in the light of the 'proximate and live link' between such cruelty and the death," and the demand and abuse should not be too remote. In the present case, that live link is firmly established by the evidence.

107. Demand for Dowry: It is incontrovertible that the harassment of the deceased was in connection with the demand for dowry. The accused complained she had brought "less dowry" and pressed for an additional ₹1 lakh. This sum was not for any mundane expense but was explicitly tied to their expectation from the marriage. The demand was monetary, directly made to the bride and communicated to her family – thus falling squarely within the definition of dowry (property demanded in relation to marriage). In [Bachni Devi & Anr vs State Of Haryana Th. Secy. Home Dep on 8 February, 2011: AIR 2011 SUPREME COURT 1098](#), Hon'ble Supreme Court held that the term 'dowry' must be understood comprehensively as "any property or valuable security, whether given or demanded, directly or indirectly, in connection with the marriage". The accused persons' insistence on a cash payment after the wedding, citing insufficient dowry, clearly qualifies. The evidence of PW2 and PW3 on this point was consistent and was not seriously disputed in their cross-examinations – the defence never contested explicitly that no such monetary demand was made; they issued a blanket denial. Given the plausibility and consistency of the prosecution's story, the Court accepts that the accused did make a dowry demand and harassed the deceased because of it.

108. Role of Each Accused: The evidence indicates the collective involvement of all three accused in the dowry harassment. PW2 and PW3 both stated that "Munni Devi, Sintu and Nitish" all demanded the money and mistreated Ruchi. This is also reflected in the FIR and their statements. It



is often seen in dowry cases that the husband, backed by his family, puts pressure on the bride for more dowry. Here, Munni Devi (being the mother-in-law) and Sintu (the younger brother-in-law) appear to have supported or instigated Nitish in the unlawful demands. All of them are therefore liable as perpetrators of the cruelty that led to the dowry death. The law does not distinguish primary or secondary offenders in Section 304B – any husband or relative who was a perpetrator of the cruelty “soon before death” is deemed to have caused the death. This is consistent with the wording of Section 304B, which speaks of “husband or such relative” in plural, and with illustration from Smt. Shanti (supra), where even relatives (in that case, the mother-in-law) were convicted for dowry death along with the husband. In the present case, there is no evidence exonerating any of the three; the presumption under Evidence Act 113B applies to all of them, and none has rebutted it. In fact, the witness honestly exonerated the father-in-law of the deceased, indicating that they were not inclined to implicate all in-laws. Hon’ble the Supreme Court in [Bansi Lal vs State Of Haryana on 14 January, 2011: AIR 2011 SUPREME COURT 691](#) observed that once the prosecution establishes the basic facts of cruelty for dowry and an unnatural death, the presumption under Section 113B must be applied, and each accused has to explain their innocence. Here, none of the accused offered any convincing explanation; hence, all three are deemed to have caused the dowry death by their acts of omission and commission.

109. Rebuttal of Presumption: With the prosecution thus establishing a prima facie dowry death scenario, Section 113B mandated this Court to presume that the accused caused the dowry death. This presumption is, of course, rebuttable. The Court allowed the accused to rebut it. However, the accused have failed to rebut the presumption. They presented no evidence to show an alternative cause of death unconnected with dowry. They did not, for instance, prove that the deceased had any suicidal tendencies, illness, or other provocation. Their defence that “she lived separately and was happy” is hollow and directly contradicted by the prosecution's evidence. The solitary defence witness (DW1) did not shed light on the mental state of the deceased or any event that could break the chain between the cruelty and the death. In fact, the defence did not even dispute that the death was a hanging; they merely argued it could be suicide, but even a suicide in such circumstances does not absolve the accused if their cruelty drove it. As the Supreme Court observed in Satbir Singh (supra), courts must be cautious in recording the rebuttal of the accused and not accept vague or casual explanations in dowry death cases. Here, the explanations were indeed vague and unsubstantiated. Therefore, the statutory presumption stands firm, and it leads to the logical conclusion that the accused, by their conduct, are responsible for the death of Ruchi.

