



* IN THE HIGH COURT OF DELHI AT NEW DELHI

Reserved on: 1st September, 2025
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+ **CRL.A.382/2018**

YOGESH KUMAR & ORS

.....Petitioners

Through: Mr. R.N. Sharma, Mr. Salabh
Bhardwaj, Mr. Rahul Sharma, Ms.
Nivedita Pandas, Mr. Pranav Dixit,
OmKumar, Advocates

versus

THE STATE (N.C.T OF DELHI)

.....Respondent

Through: Mr. Ajay Vikram Singh, APP. SI
Ramanuj, P.S. Nangloi.

+ **CRL.A. 413/2018**

VIKAS KUMAR

.....Petitioner

Through: Mr. R.N. Sharma, Mr. Salabh
Bhardwaj, Mr. Rahul Sharma, Ms.
Nivedita Pandas, Mr. Pranav Dixit,
Om Kumar, Advocates for Yogesh
Kumar

versus

THE STATE (GOVT OF NCT OF DELHI)

....Respondent

Through: Mr. Ajay Vikram Singh, APP. SI
Ramanuj, P.S. Nangloi.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

JUDGMENT

SANJEEV NARULA, J.:

1. The appellants assail their conviction and sentence under Sections



304B and 498A of the Indian Penal Code, 1860,¹ arising out of the death of Bharti, wife of appellant Vikas Kumar. Appellant Yogesh Kumar is Vikas's elder brother (jeth) and appellant Swati @ Savita is Yogesh's wife (jethani). Bharti died by suicide at her parental home within seven years of her marriage. The prosecution alleges that, in the period leading up to her death, she was subjected to cruelty and harassment for dowry by all three appellants, thereby attracting the offence of "dowry death" in law. The appellants, deny any demand for dowry, dowry-related cruelty or any form of cruelty and maintain that Bharti's suicide was the result of other unfortunate circumstances unconnected with dowry, which, according to them, takes the case outside the ambit of Section 304B IPC.

2. Since both appeals arise from the same trial, challenge the same judgment and order on sentence, proceed on a common body of evidence and raise overlapping grounds, it is appropriate to decide them together by this common judgment.

FACTUAL BACKGROUND

3. The complainant, Bharti's father, alleged that between 28th November, 2004 and 13th June, 2005 all three appellants, acting in furtherance of their common intention, subjected Bharti to cruelty and harassment by making unlawful demands for dowry, thereby committing an offence under Section 498A read with Section 34 IPC. It is further alleged that the dowry articles, which had been entrusted to the accused at the time of marriage, were not returned despite demand by the complainant, thus attracting an offence under Section 406 read with Section 34 IPC. According to the prosecution, Bharti was harassed in her matrimonial home on account

¹ "IPC"



of dowry, including during a visit by her parents in January 2005 and again on 10th June, 2005, when they accompanied her to the matrimonial house but the in-laws allegedly refused to keep her unless the demands were met. This conduct is said to have continued up to 13th June, 2005, when Vikas Kumar allegedly reiterated the demand over the telephone. Taken together, this pattern of harassment, it is asserted, constitutes dowry-related cruelty “soon before her death” and to have driven Bharti to commit suicide at her parental home on 14th June, 2005, thereby attracting the offence of “dowry death” punishable under Section 304B read with Section 34 IPC in addition to the other charges.

Prosecution evidence

4. The prosecution examined 25 witnesses in support of its case. These can broadly be grouped into four sets: (i) medical and forensic witnesses, (ii) police and official witnesses, (iii) the family members of the deceased, and (iv) other public witnesses. The medical evidence consists of the post-mortem doctor (PW-9) and the subsequent opinion regarding the ligature material. Their testimony establishes that Bharti, aged about 22 years, died an unnatural death by hanging and rules out natural causes. The forensic handwriting expert (PW-25) opined that the suicide note Ex. P-2 was in Bharti’s hand. The police and official witnesses (PW-1, PW-4, PW-5, PW-10 to PW-12, PW-14, PW-17, PW-19, PW-20, PW-23 and PW-24), including the then SDM Punjabi Bagh (PW-18), speak about the registration of the FIR, inquest and post-mortem proceedings, recovery and sealing of the suicide note, seizure of the chunni, diaries and alleged dowry articles, and the steps taken during investigation. Their evidence is essentially formal and is not in dispute, except to the limited extent highlighted in the



arguments.

5. The core of the prosecution case rests on the evidence of Bharti's family: her father Ved Prakash (PW-2), grandfather Daya Ram (PW-3), mother Raj Dulari (PW-8), paternal aunt Leelawati (PW-21) and brother Vikas Vats (PW-22). Through them, the prosecution sought to establish the alleged dowry demands, the cruelty said to have been inflicted on Bharti, and the sequence of events culminating in her suicide on 14th June, 2005. The remaining public witnesses, including neighbours Sant Ram (PW-6) and Pandit Radhey Shyam (PW-7), are concerned principally with seizure of articles and the immediate aftermath of the incident.

6. After the prosecution evidence was closed, the appellants were examined under Section 313 of the Code of Criminal Procedure, 1973.² They denied all incriminating material put to them, repudiated the allegations of dowry demand and cruelty, and asserted that they had been falsely implicated. They maintained that Bharti's death was a case of suicide arising out of reasons unconnected with any alleged dowry demand.

7. On an appraisal of the oral and documentary evidence, the Trial Court, by judgment dated 20th March, 2018, held all three appellants guilty of offences under Sections 498A and 304B read with Section 34 IPC but acquitted them of the charge under Section 406 IPC. By a separate order dated 27th March, 2018, it imposed the corresponding sentences.

APPELLANTS' SUBMISSIONS

8. Mr R.N. Sharma, counsel for the appellants, assails the impugned judgment of conviction and the order on sentence on the following grounds:

8.1 The impugned judgment is contrary to the evidence on record and



settled criminal law principles. It suffers from serious factual and legal infirmities, and on a correct appreciation of the material, the appellants deserve acquittal.

8.2 The Trial Court ignored the presumption of innocence and the requirement of proof beyond reasonable doubt, and convicted the appellants on conjecture rather than credible evidence.

8.3 Serious infirmities in the prosecution case, such as contradictions, material omissions, improvements, and alleged investigative manipulations, were overlooked, rendering the judgment unsustainable.

