IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (D.B.) No. 413 of 2017

Janani Pradhan, W/o Sri Ujjawal Pradhan, D/o Dhanu Pradhan, R/o Vill.-Pansua, P.O.-Pansua, P.S.-Chakradharpur, Dist.-West Singhbhum.

... ... Appellant

Versus

The State of Jharkhand **.... .... Respondent**

With
Cr. Appeal (D.B.) No. 416 of 2017
------

1. Dulu Pradhan, Son of Sri Dhanu Pradhan,
2. Aditya Pradhan, Son of Sri Dhanu Pradhan,
3. Lankeshwar Pradhan, Son of Sri Dhanu Pradhan,

All are R/o Vill.-Pansua, P.O.-Pansua, P.S.-Chakradharpur, Dist.-West Singhbhum. **... ... ... Appellants**

Versus

The State of Jharkhand **.... .... Respondent**

CORAM: SRI ANANDA SEN, J.
: SRI PRADEEP KUMAR SRIVASTAVA, J.

For the Appellants : Mr. Jitendra Nath Upadhyay, Advocate
[In both cases]
For the Resp. State : Mrs. Lily Sahay, A.P.P.
[Cr.A.(DB) No. 413 of 2017]
: Mr. Saket Kumar, A.P.P.
[Cr.A.(DB) No. 416 of 20017]

J U D G M E N T

CAV On 29/09/2026 **Pronounced On 05/11/2026**

Per- Pradeep Kumar Srivastava, J.

1. Appellant namely Nirantari Devi, wife of Dhanu Pradhan in Cr. Ap. (D.B.) No. 413 of 2017 has expired, hence, the appeal preferred by her stood abated vide order dated 29th September, 2026 and appellant namely Dhanu Pradhan in Cr. Ap. (D.B.) No. 416 of 2017 has also expired, hence, the appeal preferred by him also stood abated vide

order dated 29th September, 2026. Consequently, the surviving appellants in both these appeals are re-numbered.

2. We have heard Mr. Jitendra Nath Upadhyay, learned counsel for the appellants as well as Mrs. Lily Sahay and Mr. Saket Kumar, learned A.P.P.s in both these appeals.

3. These criminal appeals are preferred by the aforesaid appellants being aggrieved and dissatisfied with their judgment of conviction dated 27.01.2017 and order of sentence dated 30.01.2017 for the offence under Section 304B read with Section 34 of the IPC passed by Additional Sessions Judge-I, West Singhbhum at Chaibasa in Sessions Trial Case No. 121 of 2010 whereby and whereunder, the appellants named above have been sentenced to undergo R.I. for 14 years.

Factual Matrix:-

4. The factual matrix giving rise to these appeals are that Ashwini Pradhan (Informant-P.W.2) solemnized the marriage of his daughter namely Janki Devi on 01.05.2009 in accordance with Hindu Rites and Customs with Dulu Pradhan, son of Dhanu Pradhan and just after three month of their marriage, Rs. 50,000/- cash was demanded with his daughter as a dowry by her in-laws and due to non-fulfillment of the same, his daughter was tortured and ousted from her matrimonial home and compelled to live in her parental home. It is further stated that after mediation, the in-laws of his daughter took her to matrimonial house but on 18.11.2009 at about 7:00 PM, the informant received information through telephone that his daughter namely Janki Devi has died due to burn injury. Thereafter, he along with his

family members and relatives rushed towards matrimonial house of his daughter through vehicle and reaching there, saw the husband of the deceased, Dulu Pradhan, father-in-law namely Dhanu Pradhan, brother-in-law namely Aditya Pradhan and Lankeshwar Pradhan were present at the place of occurrence and smell of kerosene oil was coming from the body of the deceased. It is also alleged that mother-in-law Nirantari Devi and Sister-in-law Janani Kumari fled away seeing them. It is claimed by the informant that in-laws of the deceased burnt his daughter pouring kerosene oil on her body.

On the basis of written report of informant, F.I.R. being Chakradharpur P.S. Case No. 144 of 2009 was registered for the offence under Section 304B/34 of the IPC against above named accused persons.

5. After investigation of the case, the charge sheet was submitted on 31.03.2010 against all the above named accused persons and on 20.04.2010, cognizance was taken and the case was committed to the Court of Sessions, where S.T. Case No. 121 of 2010 was registered. All the accused persons denied from the charges leveled against them and pleaded innocent and claimed to be tried.

6. The learned trial Court after evaluating and considering the oral as well as documentary evidence available on record convicted and sentenced the appellants as stated above.