110. For the foregoing reasons, Point 1 is answered in the affirmative. This Court finds that Smt. Ruchi’s death was a dowry death within the meaning of Section 304B IPC. All three accused – Nitish Kumar (husband), Munni



Devi (mother-in-law), and Sintu @ Rohit Dubey (brother-in-law) – are held guilty of causing her dowry death.

Point 2: Cruelty (Section 498A IPC)

111. Determination: The evidence demonstrates beyond a reasonable doubt that the deceased was subjected to “cruelty” by the accused in connection with dowry demands. The conduct of the accused – repeated physical assaults, harassment, and unlawful demands for money – squarely meets the definition of cruelty under Section 498A IPC (especially Explanation (b) concerning harassment for dowry). Accordingly, all the accused are liable to be convicted under Section 498A IPC as well.

Reasons:

112. Direct Evidence of Cruelty: PW2, PW3, and PW4 gave direct accounts of the ill-treatment suffered by Ruchi. They spoke of her being beaten and tormented by the accused for not bringing enough dowry, and being incessantly pressured to obtain ₹1,00,000 from her parents. This mental and physical harassment clearly caused her immense anguish (she was seen crying and in fear). Such treatment amounts to both physical cruelty and mental cruelty. It fits the legal definition since it was harassment with the objective of coercing her and her family to meet an unlawful demand (dowry). The Hon’ble Supreme Court in Smt. Shanti (Supra) held that Section 498A and 304B are distinct offences – cruelty can be punished independently even if it culminates in dowry death, and they are not mutually exclusive. Here, the fact that the cruelty culminated in death does not erase the intermediate offence under 498A; rather, it strengthens it. All ingredients of Section 498A are present: (a) Ruchi was the legally wedded wife of accused Nitish and the daughter-in-law of accused Munni Devi, and sister-in-law of accused Sintu; (b) these accused are within the category of persons (husband or his relatives) who can be charged; (c) their conduct caused grave suffering to Ruchi and was aimed at forcing her to give up property (dowry money). This is precisely the mischief Section 498A intends to punish.

113. No Justification or Provocation: The defence did not provide any lawful justification for the accused’s conduct. Demanding money because one feels the dowry was “inadequate” is patently unlawful. There is no suggestion that the accused’s acts were minor disciplinary issues or isolated domestic disputes unrelated to dowry. The cruelty here was systemic and purpose-driven (to extract money). Hence, the offence under Section 498A is clearly made out.

114. All Accused Involved: The evidence implicates each accused in the acts of cruelty. Nitish, as husband, was primarily responsible for beating and threatening his wife. Munni Devi, as the mother-in-law, likely instigated or directly harassed the deceased (often, mothers-in-law are implicated as the ones who taunt the bride for bringing insufficient gifts). Sintu, as the



brother-in-law living in the household, also participated – perhaps by supporting the others and mistreating the deceased (PW2 specifically named him among those demanding money). In dowry harassment cases, Hon’ble the Supreme Court in the case of Satbir Singh (supra) has indeed cautioned that sometimes distant relatives are falsely roped in due to general allegations. However, in this case, the involvement of each accused is specific and supported by evidence – they all lived in the same house during lockdown, and witnesses heard the deceased name all three as her tormentors. Thus, this is not a case of vague omnibus accusation; it is a case of joint wrongdoing by the core family members except father-in-law. The caution from Satbir Singh’s case about over-implication of relatives does not come to the rescue of the accused here, because evidence distinguishes their individual roles (they are immediate family, not distant relatives, and had day-to-day interaction with the victim).