8.4 There is no reliable evidence that the appellants subjected the deceased to dowry-related harassment. The prosecution's attempt to attribute cruelty is speculative. The Trial Court relied selectively on examination-in-chief and failed to properly consider the cross-examinations.

8.5 The alleged suicide note (Ex. P-2) contains only vague, omnibus allegations, without imputing any specific dowry demand or "soon before death" harassment to the appellants. If such generality was sufficient, the Trial Court was required to explain why similarly-placed family members named in the note were not convicted. Early statements of PW-2 and PW-8 (including the SDM statements and Ex. PW-11/X, reply to the PCR officials) contain no dowry allegations; the detailed version first appears in their 161 Cr.P.C. statements, indicating improvement and tutoring.

8.6 PW-2, PW-3, PW-8, PW-21 and PW-22 admitted in cross-examination that no demand for cash or vehicle was made prior to or at the time of marriage. In this background, the prosecution's claim that the appellants suddenly made aggressive demands after marriage is inherently

² "Cr.P.C."



improbable.

8.7 The Trial Court ignored the admitted alternative cause for suicide. PW-2, PW-3 and PW-8 accepted that the deceased was disturbed by the husband's alleged affair and the non-consummation of marriage. Ex. P-2 itself reflects this distress; the passing reference to a "bigger car" is frustration, not a sustained dowry demand "soon before" death.

8.8 All material witnesses were confronted with their earlier statements, where the present detailed dowry narrative does not appear. The alleged demands on 17th May, 2005 and 13th June, 2005, are contradicted by PW-22, who categorically denied any dowry demand in his presence. No call detail records were produced to support the alleged telephonic conversation on 13th June, 2005. These aspects were ignored by the Trial Court.

8.9 No independent neighbour from the matrimonial home was examined. Statement of PW-21 statement was recorded after nearly two months without explanation. These factors erode the prosecution's credibility.

8.10 PW-2 Ved Prakash, a Delhi Police Head Constable, lodged no contemporaneous complaint despite alleging sustained dowry harassment, undermining the prosecution story and supporting the alternative narrative of marital discord due to the husband's alleged affair and non-consummation. His claim of agreeing to pay ₹3-4 lakhs from "land compensation" is also belied by PW-3's admission that he owned no land, rendering the alleged demand inherently doubtful.

8.11 The cross-examination of PW-2 Ved Prakash substantially weakens the prosecution case. PW-2 admitted, *inter alia*, that no dowry articles including any vehicle or cash were ever demanded from him. He had told the SDM there was no demand of dowry prior to marriage and he came to



know immediately after the marriage about the husband's alleged love affair. He further stated that he never personally enquired from the accused whether they had actually made any dowry demand through his daughter. He also admitted that he could not say whether the marriage had even been consummated. He conceded that several specific allegations now made against individual in-laws do not figure in his earlier statement Ex. PW-2/A or his police statement. He further admitted that during the month-long stay of the deceased at her parental home no relative or mediator was approached and no complaint was lodged regarding dowry demands. These admissions, omissions, contradictions and improvements elicited in cross-examination have been ignored by the Trial Court.

8.12 PW-3 Daya Ram admitted that there was no pre-marriage demand for any vehicle or cash, and that the deceased became depressed after learning of Vikas's alleged affairs. PW-8 Raj Dulari stated that no enquiry was made from her by the SDM or police on the day of the incident and that whatever was given at the wedding was voluntary. She also accepted, when shown the diary entries (Ex. PW-2/DA to DE), that the deceased had called her marriage "only a label". These admissions, along with the absence of any earlier dowry allegation, support the defence case that the deceased's distress arose from the husband's alleged affair and the non-consummation of the marriage, not dowry harassment.

8.13 The accounts of PW-2, PW-3, PW-8 and PW-21 about a visit to the matrimonial home on 10th June, 2005, are mutually inconsistent and do not appear in their earliest statements, suggesting that this episode was later introduced to satisfy the "soon before death" requirement of Section 304B IPC. PW-21 also stated that she questioned Jayawanti about Vikas's alleged



affairs, and Jayawanti admitted she had advised him to be loyal but he did not listen. This supports the alternative narrative that the real strain in the marriage stemmed from the husband's alleged extra-marital affairs, later projected as a dowry dispute.

8.14. PW-22, the deceased's brother, admitted that no accused ever made a dowry demand in his presence and that no such demand was made when Vikas left the deceased at their home. This directly contradicts PW-2 and PW-8 and weakens the prosecution's case.

8.15. As regards Yogesh and Swati, there are no clear, specific or proximate allegations of any particular act of dowry demand or dowry-related cruelty referable to either of them, the material being confined to omnibus references to "in-laws" without particulars of date, place, amount or role. Their alleged participation in any demand for a car or cash appears for the first time in later statements and in examination-in-chief, and is absent from the earliest versions, amounting to material improvements and over-implication of relatives merely due to their status as jeth and jethani. There is no evidence that Yogesh and Swati shared any common intention with Vikas or acted in concert so as to attract Section 34 IPC, nor is there any independent material establishing "cruelty" within the meaning of Section 498A IPC against them.

8.16 Taken together, these admissions, omissions, contradictions and improvements, show that the prosecution has failed to prove a consistent or credible case of dowry demand or dowry-related cruelty, let alone "soon before death". The Trial Court erred in relying only on examination-in-chief while ignoring decisive cross-examination.

8.17 Accordingly, the ingredients of Sections 498A, 406 and 304B IPC are



not established against any appellant and the conviction and sentence cannot be sustained.

STATE'S SUBMISSIONS

9. On the other hand, Mr. Ajay Vikram Singh, APP for the State, supports the conviction and sentence and submits as follows:

9.1 All ingredients of Section 304B IPC stand satisfied: the deceased committed suicide within seven years of marriage; her family consistently spoke of demands for a Santro/bigger car and cash; and her suicide note and diary reflect financial expectations and marital discord. These foundational facts trigger the presumption under Section 113B of the Indian Evidence Act,³ which the appellants have not rebutted.

9.2 The defence has attempted to project the husband's alleged love affair and non-consummation of marriage as an "alternative" and exclusive cause for the suicide. This is a false dichotomy. Human conduct is complex and more than one factor can operate together. The fact that the deceased was distressed about her husband's conduct does not exclude, and is in fact compatible with, her simultaneous harassment for dowry. Ex. P-2 itself refers to dowry-related demands and the desire for a bigger car, which cannot be explained away as a mere "frustrated flourish" when read with the oral evidence of her family members.