Submissions on behalf of appellants: -

7. Learned counsel for the appellants assailing the impugned judgment of conviction and order of sentence, has argued that except P.W.-2

(Informant), no other prosecution witnesses have stated anything against these appellants. It has further been submitted that the informant in his deposition at para-2 has stated that he was demanded Rs. 50,000/- but subsequently in Para-19, it is stated that his daughter was demanded Rs. 50,000/-, hence, the evidence of P.W.-2 cannot be relied upon due to inconsistent version in the deposition of the informant, similarly, there is contradiction in the statement of the informant made in F.I.R. and deposition which also falsify the case of the prosecution that these appellants have ever tortured and demanded anything as a dowry by his daughter. It has also been submitted that the informant himself visited the matrimonial house of his daughter on several occasions, but never complained of any quarrel between the deceased and husband of the deceased. It has further been submitted that the learned trial Court has also failed to consider the fact that Dhanu Pradhan and Aditya Pradhan both were not present at the place of occurrence when the incident took place and had gone to relative's house, which is situated far from the place of occurrence and Lankeshwar Prasad was in duty at Adityapur Factory, at the time of occurrence. The learned trial Court has also not considered the evidence of P.W.-3 Anil Pradhan in proper perspective where P.W.-3 has stated that he has no idea that demand of dowry was made with the deceased and due to non-fulfillment of the same, she was tortured. It is further submitted that the prosecution has miserably failed to prove any demand of dowry from the deceased or her relatives, at any point of time as well as mental and physical

cruelty meted with her, due to non-fulfilment of any demand of dowry. It is further submitted that the prosecution has miserably failed to prove the foundational facts of "dowry death" regarding demand of any dowry by the appellants, soon before her death as well as that the deceased was subjected to cruelty or harassment on account of non-fulfilment of such demand. Therefore, learned trial Court has wrongly drawn the presumption of guilt under Section 113B of the Indian Evidence Act and the finding of the learned trial Court is based upon irrelevant evidence, conjecture, surmises and beyond the weight of evidence available on record. Therefore, impugned judgment of conviction and order of sentence of the appellants is liable to be set aside and the appellants deserve to be acquitted from the charges levelled against them and these appeals may be allowed.

Submissions on behalf of the State

8. On the other hand, learned A.P.Ps. appearing for the State opposing the aforesaid contentions raised on behalf of the appellants, have submitted that the prosecution has very well proved that the deceased died due to burn injuries under abnormal circumstances, at her matrimonial home and the death occurred within seven years of her marriage. It is also proved beyond doubt that the in-laws of the deceased was very much instrumental in demanding Rs. 50,000/- as dowry. Therefore, the prosecution has proved all the four foundational facts invoking the definition of offence of "dowry death" under Section 304B of the IPC. The learned trial Court has committed

no error of law in invoking the presumption of dowry under Section 113B of the Indian Evidence Act against the appellants. There are unrebutted, cogent and reliable evidence on record to conclusively prove the guilt of the appellants. There is no reason to take a different view than the learned trial Court. These appeals have no merits and fit to be dismissed.

9. We have gone through the record along with the impugned judgment in the light of rival contentions raised on behalf of the parties.

10. It appears that the prosecution has examined altogether 8 (eight) witnesses in this case.

P.W.-1	Kundan Pradhan
P.W.-2	Ashwini Pradhan, Informant
P.W.-3	Anil Pradhan
P.W.-4	Jai Prakash Pradhan
P.W.-5	Amarjeet Pradhan
P.W.-6	Dr. Dilip Kumar Sinha, Medical Officer
P.W.-7	Pankaj Kumar Pradhan
P.W.-8	Fani Bhushan Marandi, I.O.

11. Apart from oral testimony of the witnesses, the prosecution has adduced following documentary evidence:-

Ext. 1	Signature of P.W.-2 on Written Report.
Ext. 2	Post Mortem report of the deceased.
Ext.-3	Signature of P.W.-7 on the seizure list.
Ext.-4	Written Report
Ext.-5	Formal F.I.R.
Ext.-6	Seizure List.

12. On the other hand, no oral or documentary evidence has been adduced on behalf of the defence.

13. The sole point for determination in these appeals is "as to whether the impugned judgment of conviction and sentence of the appellants suffers from any error of law, which requires any interference in these appeals"?

Analysis, reasons and decision:

14. Before imparting our verdict on the above point, to satisfy our inner conscience, it appears necessary to take brief resume of ocular testimony of witnesses examined in this case.