115. Overlap with Dowry Death: It is worth noting the legal position that when an accused is convicted for dowry death (304B), which inherently includes the element of dowry-related cruelty, a separate conviction under 498A for the same acts is permissible, though not mandatory. Hon’ble the Supreme Court in Smt. Shanti (supra) held that both convictions can stand since they address different facets – 304B punishes the result (death) and 498A punishes the antecedent cruelty. In the present case, this Court finds it appropriate to record a conviction under Section 498A IPC in addition to Section 304B, because the cruelty inflicted on Ruchi is a distinct offence in itself. The prosecution led evidence of specific acts of cruelty (beating, abuse, demands) which caused her severe trauma during her life. Justice demands that this wrongdoing be formally recognised. However, at the stage of sentencing, the Court will consider the entirety of the offences and avoid any duplication in punishment, as guided by Shanti and subsequent cases.

116. Therefore, Point 2 is answered in the affirmative. The acts of the accused constituted cruelty as defined in Section 498A IPC. All three accused are found guilty under Section 498A IPC.

Point 3: Offences under the Dowry Prohibition Act (Sections 3 & 4 D.P. Act)

117. Determination: The facts proved also attract the provisions of the Dowry Prohibition Act. The accused took dowry at the time of the marriage of Nitish and Ruchi (Section 3) and thereafter demanded additional dowry of ₹1,00,000 (Section 4). These acts are independently unlawful under the D.P. Act. The evidence, especially the testimony of the victim’s family, establishes that some dowry (in the form of gifts, cash, etc.) was given and accepted by the accused at marriage, and that later the accused demanded further cash. Thus, the accused are liable for punishment under Sections 3 and 4 of the D.P. Act.

Reasons:



118. Proof of Dowry Given/Taken: Although the prosecution did not enumerate the exact dowry items given during the marriage in detail, it is implicit from the evidence that a dowry arrangement existed. PW2 mentioned that the marriage was arranged after assessing the groom's family situation – typically, this involves negotiation of dowry or gifts. The very complaint of “less dowry” by the accused indicates that they did receive certain dowry but found it insufficient. It is common in our society that dowry may include cash, jewellery, a vehicle, or household items given to the groom's side. The Court can reasonably infer that at least some customary dowry was given by PW3 (the bride's mother) to accused Nitish and his family at the time of the marriage. Accused Munni Devi, being the elder in the family, would have accepted those gifts. Since the accused considered it inadequate, they cannot now dispute that dowry was indeed given. Therefore, the act of taking dowry at the marriage is established, and it contravenes Section 3 of the D.P. Act, which criminalises the giving or taking of dowry. (While technically the giver is also liable, the law and courts have generally exempted the victim's side from prosecution, treating them as victims of coercion. Here, we are concerned with the takers – the accused.)

119. Proof of Demand after Marriage: The demand of ₹1,00,000 by the accused is clearly a demand for dowry after the marriage. Section 4 of the D.P. Act squarely covers this scenario. The language of Section 4 is broad: any demand for dowry (no matter when made, so long as it relates to marriage) is punishable. The evidence from PW2 and PW3 is direct on this point – the accused repeatedly demanded ₹1 lakh from the bride's family, as an additional dowry. The demand was made to the deceased (and through her, to her family) with the implicit threat of mistreatment if not fulfilled. Such conduct is the very evil the D.P. Act seeks to curb. It is immaterial that the demand was not fulfilled; the offence lies in the demanding itself. Therefore, all accused, having collectively made this demand, are guilty under Section 4 of the D.P. Act.

120. Connection to IPC Offences: The same acts constitute the basis for both IPC charges and D.P. Act charges. There is no legal bar to convicting the accused under the D.P. Act in addition to IPC, since the D.P. Act offences are separate and focus on the act of dowry exchange/demand per se. For instance, even if the tragic death had not occurred, the accused could still be prosecuted under Section 4 D.P. Act for asking for ₹1 lakh. As the evidence proved these acts, the Court must give effect to the legislative intent by recording convictions under the special law as well.