9.3 The absence of full detail in the earliest SDM or PCR statements is natural for grieving parents. What matters is the overall consistency on the core allegations, dissatisfaction with dowry, demand for a better car and money, and related taunts, which clearly emerges from the cumulative evidence adduced during trial.



9.4 The so-called “improvements” in the testimonies of PW-2, PW-3, PW-8, PW-21 and PW-22 are minor matters of dates, amounts or names, routine embellishments in criminal trials, and do not undermine the core, consistent narrative of dowry-related harassment, which is reinforced by the suicide note and the deceased’s diary.

9.5 The defence reads the testimony of PW-2 selectively. While he agreed there was no pre-marriage demand, he clearly spoke of post-marriage dissatisfaction, demands and taunts. Not confronting the accused personally or filing a complaint, immediately despite being in the police, does not negate what his daughter disclosed. In many such cases, parents hesitate to report, hoping the marriage will be salvaged.

9.6 Reliance on the admissions of PW-22 is misplaced. The prosecution never claimed that demands were made in the brother’s presence. The case rests on what the deceased confided to her parents and elders. Lack of corroboration from every family member does not defeat credible, consistent testimonies supported by the deceased’s own writings.

9.7 The criticism regarding non-examination of neighbours and the timing of PW-21’s statement is also not fatal to the prosecution’s case. Dowry-related cruelty is often domestic, subtle, and confined within the family. Expecting neighbours to depose about intimate dowry disputes is unrealistic. PW-21’s statement, even if recorded later, aligns with the prosecution narrative and reinforces that the matrimonial relationship was strained; the delay by itself does not demolish the case.

9.8 The absence of call detail records for the alleged conversation of 13th June, 2005, is a minor investigative lapse, insufficient to discredit consistent

³ “the Evidence Act”



oral testimony, particularly for an incident from 2005, when call-record retention was not as robust.

9.9 The defence has offered no plausible alternative that breaks the link between dowry harassment and the suicide. The cumulative evidence, unnatural death within seven years, the suicide note and diary, and the statements of the parents and relatives, establishes dowry-related cruelty “soon before” the death. The Trial Court was therefore justified in invoking Section 113B of the Evidence Act, and convicting the appellants under Sections 304B and 498A IPC.

ANALYSIS AND FINDINGS

The statutory scheme

10. These appeals turn primarily on the charge under Section 304B of the IPC. This provision defines “dowry death” and, by a legal fiction, treats the husband or his relative as having caused the death of a woman where it is shown that her death occurred otherwise than under normal circumstances within seven years of marriage, and that, soon before her death, she had been subjected to cruelty or harassment for, or in connection with, a demand for dowry.

11. Section 304B IPC has two distinct consequences once its ingredients are established. First, it confers a specific legal character on the death by designating it as a “dowry death”. Secondly, it stipulates that the husband or relative “shall be deemed to have caused her death”. This deeming clause is material. The prosecution is not required to prove, in the ordinary way, the precise homicidal act or mechanism of causation. If the statutory conditions are met, the law itself attributes causation to the husband or relative. Section 304B therefore operates through a legal fiction on the issue of causation at



the level of the substantive offence.

12. Section 113B of the Evidence Act complements this framework by providing that, once it is established that soon before her death the woman was subjected to such dowry-related cruelty or harassment, the court shall presume that “such person” has caused the dowry death.

13. This framework does not relieve the prosecution of its initial burden. It must first establish, as foundational facts, that (i) the woman died an unnatural or suspicious death; (ii) such death occurred within seven years of marriage; and (iii) she was subjected, soon before her death, to cruelty or harassment for, or in connection with, a demand for dowry by the husband or his relatives. Only when these elements are proved does the law treat the death as a “dowry death” under Section 304B and require the presumption under Section 113B to be drawn, with the evidentiary burden then shifting to the accused to rebut the same.

14. The regime is stringent, but not absolute. The presumption is rebuttable.

15. Suicide is well within the expression “otherwise than under normal circumstances” in Section 304B IPC. Where a married woman takes her own life in such a setting, the law recognises that, although the immediate physical act is hers, legal responsibility for the death may nonetheless lie with those whose continuous and proximate dowry-related cruelty drove her to that point. Section 304B, read with Section 113B of the Evidence Act, embodies this object by classifying such deaths as “dowry deaths” when the statutory conditions are met.

The undisputed facts

16. Bharti was married to appellant Vikas Kumar on 28th November,



2004. Few months later, on 14th June, 2005, well within seven years of the marriage, she died by suicide at her parental home. The medical and investigative evidence attributes her death to hanging and, therefore, to a cause “otherwise than under normal circumstances”. The relationship between the parties is not in dispute. Vikas is the husband and the other appellants are her in-laws. On this material, both the statutory time frame and the requirement under Section 304B that the death occurred otherwise than under normal circumstances, stand satisfied.

The core controversy

17. The real controversy lies in the more exacting requirement of Section 304B IPC: whether the prosecution has proved that Bharti was subjected to cruelty or harassment “soon before her death” for, or in connection with, any demand for dowry, and, if so, by which of the appellants. The State relies on the depositions of her parents and relatives, the suicide note Ex. P-2 and the diary writings to assert that there was dissatisfaction with the dowry and persistent demands for a better car and money. The defence, in contrast, stresses the limited nature of the dowry allegations in the earliest statements, the omissions and admissions emerging in cross-examination, and the material suggesting that Bharti’s primary distress stemmed from the husband’s alleged love affair and the non-consummation of the marriage, rather than from dowry demands.

18. In this backdrop, the first task, in terms of Section 304B IPC read with Section 113B of the Evidence Act, is to see whether, in reasonable proximity to her death, Bharti was subjected to cruelty or harassment in relation to a demand for dowry. That scrutiny must be undertaken separately in relation to the husband and to the other in-laws.