P.W.-1 Kundan Pradhan has been declared hostile by the prosecution.

P.W.-2 Ashwini Pradhan is father of the deceased-cum-informant of this case. He has deposed that the marriage of his daughter was solemnized in the year 2009 with Dulu Pradhan and just after three month of their marriage, in-laws of his daughter used to quarrel with his daughter and demanded Rs. 50,000/- from him and also gave threatening that if the same is not fulfilled, he would be in trouble. Upon this, the informant went to the matrimonial house of his deceased daughter and expressed his inability to pay Rs. 50,000/-. This witness has stated that one week prior to the incident, father-in-law and brother-in-law had come to take his daughter from her parental home to matrimonial home and on the date of her death, in the evening at about 7:00PM, he got information from telephone that his daughter has died due to burn injury, thereafter, this witness along with others went to the place of occurrence i.e. matrimonial house of his deceased daughter and saw the dead body of his

daughter lying in the courtyard and all the accused persons were present there. This witness asked as to how this incidence occurred, then the above named accused persons did not tell anything and on the same day, the informant along with others went to Police Station and reported the occurrence to the Police.

In his cross-examination, this witness admits that he came to know from his daughter that demand of Rs. 50,000/- as a dowry was made. This witness has been cross-examined at length but has remained intact.

P.W.-3 Anil Pradhan is the villager of the informant who had gone to matrimonial house of the deceased along with the informant and saw the dead body lying in courtyard and died due to burn injuries and does not know what was the reason behind the occurrence.

P.W.-4 Jai Prakash Pradhan is also the villager of the informant who had gone to matrimonial house of the deceased along with the informant and P.W.-3 and saw the dead body lying in courtyard and death was due to burn injuries and does not know what was the reason behind the occurrence.

This witness in his cross-examination has stated that his sister has got married in the same village where deceased was married and due to that reason, this witness used to visit there and he never heard that deceased was being tortured for want of dowry and he came to know from the informant just a week before about the incident that in-laws of the deceased demanded Rs. 50,000/-

P.W.-5 Amarjeet Pradhan is the brother of the deceased who has deposed that just after three months of marriage, in-laws of his deceased sister were demanding Rs. 50,000/- cash as a dowry and this fact was narrated by deceased herself when she had come to parental home. This witness further deposed that the husband of the deceased was called upon to Sasural and then his sister went with her husband. Thereafter, just after one week, he got informant through telephone that her sister died due to burn injury and rushed toward the matrimonial house of his deceased daughter and saw the dead body of his sister lying in the courtyard. It is stated that prior to incidence, husband, father and mother-in –law, both brother-in-law and sister-in-law were demanding Rs. 50,000/- cash as a dowry. It is also stated that kerosene oil contained was recovered just beside the dead body.

In his cross-examination, this witness stated that two times dowry was demanded and demand of dowry was made by all in-laws members but why demand of dowry was made, was never discussed with in-laws of the deceased except the husband.

P.W.-6 Dr. Dilip Kumar Sinha conducted the postmortem on the dead body of the deceased and found following:-

External :- whole body burn 100%, skin white in colour, skin peel out from the body, body limbs are rigid and flexed known as pugilistic posture.

On dissection:- Skull intact, larynx and trachea tube contains soddy particle and their mucus membrane congested and frothy mucus inside.

Thorax :- No ribs facture. Lungs-congested, Heart-both chamber full of blood and colour of blood is cherry red.

Abdomen:- Liver, spleen and other organs are congested. Stomach contains digested food materials, uterus-small in size.

Time since death:- Six to Forty-Eight hours.

Cause of death:- Asphaxial due to suffocation caused by burn

P.W.-7 Pankaj Kumar Pradhan is a hearsay witness who heard about the occurrence from her maternal uncle i.e. informant and had gone to place of occurrence where he saw the dead body lying in the courtyard and police had also come there and seized red colour container and prepared seizure list in which this witness had put his signature.

