



\$~

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

%

*Reserved on: 26.09.2023
Pronounced on: 31.10.2023*

+ **CRL.A. 377/2009**

SATPAL SINGH

..... Appellant

Through: Mr.Puruesh Buttan, Mr.
Himanshu Buttan and Mr.
Shivam Handa, Advocates

versus

STATE

..... Respondent

Through: Mr. Naresh Kumar Chahar,
APP for the State with SI
Amit, P.S. Prashant Vihar.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

JUDGMENT

INDEX TO THE JUDGMENT

BRIEF FACTUAL BACKGROUND.....	2
ARGUMENTS ADRESSED BEFORE THIS COURT.....	4
RELEVANT PROVISION OF LAW AND JUDICIAL PRECEDENTS.....	5
i. Section 498A of IPC.....	5
ii. Section 304B of IPC.....	7
ANALYSIS AND FINDINGS	12
i. Testimonies Of Witnesses	12



ii. Medical Evidence	14
iii. Analysing The Testimonies In Light Of Evidence	15
CONCLUSION	18
i. Summarizing the Acts of Cruelty Against The Deceased.....	18
ii. Dowry Deaths and the Dominance of Greed Over Humanity	21
iii. The Ongoing Battle: Dowry Deaths in the Shadow of Misogynistic Mindset.....	22
iv. Striking At The Societal Thinking And Existing Patriarchal Norms That Still Are A Part Of Our Society Through Judicial Pronouncements And Understanding With Sensitivity Trauma Undergone By The Silent.....	24
v. The Decision.....	27

SWARANA KANTA SHARMA, J.

1. The instant appeal under Section 374 read with Section 482 of the Code of Criminal Procedure, 1973 (‘Cr.P.C.’) has been filed by the appellant impugning judgment of conviction and order on sentence dated 16.04.2009 and 21.04.2009 respectively passed by learned Additional Sessions Judge, Rohini, Delhi in case FIR bearing no. 180/2000 registered at Police Station Prashant Vihar for offence punishable under Section 498A/304B/34 of Indian Penal Code, 1860 (‘IPC’).

BRIEF FACTUAL BACKGROUND

2. Briefly stated, the facts of the present case are that the appellant herein had got was married to the deceased on 28.03.1999 according to Sikh rites and ceremonies, and a daughter was born to the couple on 08.01.2000. It is the case of the prosecution that as per



the statement of the parents of deceased Harmeet Kaur, she was being subjected to harassment for non-fulfillment of demands of dowry. The deceased had committed suicide in her matrimonial home on 31.05.2000 by hanging herself to the ceiling fan in her bedroom. It is stated that the appellant was not present at home at that time and when he had come, he had found the deceased hanging to the ceiling fan. Thereafter, he had taken her to the hospital where she was declared brought dead. The parents of the deceased were immediately informed and a complaint was lodged by the father of deceased at Police Station Prashant Vihar alleging that the deceased was being harassed since they were not able to fulfill their demand of a car, and she was being tortured and harassed on that account by the appellant and other family members. The father had also informed the police that earlier also, a report had been lodged with the Crime Against Women Cell by the complainant and there a compromise had taken place, and the deceased had been taken back to her matrimonial home by the appellant after giving assurance that he will not repeat such acts of torture and harassment in future, however, the harassment had continued. Thereafter, the present FIR was registered against appellant herein and his sister namely Ravinder Kaur and his brother namely Surjit Singh and his parents. Thereafter, appellant herein and other accused persons were arrested. During pendency of trial, co-accused i.e. parents of appellant herein had passed away. During investigation, complainant/father of victim had handed over two letters written by the victim.



3. By way of impugned judgment dated 16.04.2009, learned Trial Court had acquitted appellant's sister and brother and had convicted the appellant herein under Sections 498A/304B of IPC. By way of impugned order on sentence dated 21.04.2009, learned Trial Court had convicted the appellant to undergo rigorous imprisonment of 10 years for offence punishable under Section 304B of IPC and rigorous imprisonment of 3 years for offence punishable under Section 498A of IPC, alongwith fine of Rs. 10,000/- and to undergo simple imprisonment of 6 months in case of default thereof.
4. Aggrieved by the aforesaid, appellant had filed the present appeal. The appeal was admitted on 19.05.2009 and the sentence of appellant was suspended on 13.07.2009.

ARGUMENTS ADRESSED BEFORE THIS COURT

5. Learned counsel for appellant submits that appellant had remained in judicial custody for 4 years and 11 months. It is stated that father of deceased had improvised his statement and had made false allegations against the appellant. It is stated that impugned order had been passed on the basis of hearsay statements. It is also stated that on the day of the incident, appellant herein had gone to purchase a scooter. It is further stated that appellant and his family had not demanded any dowry from family of deceased at the time of marriage as well as after that. It is further argued that the appellant has been falsely implicated in this case, and therefore, present appeal be allowed.