The documentary evidence: suicide note and diary writings

19. The prosecution places reliance on the suicide note Ex. P-2 and certain diary pages (Ex. PW-2/DA to Ex. PW-2/DE) which are in Bharti's handwriting. Their authorship is not in serious dispute. PW-25, the FSL expert, compared the questioned writing on Ex. P-2 with multiple standard writings of Bharti (A-1 to A-48) and opined that they were written by the same hand. PW-2 and PW-8, who were familiar with Bharti's handwriting, also identified it as hers. The defence objection that some of the standard writings supplied to the FSL were photocopies goes to the weight of the opinion, not to the admissibility of the document itself. There is no tenable basis to doubt that Ex. P-2 and the diary entries are Bharti's own writings and, as such, relevant under Section 32 of the Evidence Act as contemporaneous expressions of her state of mind.⁴

20. Ex. P-2, read with the diary pages, discloses that Bharti was deeply unhappy in her matrimonial life. In the suicide note, she records that the in-laws were dissatisfied with the dowry given, that there was an expectation of a "bigger" or better car than the Maruti 800 provided at the time of marriage, and that she was harassed in that context. At the same time, her writings repeatedly describe the marriage as being "only a label" and speak of Vikas's emotional attachment to another woman and the resulting emptiness and non-consummation of the relationship.

21. These writings lend independent support to the prosecution case on two important points. First, they corroborate that Bharti herself associated her suffering not only with Vikas's alleged affair and the hollow state of the

⁴ *Rekha Rani v. State (NCT of Delhi)*, 2023 SCC OnLine Del 6853; *Sharad Birdhi Chand Sarda v. State of Maharashtra*, (1984) 4 SCC 116



marriage, but also with dissatisfaction over the Maruti 800 and expectations of a better car and money. Secondly, they show that these concerns were alive in her mind close to the time of the suicide, and were not a later reconstruction by family members. What they do not do, standing alone, is to set out a dated, self-contained episode of dowry demand or cruelty in the precise temporal window “soon before her death”. They speak to the atmosphere and to Bharti’s perception of continuing pressure, rather than to a particular conversation or incident tied to a specific date.

22. This limitation does not make the writings irrelevant for Section 304B; it simply defines their role. Letters and suicide notes of this nature can furnish important corroborative evidence of dowry-linked harassment and of the deceased’s mental state, but they must still be assessed alongside the oral depositions to determine whether the statutory requirement of “soon before her death” is met as against each accused.

23. The next inquiry, therefore, is whether, when these writings are read together with the oral evidence of PW-2, PW-3, PW-8, PW-21 and PW-22, the prosecution has discharged its threshold burden of proving, in terms of Section 304B and Section 113B of the Evidence Act, that (i) Vikas, and (ii) the other in-laws, subjected Bharti “soon before her death” to cruelty or harassment for, or in connection with, a demand for dowry. It is to that evidentiary re-appraisal that the Court now turns.

Re-appraisal of oral evidence and standard of proof

24. The presumption in Section 113B is attracted against “such person” who is shown, on evidence, to have subjected the woman to dowry-related



cruelty in reasonable temporal proximity to her death.⁵ The ordinary rules in Sections 101 to 103 of the Evidence Act continue to govern the principle of burden of proof. The prosecution must first establish the foundational facts: that the woman died otherwise than under normal circumstances within seven years of marriage, and that, “soon before her death”, she was subjected to cruelty or harassment for, or in connection with, a demand for dowry. Only once these facts are proved does the presumption in Section 113B arise. Even then, the prosecution must still meet the criminal standard of proof “beyond reasonable doubt” under Section 3 of the Evidence Act, while any rebuttal by the accused is tested on a preponderance of probabilities. The presumption cannot be permitted to substitute or dilute the initial requirement of proof; it rests on facts already established and does not create them.

25. It is equally well recognised that in dowry-death prosecutions there is often a tendency to implicate, along with the husband, all available family members.⁶ Appellate courts have repeatedly cautioned that, while the social evil is grave, the criminal law requires scrutiny and proof beyond reasonable doubt, especially where the presumption under Section 113B is sought to be invoked against parents-in-law, siblings and other relatives. It is against this backdrop that the testimonies of the material witnesses shall now be examined, first in relation to Vikas, and then in relation to Yogesh and Swati.

Appellant Vikas Kumar (husband)

PW-2 Ved Prakash (father)

⁵ *Hira Lal v. State (Govt. of NCT of Delhi)*, (2003) 8 SCC 80; *Bajnath v. State of Madhya Pradesh*, (2017) 1 SCC 101).



26. PW-2's evidence, seen across his SDM statement Ex. PW-2/A, his Section 161 Cr.P.C. statement and his deposition in court, shows a progression in detail but a consistent core directed against Vikas. In Ex. PW-2/A, recorded on the day of the incident, he states that soon after the marriage Vikas told Bharti that he had been compelled to marry her despite being in love with another girl. He further states that Vikas later lost his job and thereafter began pressing for a sum of about Rs. 3-4 lakhs so that he could start some work or business. He also refers to Vikas expressing dissatisfaction with the car given in marriage and stating that a Santro car ought to have been brought. PW-2 adds that in May 2005 Vikas left Bharti at the parental home and did not thereafter take her back, and that in the telephone conversation on the evening of 13th June, 2005, Vikas repeated that she should return only if she brought Rs. 3-4 lakhs. According to PW-2, Bharti was visibly distraught after this call and ended her life the next morning.

27. In his Section 161 Cr.P.C. statement, PW-2 reiterates this monetary demand and adds further particulars. He now specifies that in the last week of February 2005 Vikas left Bharti at the parental home and, on that occasion, demanded Rs. 1 lakh and a Santro car. When Vikas again left her on 17th May, 2005, he is said to have repeated the demand, now quantified at Rs. 3-4 lakhs. PW-2 further states that during a visit to the matrimonial home in January 2005, Vikas and his family members expressed dissatisfaction with the dowry and pressed for a better car and money, and that on a later visit on 10th June, 2005, Vikas and the in-laws again linked Bharti's return with the provision of a Santro car and cash. These features

⁶ *Mange Ram v State Of Madhya Pradesh & Anr.* 2025 INSC 962



reappear, with greater narrative detail, in his examination-in-chief, where he maintains the same timeline, including the visit of 10th June, 2005, and again asserts that Vikas consistently tied Bharti's return to the fulfilment of these monetary and car-related demands.

28. The cross-examination of PW-2 brings out some important qualifications. He accepts that there was no demand for dowry articles before the marriage and that he told the SDM so. He further admits that he did not personally confront any of the accused to verify what Bharti had told him, that during the period of about one month when Bharti was staying at the parental home he made no complaint to any authority or mediator, and that he cannot say whether the marriage was ever consummated. He also concedes that several allegations now levelled against the mother-in-law, the jeth and the jethani do not find place in Ex. PW-2/A or in his police statement. He is confronted with omissions in Ex. PW-2/A regarding the naming of particular relatives, the precise amounts allegedly demanded, and the visit of 10th June, 2005, and offers no explanation beyond the shock of the incident.