121. One caveat: Section 3 punishes both giving and taking of dowry. Technically, PW3 (mother of the bride), by giving dowry at marriage, also committed an offence. However, she obviously did so under social compulsion, and her act is not immune from prosecution. Still, she has not been made an accomplice and prosecuted. The focus of the trial here is on



the takers – the accused – who had no compulsion and were motivated by greed. Holding them accountable under Section 3 D.P. Act serves the interest of justice, as it brands their very acceptance of dowry as criminal.

Consequently, Point 3 is answered in the affirmative. The accused are found to have violated Sections 3 and 4 of the Dowry Prohibition Act, 1961.

122. In view of the findings on Points 1, 2 and 3, this Court concludes that the prosecution has succeeded in proving beyond a reasonable doubt that the deceased Ruchi was subjected to cruelty and harassment by the accused for dowry, that she died an unnatural death within seven years of marriage, and that her death amounts to a dowry death caused by the accused. The accused Nitish Kumar, Munni Devi, and Sintu Dubey are thus convicted for offences punishable under Sections 498A IPC, 304B IPC, and Sections 3 & 4 of the Dowry Prohibition Act.

Order

123. Conviction: For the reasons detailed above, this Court finds and holds that the accused (1) Nitish Kumar, (2) Smt. Munni Devi, and (3) Sintu @ Rohit Dubey are guilty of the following offences:

Section 498A, Indian Penal Code – for subjecting the deceased Ruchi to cruelty and harassment in connection with their unlawful dowry demands.

Section 304B, Indian Penal Code – for causing the dowry death of Smt. Ruchi, within seven years of marriage, the death having been the culmination of cruelty/harassment for dowry, occurred soon before her demise.

Section 3, Dowry Prohibition Act, 1961 – for taking dowry at the time of Ruchi's marriage (an offence committed by the accused as recipients of dowry).

Section 4, Dowry Prohibition Act, 1961 – for demanding dowry (₹1,00,000) after the marriage from the deceased and her family.

All three accused are accordingly convicted on all counts.

Put up on 9th September, 2025, for hearing on quantum of punishment.

(Chandroday Kumar)

Sessions Judge, Kannauj.

Dated: 8th September, 2025.

9 September, 2025

124. Sentencing Hearing: (At this stage, the learned counsel for the convicts and the learned prosecutor were heard on the question of sentence.



The convicts prayed for mercy, submitting that they are first-time offenders and have family dependents. The accused, Munni Devi, is said to be around 70 years old and pleaded for leniency on the grounds of age and health. The defence also argued that the death might have been a suicide in a moment of despair, and thus the Court should award only the minimum sentence. The prosecution, on the other hand, stressed the gravity of the offence, pointing out that a young woman lost her life due to the avarice of the accused, and that such offences are rampant in society. The prosecutor urged the Court to impose a stern sentence (even up to life imprisonment) to send a strong message against the evil of dowry. The rival submissions have been considered.)

125. Quantum of Sentence: Dowry death is an offence that shocks the social conscience. A young life was lost, and a child was orphaned because the accused valued money more than a human life. This Court must impose a sentence that not only punishes the culprits suitably but also acts as a deterrent. Under Section 304B IPC, the law prescribes a minimum punishment of 7 years' imprisonment, which may extend to imprisonment for life. The legislature, in prescribing a severe sentence, reflected the strong condemnation of society for this crime. However, Hon'ble the Supreme Court in [Hem Chand vs State Of Haryana on 6 October, 1994: AIR 1995 SUPREME COURT 120](#) has guided that the extreme penalty of life imprisonment should be reserved for the rare cases – not every conviction under Section 304B must result in life. Courts should calibrate the punishment based on the circumstances. While awarding punishment for dowry death, if the case does not fall in the category of the most heinous (for instance, where there is no direct evidence of a cold-blooded murder and the death might be a suicide under duress), sentencing judges may consider imposing a term of years rather than life.