P.W.-8 Fani Bhushan Marandi, I.O. has stated that on 19.11.2009, he was posted as S.I. in Chakradharpur Police Station and on that day, a written application was given in the police by the informant and investigation of the case was given to him. He visited the place of occurrence and seized five liter empty plastic bottle of red colour having smell of kerosene oil from the place of occurrence in presence of two independent witness namely Pankaj Kumar Pradhan (P.W.-7) and Trilochan and prepared seizure list marked as Ext.-6 and the inquest report was also prepared by him in his writing and signature of informant and one Trilochan Prasad was taken over the same. He

also inspected the place of occurrence which is mud-tiled house of the accused persons having facing towards north, the entrance of the house is west-south direction, having five rooms and there is a room after entering from main gate and the deceased was burnt in the east side of veranda. This witness recorded the re-statement of informant and statement of Kundan Pradan, Anil Pradhan, Pankaj Pradhan, Amarjeet Pradhan. Thereafter, he sent the dead body for post-mortem to Sadar Hospital, Chaibasa. This witness stated that all the accused persons were absconding and did not find them at the place of occurrence and after finding sufficient evidence, submitted charge-sheet against all the accused persons.

15. On the other hand, the case of the defence is total denial from the occurrence and pleaded that they have committed no offence and has falsely been implicated.

16. Before imparting our verdict on the basis of evidence available on record, the relevant provisions of law are required to be reproduced hereinbelow:-

> ***"304-B. Dowry death.*** *-- (1) Where the death of a woman is caused by any burns or bodily injury or occurs otherwise than under normal circumstances within seven years of her marriage 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 for, or in connection with, any demand for dowry, such death shall be called "dowry death", and such husband or relative shall be deemed to have caused her death.*
>
> *Explanation.- For the purposes of this sub-section, "dowry" shall have the same meaning as in section 2 of the Dowry Prohibition Act, 1961 (28 of 1961).*
>
> *(2) Whoever commits dowry death shall be punished with imprisonment for a term which shall not be less than seven years but which may extend to imprisonment for life."*

"113B. Presumption as to dowry death. -- *When the question is whether a person has committed the dowry death of a woman and it is shown that soon before her death such woman had been subjected by such person to cruelty or harassment for, or in connection with, any demand for dowry, the court shall presume that such person had caused the dowry death.*

Explanation.- For the purposes of this section, dowry death shall have the same meaning as in section 304B of the Indian Penal Code (45 of 1860)."

498-A. Husband or relative of husband of a woman subjecting her to cruelty*-Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.*

Explanation*.-For the purposes of this section, "cruelty" means-*

Any willful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or

Harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.]

2. Definition of "dowry".- *In this Act, "dowry" means any property or valuable security given or agreed to be given either directly or indirectly-*

(a) by one party to a marriage to the other party to the marriage; or

(b) by the parents of either party to a marriage or by any other person, to either party to the marriage or to any other person;

at or before [or any time after the marriage] [in connection with the marriage of the said parties, but does not include] dower or mahr in the case of persons to whom the Muslim Personal Law (Shariat) applies.

Explanation II. – The expression "valuable security" has the same meaning as in section 30 of the Indian Penal Code.

3. Penalty for giving or taking dowry- *(1) If any person, after the commencement of this Act, gives or takes or abets the giving or taking of dowry, he shall be punishable with imprisonment for a term which shall not be less than five years, and with fine which shall not be less than fifteen thousand rupees or the amount of the value of such dowry, whichever is more.*

Provided that the Court may, for adequate and special reasons to be recorded in the judgment, impose a sentence of imprisonment for a term of less than five years.

(2) Nothing in sub-section (1) shall apply to, or in relation to-

(a) presents which are given at the time of a marriage to the bride (without any demand having been made in that behalf)

Provided that such presents are entered in a list maintained in accordance with the rules made under this Act.

(b) presents which are given at the time of a marriage to the bride groom (without any demand having been made in that behalf)

Provided that such presents are entered in a list maintained in accordance with the rules made under this Act:

Provided further that where such presents are made by or on behalf of the bride or any person related to the bride, such presents are of a customary nature and the value thereof is not excessive having regard to the financial status of the person by whom, or on whose behalf, such presents are given.

17. From bare perusal of Section 304B of the IPC (Section 80 of B.N.S., 2023), it is obvious that following ingredients have to be proved by the prosecution as foundational facts for invoking the offence of dowry death:-

(i) the death of a woman must have been caused by burns or bodily injury or otherwise than under normal circumstances;

(ii) such death must have occurred within seven years of her marriage;

(iii) soon before her death, the woman must have been subjected to cruelty or harassment by her husband or any relatives of her husband;

(iv) such cruelty or harassment must be for, or in connection with, demand for dowry.

When the above ingredients are established by reliable and acceptable evidence, such death shall be called dowry death and such husband or his relatives shall be deemed to have caused her death and once the prosecution establishes aforesaid ingredients, the burden of proof radically shifts to the defence due to strict statutory presumption.