29. Taking the evidence as a whole, PW-2's testimony contains a core which remains stable from the outset. His SDM statement records three allegations against Vikas which remain unchanged: the demand for a Santro car, the demand for money first quantified at 1 lakh and later at 3-4 lakhs, and the insistence on the night of 13th June, 2005, that Bharti should only return if she brought the money or the car. These allegations reappear in the Section 161 statement and in the examination-in-chief with additional detail. The cross-examination shows that the allegations implicating other relatives, husband's elder brother and sister-in-law, were not mentioned in the SDM



statement and therefore constitute later additions. The omissions in the SDM statement, however, are readily explained by its timing, as it was recorded on the very day of the incident in the immediate aftermath of Bharti's death.

30. On that footing, PW-2's evidence, does two things. First, it shows that his later attempts to particularise the role of each in-law suffer from omissions in the earliest version and are therefore unsafe to sustain liability against Yogesh and Swati. Secondly, and more importantly for present purposes, it leaves intact a coherent and consistent account of Vikas subjecting Bharti, in the months immediately preceding her death, to sustained pressure to bring substantial money (and, in the later articulation, a better car) as a condition for resuming cohabitation. Read with the contemporaneous writings, that core is sufficient, on a criminal standard, to support a finding that Vikas subjected Bharti "soon before her death" to dowry-related harassment, even if the precise figures and some narrative detail are treated as embellishments rather than as verbatim reconstruction.

PW-8 Raj Dulari (mother)

31. PW-8, Bharti's mother, broadly corroborates PW-2 on the central allegations against Vikas, and several key features appear even in her earliest statement before the SDM. In Ex. PW-8/A she states that, after marriage, Vikas started demanding about Rs. 4 lakhs from Bharti, and that on 17th May, 2005, he left Bharti at the parental home saying that he would not take her back unless a Santro car and Rs. 4 lakhs were provided. She also records that Bharti had told her about finding Vikas and Swati in a compromising position, and that thereafter Bharti was beaten by Vikas, Yogesh, Swati and the mother-in-law. PW-8 further states that on the evening before the incident, 13th June, 2005, Bharti spoke to Vikas on the



phone, that he again repeated the demand for money and a Santro car and refused to take her back unless those demands were met, and that Bharti cried after the call and did not eat that night. In her Section 161 Cr.P.C. statement these core allegations against Vikas are reiterated and she adds that, on visits to the matrimonial home, the mother-in-law, jeth and jethani also voiced dissatisfaction with the Maruti 800 and raised demands for money and a Santro car. Her examination-in-chief substantially follows this line, giving further narrative detail regarding these visits and demands.

32. PW-8 in her cross-examination provides pertinent context. She accepts that whatever was given at the time of marriage was according to their “sweet will” and not pursuant to any express demand. She also acknowledges that, on the day of the incident, although she “knew everything”, neither the SDM nor the police recorded her detailed statement and she did not herself insist on narrating all particulars at that stage; her formal statement was recorded later. She is confronted with Bharti’s diary entries describing the marriage as “only a label” and expressing deep hurt over Vikas’s attachment elsewhere, which the defence relies upon to suggest that the primary grievance was marital rather than financial. She is also confronted with the fact that her later, more elaborate account of repeated Santro and cash demands, and the visit of 10th June, 2005, does not appear with the same clarity or fullness in Ex. PW-8/A. The omissions elicited in cross-examination relate in particular to the involvement of the relatives, the precise figures mentioned and the dating of certain incidents.

33. Even allowing for these omissions, PW-8’s evidence, when read with PW-2, maintains a stable narrative as against Vikas. From Ex. PW-8/A onwards she consistently attributes to him a substantial monetary demand in



the range of Rs. 4 lakhs, coupled with an insistence on a Santro car, and she links his refusal to take Bharti back on 17th May, 2005, and again on 13th June, 2005, to the fulfilment of those demands. Her later statements add detail, but they do not disown or contradict that central narrative. Therefore, PW-8 strengthens the picture that Bharti felt both emotionally rejected and under sustained financial pressure from her husband, and that, in the crucial weeks and days before the suicide, Vikas was making her return to the matrimonial home conditional upon the provision of substantial money and a better car. At the same time, the gaps and later elaborations in her account, particularly regarding Yogesh and Swati, justify treating her evidence with caution so far as the other relatives are concerned, while still according it significant weight in assessing Vikas's liability under Sections 304B and 498A IPC.

PW-3 Daya Ram (grandfather)

34. PW-3, Bharti's grandfather, broadly supports the family version on the existence of monetary and car-related demands. In his Section 161 Cr.P.C. statement he stated that, after marriage, Bharti told him that Vikas, the mother-in-law, the jeth and the jethani were demanding a Santro car and about one lakh rupees and were pressuring her. He referred to an early visit to the matrimonial home in January 2005 when, according to him, the in-laws said in substance that Bharti would not be kept unless a Santro car and money were provided. He further stated that around mid-May 2005 Vikas left Bharti at her parental home and made it clear that he would not return to take her back unless those demands were met. These features substantially reappear in his examination-in-chief, where he describes accompanying PW-2 to the matrimonial home, requesting the accused not to harass Bharti or



insist on further dowry, being told that she would not be kept without a Santro car and one lakh rupees, and later hearing from Bharti that the pressure continued. He also states that when Vikas left Bharti at her parents' house around 17th May 2005, he said he would not come again, and that PW-3 urged his son to “manage” a Santro and one lakh rupees, though he realised that such a demand was beyond his son's means.

35. His cross-examination, however, places some limits on the weight of this account. PW-3 accepts that, prior to marriage, there was no specific demand from any accused for a vehicle, two-wheeler or four-wheeler, or for cash. He further admits that, despite his present claim of repeated demands and even beatings, he never lodged any complaint or approached any authority or community elder. He also acknowledges that when Bharti came to know about Vikas's love affair with “other girls” she became depressed, and he accepts that this discovery was a significant source of her unhappiness. His description of who said what during the visit to the matrimonial home and of the precise amounts allegedly demanded is not linked to exact dates, and, when read alongside PW-2's earliest statement, it is evident that some of the detail he now supplies does not appear in the initial version recorded closer to the incident.