126. In the present case, the manner of death, as per the medical evidence, is hanging. There is no conclusive proof that the accused manually strangled the victim (although the complainant alleged strangulation, the forensic findings lean towards suicide by hanging). This distinction is essential in assessing the culpability – if it were a clearly proven murder for dowry, that would warrant the maximum. Here, it appears the deceased was driven to the desperate act of ending her life (or was placed in such a situation) by the unrelenting cruelty of the accused. Such an offence is undoubtedly heinous, but it might not be in the rarest of rare category that mandates a life term. That said, the facts also reveal a high degree of callousness: the victim was a young mother (her child was just 1½ years old), and the accused showed no remorse either during the incident (failing even to inform the police or help – instead they fled the scene as per evidence) or during trial (persisting in denial). The court also notes that the accused coordinated together in the demand and harassment, which suggests a premeditated and collective ill-will towards the bride. The evil of dowry has claimed yet another victim in this case, and despite decades of judicial alarms, it persists. As observed by



the Supreme Court in Satbir Singh (supra), courts must be extremely sensitive and proactive in dowry death cases to ensure the offenders do not escape the consequences and to uphold the intended rigour of the law.

127. Balancing these factors, the Court is of the view that a punishment more severe than the bare minimum is merited. However, a life term may be excessive in the particular factual matrix (given the lack of direct proof of pre-planned murder). In terms of Section 498A IPC, the maximum punishment is 3 years. Sections 3 and 4 of the D.P. Act carry a minimum of 5 years and up to 2 years, respectively. However, since the gravest offence here is 304B IPC, the focus will be on ensuring a substantial sentence for that count, with other sentences configured to run concurrently.

Accordingly, the Court imposes the following sentences on each of the convicted accused:

For the conviction under Section 304B IPC (Dowry Death): Each of the accused is sentenced to ten (10) years of imprisonment.

For the conviction under Section 498A IPC (Cruelty): Each of the accused is sentenced to two (2) years of imprisonment and ₹5,000/- (five thousand rupees) each. (In default of fine, the defaulter shall undergo imprisonment for one month.)

For the conviction under Section 3 of the D.P. Act (Taking dowry): Each accused is sentenced to five (5) years of imprisonment and a fine of ₹25,000/- (twenty-five rupees) each. In default of payment of fine, the defaulter shall undergo imprisonment for a further six months.)

For the conviction under Section 4 of the D.P. Act (Demanding dowry): Each accused is sentenced to two (2) years of imprisonment and a fine of ₹10,000/- (ten thousand rupees) each. (In default of fine, the defaulter shall undergo imprisonment for three months.)

128. Concurrency of Sentences: All the sentences of imprisonment shall run concurrently. The rationale for concurrency is that the offences arose from the same transaction and course of conduct. The punishment of 10 years' imprisonment adequately encompasses the overall culpability. The fines imposed under the D.P. Act are, however, cumulative and should be paid separately by each accused (a total of ₹40,000 by each indicted).

129. The convicts shall also be entitled to set-off under Section 428 Cr.P.C. for any period of detention already undergone during the investigation and trial in connection with this case.

130. Final Order: In conclusion, the three convicts, Nitish Kumar, Smt. Munni Devi and Sintu @ Rohit Dubey are hereby sentenced as above. The sentences are deemed to be sufficient but not excessive, considering the need to deter such offences and the circumstances of the case. Dowry-related



violence is a scourge that this Court strongly denounces. No young woman should lose her life for want of money to satisfy a greedy spouse or in-laws.

131. Let a copy of this judgment be given to each convict free of cost forthwith, and one copy be forwarded to the District Magistrate, Kannauj, for compliance as per Section 365 Cr.P.C.

Judgment signed, dated and pronounced in open court on 9th September, 2025.

(Chandroday Kumar)

Sessions Judge, Kannauj.

Dated: 9th September, 2025