18. The provision of section 304-B of IPC as regards cause of death does not categorize death as homicidal, suicidal or accidental rather any death occurring "otherwise than under normal circumstances" may attract the provision of section 304-B of IPC, if other ingredients are fulfilled.

19. Applying the aforesaid legal parameters for constituting dowry death, we have to appreciate the evidence available on record led by both the parties.

20. In the instant case, the death of the deceased as per post-mortem report proved by P.W.-6 Dr. Dilip Kumar Sinha was found asphaxial due to suffocation caused by 100% burn. The deceased died at her matrimonial home while in custody of her husband and in-laws. It has also come on record that the I.O. has seized and prepared a seizure list of a red colour five litre plastic bottle having smell of kerosene oil, hence, it is quite obvious that the death of the deceased happened otherwise than under normal circumstance which confirms the first requirement of Section 304B of the IPC.

21. The second requirement is also proved by establishing that the deceased was married with the appellant-Dulu Pradhan on - 01.05.2009 and she died under unnatural death on 18.11.2009 i.e. within 7 years of marriage.

22. So far as, third and fourth conditions are concerned, there is consistent evidence of P.W.-2 Ashwini Pradhan that just after three months of marriage, accused persons including husband of the deceased daughter started putting pressure on his daughter to bring Rs. 50,000/- and whenever the deceased used to come her parental home, she used to weep and used to narrate her sufferings at Sasural. It also appears that deceased's father had convinced the in-laws of his daughter and they took his daughter to her matrimonial home and just after one week i.e. in 18.11.2009, P.W.-2 came to know that

his daughter has died at her matrimonial home, due to burn. The other witness P.W.-5, brother of the deceased also corroborates the factum of demand of dowry and consequent torture meted with the deceased, which was disclosed to him by the deceased, when she came to her parental home. It also appears that due to non-fulfilment of the said demand of money, deceased was being subjected to physical and mental cruelty and she was let at her parental home for some time. He has further deposed that prior to the occurrence, he had come to know from his sister that husband of his deceased sister, her father and mother-in –law, both brother-in-law and sister-in-law were demanding Rs. 50,000/- cash, as a dowry.

The unrebutted testimony of aforesaid witnesses also proves the ingredients nos. (iii) and (iv).

23. It is trite that above presumption raised under Section 113B of the Evidence Act is rebuttable one, but surprisingly, the defence has neither adduced any evidence nor elicited anything in the cross examination of witnesses setting up their defence and no specific plea has been taken in their examination under Section 313 of Cr.P.C. while answering the incriminating circumstances appearing against them. Therefore, the defence has failed to rebut the presumption of law raised against them under Section 113B of the Evidence Act. Therefore, presumption under Section 113B of the Indian Evidence Act can legitimately be raised in this case against the above named accused persons.

24. The Hon'ble Apex Court in the case of **State of Rajasthan Vs. Jaggu Ram reported in (2008) 12 SCC 51** has held that:-

> *"Section 113-B of the Evidence Act lays down that if soon before her death a woman is subjected to cruelty or harassment for, or in connection with any demand for dowry by the person who is accused of causing her death then the court shall presume that such person has caused the dowry death. The presumption under Section 113-B is a presumption of law and once the prosecution establishes the essentials ingredients mentioned therein it becomes the duty of the court to raise a presumption that the accused caused the dowry death."*

25. In view of the above discussions and reasons, we do not find any illegality or infirmity in the impugned judgment of conviction and order of sentence of the appellants calling for any interference in these appeals filed by the appellants. Accordingly, the judgment of conviction and order of sentence passed by the learned trial Court against the appellants is hereby **confirmed and upheld**.

26. In result, both these appeals stand **dismissed.**

27. Consequently, the suspension of sentence granted to the appellants of both these cases during pendency of these appeals, is hereby cancelled. Accordingly, the appellants named above are directed to surrender before the learned Trial Court within two months from the date of this Judgment and undergo the remaining period of sentence awarded to them by the learned trial Court, failing which, the learned trial Court shall take all coercive steps for arrest and

detention of the appellants for sustaining the remaining period of sentence awarded to them.

28. Pending I.A., if any, stands disposed of, accordingly.

29. Let a copy of this judgment along with Trial Court Records be sent to concerned trial court for information and needful.

(**Pradeep Kumar Srivastava, J.)**

I agree
Ananda Sen, J.

(**Ananda Sen, J.)**

Jharkhand High Court, at Ranchi
Date: 05/11/2026
*Basant/-**N.A.F.R.***
Uploaded on 06/11/2026