36. Seen in this light, PW-3's evidence does reinforce the family's consistent assertion that there were expectations about a “better” car and money, particularly on Vikas's part, but it is largely derivative of what Bharti and PW-2 told him and is expressed in broad terms rather than through any independently observed incident of dowry harassment “soon before” the death. At the same time, he recognises that Bharti's depression stemmed not only from financial pressure but also, and substantially, from



the discovery of Vikas's other relationship and the breakdown of the marriage. On a fair appreciation, therefore, PW-3 can be treated as a corroborative witness whose testimony adds to the cumulative case of dowry-linked pressure by Vikas and a troubled matrimonial environment, but his evidence, by itself, is too general and too intertwined with the wider marital discord to provide a standalone foundation for a 304B conviction or for invoking the presumption under Section 113B, particularly against the collateral relatives.

PW-21 Leelawati (Aunt)

37. PW-21, who acted as the mediator for the marriage, states that a few months after the wedding Ved Prakash told her that Vikas and his family were unhappy with the dowry, were demanding cash and a Santro car, and were not treating Bharti well. She further deposes that whenever she visited the matrimonial home she found Bharti sad and withdrawn, and that Bharti confided in her about Vikas's indifferent and hurtful conduct. In broad outline, therefore, her testimony fits into the same narrative of a strained marriage, Vikas's dissatisfaction with the Maruti 800, and financial expectations being linked, in the family's perception, to the continuation of the relationship.

38. Her evidence, however, stands considerably diluted in cross-examination. PW-21 was confronted with her statement recorded under Section 161 CrPC, Ex. PW-21/DA. While, in her deposition before the Court, she stated that on one of her visits she noticed Bharti's eye to be blue, the said fact does not find any mention in her statement under Section 161 CrPC. Upon being confronted, this material improvement was evident. Further, her Section 161 statement does not record that Bharti appeared



persistently sad during her visits. These elements surface for the first time in her testimony before the Court. To that extent, her evidence suffers from embellishment and is largely derivative, resting on what Bharti and Ved Prakash are stated to have conveyed to her, rather than on consistently recorded, contemporaneous observations of cruelty.

39. In that setting, PW-21's testimony cannot be treated as a standalone or decisive plank for fixing criminal liability, particularly in respect of collateral relatives. The omissions in her earlier statement and the improvements noticed in Court dilute its probative value. However, her evidence cannot be discarded in entirety. In that setting, PW-21's testimony cannot be treated as a standalone or determinative plank for fixing criminal liability. The account of the visit dated 10th June, which did not surface in the earliest versions of some of the key prosecution witnesses, cannot be elevated to an independent circumstance establishing dowry-linked cruelty. At the same time, her evidence is not wholly devoid of relevance. In substance, PW-21 largely reiterates the same allegations regarding dissatisfaction with the dowry, expectations of a Santro car and money, and the strained matrimonial relationship that already find place in the testimonies of PW-2, PW-8, the statements recorded by the SDM, and the contemporaneous material. To that limited extent, her testimony reflects consistency with the broader prosecution narrative. However, being largely derivative in nature and affected by omissions and improvements, it can only serve as peripheral corroboration and not as the primary evidence for sustaining a conviction under Sections 304B or 498A IPC.

PW-22 Vikas Vats (brother)

40. PW-22, Bharti's younger brother, fairly accepts that his parents did



not share every detail of the matrimonial discord with him, but he nevertheless perceived from the atmosphere at home that “there was some problem” in her marriage. He deposes that Bharti told him she was being beaten by the in-laws. On one visit to her matrimonial home he confronted the family members about her treatment and left without taking a meal. He further states that on 17th May, 2005, Vikas left Bharti at their house. According to PW-22, his parents later informed him that the in-laws had linked her return to the payment of Rs. 3-4 lakhs and a Santro car, and that on 10th June, 2005, when his parents took Bharti back to the matrimonial home, she was not kept there. He also states that on 13th June, 2005, Vikas telephoned; his parents requested him to take Bharti back, he declined; and when Bharti herself spoke to him she was told that unless a Santro car and Rs. 3-4 lakhs were arranged she would not be taken back. PW-22 describes Bharti as extremely upset after this call, not eating that night, and he is the person who found her hanging the next morning.

41. In cross-examination, he however, makes clear the limits of his direct knowledge on the dowry aspect. PW-22 expressly admits that no accused ever made any dowry demand in his presence, and that even on 17th May 2005, when Vikas left Bharti at the parental home, no such demand was raised in front of him. He further accepts that he never personally asked any of the accused whether they had made dowry demands from his sister. In substance, therefore, his account of the precise monetary figures and the “Santro car” formulation is second-hand, gathered from what his parents told him afterwards and from family discussions, rather than from any conversation he personally heard.

42. On that footing, PW-22 does not furnish an independent, first-hand



instance of dowry harassment “soon before” the death that could, standing alone, sustain the presumption under Section 113B, particularly against Yogesh and Swati. What his testimony does add, and with some force, is corroboration of the broad factual sequence and Bharti’s state of mind: Vikas leaving her at the parental home, the unsuccessful efforts to persuade him to resume cohabitation, the occurrence of a significant telephonic exchange on the night of 13th June 2005, and Bharti’s extreme distress immediately thereafter. Those aspects dovetail with the parents’ evidence and the suicide note, and are consistent with a finding of mental cruelty and financial expectations weighing on the question of her return. Given his own candid concessions about the absence of any demand in his presence, however, his evidence is best viewed as corroborative of the core case already made out against Vikas, rather than as a separate source capable of enlarging liability or bridging gaps in the proof required for a conviction under Section 304B, particularly so far as the collateral relatives are concerned.

Liability of Vikas under Section 304B

43. Read cumulatively, the statements disclose a clear sequence. First, even in the SDM statement recorded on the day of the incident, PW-2 and PW-8 refer to early post-marital demands by Vikas for a Santro car and cash, initially around 1 lakh rupees, later rising to 3 to 4 lakhs. Secondly, they consistently assert that on 17th May, 2005, Vikas left Bharti at her parental home and indicated that he would not take her back unless those demands were met. Thirdly, they both speak to the telephonic conversation on the evening of 13th June, 2005, in which, according to them, Vikas again linked Bharti’s return to a Santro car and money, after which Bharti was in



tears and did not eat. These three strands appear in substance in the SDM versions, are amplified but not contradicted in the Section 161 statements, and are repeated in Court. PW-22, though not privy to the exact words used, corroborates the broad chronology of abandonment, the unsuccessful effort on 10th June, 2005, to restore Bharti to the matrimonial home, the crucial call on 13th June, and Bharti's distressed state immediately thereafter.

44. The defence heavily relies on the confrontations in cross-examination to argue that the SDM statement did not contain all the details now introduced in the trial. That is correct, but not decisive. Those statements were recorded on the day Bharti died, in the immediate aftermath of the discovery of her body. Some lack of precision in dates, amounts and narrative detail is natural in that situation. The subsequent Section 161 statements, recorded after the initial shock, add particulars such as the quantified amounts and the dates of visits, but they do not retract or reverse any allegation present in the earliest versions. They travel in the same direction and are then repeated in the depositions. On that footing, the later detail may be treated with circumspection where it implicates the relatives, yet the continuity of the core allegations against Vikas remains intact. The omissions go to the weight of the evidence, not to its basic credibility on the issue that Vikas used financial and car-related demands as a condition for taking Bharti back.

45. The documentary material, particularly the suicide note Ex. P-2, supports this narrative. The suicide note Ex. P-2, whose authorship stands proved, records in Bharti's own hand both her sense that the marriage had become "only a label", and her grievance that there was dissatisfaction with the Maruti 800 and expectations of a "bigger" car, coupled with harassment



in that context. The diary entries repeatedly express her loneliness and hurt over Vikas's emotional attachment elsewhere, while also referring to the strain caused by the financial expectations placed on her parental family. Taken alone, these writings show intertwined causes of distress. When they are read with the consistent oral evidence that Vikas refused to resume cohabitation unless a Santro car and substantial money were provided, they fit with, rather than contradict, the prosecution's version that emotional rejection and dowry-linked pressure were operating together in the period immediately before the suicide.

46. The fact that there was no dowry demand before marriage does not assist the defence. The case rests not on any pre-marital bargain, but on post-marital conduct. Demands that emerge only after the wedding, tied to dissatisfaction with what was given, are fully within the mischief of Section 304B if they amount to cruelty or harassment for, or in connection with, dowry. Nor does the emphasis on Vikas's alleged affair neutralise the dowry component. The evidence, including Bharti's own writings, shows that she was emotionally vulnerable because she believed her husband's affections lay elsewhere. On that already fragile foundation, the insistence that she would not be taken back unless her parents produced a Santro car and three to four lakhs compounded her despair. The statute does not require that dowry-linked cruelty be the sole cause of death; it is enough if such cruelty, operating soon before the death, has a proximate connection with it.

47. The reliance on PW-22's admission that no demand was made in his presence is similarly misplaced. PW-22 himself explains that serious discussions were rarely held in front of him. His role in the narrative is as a corroborating witness on the sequence of events and Bharti's state of mind,



not as the primary source on the exact words used in negotiations between adults. The principal evidence on the demand for a Santro car and money comes from PW-2 and PW-8, and is anchored in their SDM statements, Section 161 statements and depositions. PW-22's concessions do not undermine that matrix.

48. Viewed through the lens of Section 3 of the Evidence Act, and keeping in view the standard of proof required in criminal trials, this Court is satisfied that the prosecution has established, beyond reasonable doubt, the foundational facts that: (i) Bharti died otherwise than under normal circumstances within seven years of her marriage; and (ii) soon before her death, Vikas subjected her to cruelty and harassment for, and in connection with, dowry demands in the form of a Santro car and substantial cash, and that this conduct bore a direct and proximate nexus with her decision to take her life. On these facts, the presumption under Section 113B of the Evidence Act stands attracted against Vikas.

49. Vikas has not produced any material capable of dislodging that presumption. His explanation under Section 313 Cr.P.C. consists of bare denial and an attempt to attribute the suicide exclusively to incompatibility and the alleged affair. In the face of the consistent evidence that he repeatedly made Bharti's return to the matrimonial home conditional upon the satisfaction of car and cash demands, that explanation does not break the statutory chain. The offence under Section 304B IPC is, therefore, made out against Vikas and his conviction for dowry death is liable to be affirmed.

Liability of Vikas under Section 498A IPC

50. The position under Section 498A IPC is, in one sense, broader. The provision is concerned with "cruelty", which, under Explanation (a),



includes any wilful conduct of such a nature as is likely to drive the woman to commit suicide or to cause grave injury to her life, limb or health. It does not insist that the cruelty be exclusively dowry-related, although economic pressure and dowry-linked taunts may form an important part of its content.

51. The defence has referred to decisions where an extra-marital relationship, by itself, has been held not to automatically amount to “cruelty” or to attract Section 304B IPC, the principle being that such conduct may or may not rise to the level of criminal cruelty depending on the surrounding facts and the impact on the spouse. In this case, Bharti’s perception that Vikas was emotionally involved elsewhere and that the marriage was unconsummated is not the sole feature. It sits alongside a pattern of abandonment, physical assault after the “compromising position” incident, and continuing financial expectations linked to her return to the matrimonial home. Those circumstances together are crucial for the assessment of charge under Section 498A.

52. The evidence, including Bharti’s own writings, shows that Vikas entered the marriage while emotionally attached elsewhere. Bharti experienced the relationship as unconsummated and described the marriage as “only a label”. She states that she saw him in a compromising situation with Swati and that he beat her thereafter. He left her at her parental home in May 2005 and made no meaningful attempt at reconciliation. In the crucial period before her death she repeatedly felt unwanted and rejected. Alongside this, demands for a Santro car and substantial cash were allowed to colour the basic question whether she would be taken back into the matrimonial home at all. Read together, this combination of emotional rejection, physical violence and conditional withdrawal of cohabitation over a sustained period



amounts to mental cruelty of the gravity contemplated by Section 498A IPC.

53. The fact that Bharti ultimately took the extreme step at her parental home does not blunt the effect of that cruelty, nor does the coexistence of several sources of distress assist the defence once cruelty of this order is proved. On this basis, distinct from the specific ingredients of Section 304B, the requirements of Section 498A stand satisfied beyond reasonable doubt, and Vikas's conviction for cruelty under that provision is rightly sustained.

Evidence and liability of Yogesh and Swati

54. The analysis takes a different turn when one turns to Yogesh and Swati. The allegations against them are diffuse and general. They are grouped under the expression "in-laws" who were unhappy with the Maruti 800, wanted a better car and cash, and taunted Bharti. When the evidence is examined more closely, attempts to give their role sharper contours do not withstand comparison with the earliest versions on record.

55. This is clearest in relation to the alleged visit of 10th June, 2005. That episode is the only incident said to have occurred in close temporal proximity to Bharti's death. It does find mention in the 161 statements of PW-3 and PW-21, who state that they, along with the parents, went to the matrimonial home where demands of dowry were reiterated by the in-laws. However, this visit finds no mention at all in the SDM statements of PW-2 and PW-8, which otherwise narrate, with some detail, the events of 17th May and the telephonic exchanges of 13th June. The 10th June visit appears for the first time in the Section 161 statements and is elaborated further at trial. While minor omissions in an initial statement may be tolerable, the complete absence of such a crucial and proximate incident in the earliest versions of the parents, despite their detailing other material events, substantially



weakens the reliability of this allegation and lends weight to the defence contention that it represents a later improvement introduced to extend the net of implication to the in-laws.

56. In this setting, the Supreme Court's caution against mechanically roping in every available relative in dowry-death prosecutions assumes particular importance. The presumption under Section 113B arises only against "such person" who is first shown, on evidence, to have subjected the woman to dowry-related cruelty in reasonable temporal proximity to her death. Once the late introduction of the alleged 10th June visit is kept aside, the record does not disclose any clearly identifiable act or statement of Yogesh or Swati in the days or weeks immediately preceding 14th June, 2005, that could meet this threshold. What remains are broad generalisations shaped by hindsight and grief, rather than focused, specific proof.

57. On this material, it would not be consistent with the standard of proof in criminal law to hold that the prosecution has established, beyond reasonable doubt, that Yogesh or Swati subjected Bharti "soon before her death" to cruelty or harassment in connection with a demand for dowry. The foundational facts required to invoke Section 113B are not proved against them. The presumption therefore does not arise and cannot be used to cure what is, in substance, an evidential vacuum.

58. The suicide note, Ex. P-2, contains only a generic reference to "in-laws" being dissatisfied and demanding dowry. A document of that nature is not expected to set out a forensic breakdown of individual roles. Its evidentiary value, however, depends on being supported by other material which ties specific conduct to particular accused. In Vikas's case, the note sits alongside a consistent series of allegations in the SDM statement, the



Section 161 statements and the depositions. As regards Yogesh and Swati, there is no such specific corroboration. In the absence of clearly proved acts on their part in the relevant period, the generic reference in Ex. P-2 cannot, by itself, supply the foundational facts for invoking Section 304B against collateral relatives.

59. In these circumstances, the basic requirement for fastening liability under Section 304B is not satisfied so far as Yogesh and Swati are concerned. The presumption under Section 113B cannot be raised against them, much less sustained. In line with the Supreme Court's guidance that courts must guard against over-implication of family members without distinct evidence of their involvement, their conviction for dowry death cannot stand and must be set aside.

60. The allegations of cruelty under Section 498A IPC against Yogesh and Swati are qualitatively different from those against Vikas and are even weaker on scrutiny. It is true that PW-2, PW-3, PW-8, PW-21 and PW-22 all speak, in general terms, of Bharti having been beaten by her "in-laws". Those assertions recur across their depositions but they are not anchored in specific particulars or details.

61. None of the witnesses identifies any specific date, occasion or setting in which Yogesh or Swati are said to have assaulted Bharti. No witness describes having personally seen either of them administer a beating or issue a threat that can be located in time. No contemporaneous complaint was lodged with the police, any authority or even a relative, despite the seriousness of the conduct now alleged. There is also no medical record to suggest that Bharti ever sought treatment for injuries attributable to such assaults at any point during the short span of her marriage.



62. The reliability of these claims is further diminished by embellishments that first surface during the trial. PW-21's assertion that she once noticed a bluish mark near Bharti's eye, which she later attributed to beatings, is absent from her Section 161 statement Ex. PW-21/DA and appears for the first time in her deposition. Similar late additions appear in the evidence of other witnesses, who accept in cross-examination that some details they now stress, did not form part of their earlier statements.

63. In the absence of corroboration, and in view of the vagueness, generality and belated sharpening of these allegations, it would be unsafe to conclude that Yogesh or Swati engaged in the kind of sustained, wilful conduct that Section 498A contemplates. The statutory requirement of clear proof beyond reasonable doubt is not met.

64. Whatever the overall atmosphere in the matrimonial home may have been, the specific part played by these two relatives remains shrouded in reasonable doubt. That doubt must, in law, operate in their favour. The charge under Section 498A IPC is therefore not proved against either Yogesh or Swati, and in the absence of any proved acts on their part, the element of common intention under Section 34 IPC is also not established.

Conclusion

65. In view of the foregoing discussion, the conviction of Vikas Kumar under Sections 304B and 498A IPC as recorded by the trial court is affirmed. The sentence imposed upon him under both counts is also affirmed. No ground is made out for interference either with the conviction or with the quantum of sentence in his case.

66. As regards Yogesh Kumar and Swati @ Savita, this Court has found that the prosecution has failed to establish, beyond reasonable doubt, the



foundational facts necessary to attract Section 304B IPC as against them. The presumption under Section 113B of the Evidence Act is therefore not attracted, and the independent charge under Section 498A IPC is also not proved, the allegations being vague, general, and unsupported by reliable material. Their conviction under Sections 304B/498A/34 IPC cannot be sustained.

67. The appeals are accordingly disposed of in the following terms:

- (i) The appeal of Yogesh Kumar and Swati @ Savita is allowed. Their conviction and sentence under Sections 304B/498A/34 IPC are set aside and they are acquitted of all charges. Their bail bonds, if any, stand discharged and the sureties released. If they are in custody in connection with this case, they shall be released forthwith unless required in any other matter.
- (ii) The appeal of Vikas Kumar is dismissed. His conviction and sentence under Sections 304B and 498A IPC are affirmed. He is directed to surrender forthwith.
- (iii) A copy of this judgment be transmitted to the trial court and to the concerned Jail Superintendent for information and necessary compliance.

SANJEEV NARULA, J

DECEMBER 16, 2025/MK