6. Learned APP for the State, on the other hand, argues that victim had passed away within 14 months of getting married to appellant herein. It is stated that allegations leveled against appellant are serious in nature that are also specific instances wherein appellant and his family members had put forth a demand of a car and Rs. 5 Lakhs soon after marriage. It is also stated that two letters written by the victim were found after her death. It is also stated that the CFSL report reveals that the handwriting in the letters is same as the handwriting sent for comparison and the letters have been written by the same author i.e. the deceased. It is argued that learned Trial Court had rightly held that victim had committed suicide because she was subjected to cruelty and harassment by appellant herein and his family members and that it is a clear case of dowry death.

7. This Court has heard arguments addressed by learned counsel for appellant and learned APP for the State, and has perused the material on record.

RELEVANT PROVISION OF LAW AND JUDICIAL PRECEDENTS

8. Before advertng to the merits of the case, it shall be appropriate to first discuss the relevant provisions of law.

i. Section 498A of IPC

9. At the outset, this Court deems it fit to refer to Section 498A of IPC, which reads as under:

“ 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—

(a) any wilful 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

(b) 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.”

10. An offence under Section 498A IPC is committed when a woman is subjected to cruelty by her husband or his relative and such cruelty either causes a woman to gravely injure herself or is a harassment with regard to demand of dowry. The essential ingredients of Section 498A of IPC were also discussed by the Apex Court in the case of *Bhaskar Lal Sharma and Anr v. Monica (2009) 10 SCC 604*, which are as under:

"Thus, the essential ingredients of the aforementioned provisions are:

1. A woman must be married.

2. She must be subjected to cruelty.

3. Cruelty must be of the nature of:

(i) any willful conduct as was likely to drive such woman:

a. to commit suicide;

b. cause grave injury or danger to her life, limb, either mental or physical;

(ii) harassment of such woman, (1) with a view to coerce her to meet unlawful demand for property or valuable security,



(2) or on account of failure of such woman or by any of her relation to meet the unlawful demand,

(iii) woman was subjected to such cruelty by:

(1) husband of that woman, or (2) any relative of the husband.

For constitution an offence under Section 498A of the IPC, therefore, the ingredients thereof must be held to be existing.

For proving the offence under Section 498A of the IPC, the complainant must make allegation of harassment to the extent so as to coerce her to meet any unlawful demand of dowry, or any willful conduct on the part of the accused 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."

ii. Section 304B of IPC

11. Section 304B of IPC, which defines the offence of dowry death and provides its punishment, reads as under:

“304B. 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 purpose 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.”

12. Thus, the offence of Dowry death under Section 304B of IPC involves specific elements, which are as follows:



- i. The woman's death should result from burns or injuries that are not due to normal circumstances.
- ii. The death must occur within seven years of her marriage.
- iii. The woman should have faced cruelty or harassment from her husband or in-laws.
- iv. The cruelty or harassment should be linked to demands for dowry.

13. In *Biswajit Halder @ Babu Halder and Ors v. State of W.B. (2008) 1 SCC 202*, the Apex Court had discussed the essential ingredients of Section 304B of IPC as under:

"The basic ingredients to attract the provisions of Section 304B are as follows: -

(1) The death of a woman should be caused by burns or fatal injury or otherwise than under normal circumstances; (2) Such death should have occurred within seven years of her marriage;

(3) She must have been subjected to cruelty or harassment by her husband or any relative of her husband; and (4) Such cruelty or harassment should be for or in connection with demand for dowry.

Alongside insertion of Section 304B in IPC, legislature also introduced Section 113B of Evidence Act, which lays down when the question as to 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 appended to Section 113 B lays down that "for the purpose of this section 'dowry death' shall have the same meaning as in Section 304 B of IPC".

If Section 304 B IPC is read together with Section 113 B of the Evidence Act, a comprehensive picture emerges that if a married woman dies in an unnatural circumstances at her



matrimonial home within 7 years from her marriage and there are allegations of cruelty or harassment upon such married woman for or in connection with demand of dowry by the husband or relatives of the husband, the case would squarely come under "dowry death" and there shall be a presumption against the husband and the relatives."

14. In the recent case of *Paranagouda v. State of Karnataka* 2023 SCC OnLine SC 1369, the Hon'ble Apex Court had discussed the law on Section 304B of IPC, which is as follows:

"20. The incidental question that would also arise for our consideration is: whether the conviction of the accused under Section 304B would be sustainable? The ingredients to be satisfied for convicting an accused for the offence punishable under Section 304B are:

- “(i) The death of a woman should be caused by burns or bodily injury or otherwise than under a normal circumstance.
- (ii) Such a death should have occurred within seven years of her marriage.
- (iii) She must have been subjected to cruelty or harassment by her husband or any relative of her husband.
- (iv) Such cruelty or harassment should be for or in connection with demand of dowry.
- (v) Such cruelty or harassment is shown to have been meted out to the woman soon before her death.”

21. This Court in the case of *Bansilal v. State of Haryana* (2011) 11 SCC 359 has held that, to attract the provision of Section 304B of the IPC, one of the main ingredients of the offence which is required to be established is that “soon before her death”, she was subjected to cruelty and harassment “in connection with the demand of dowry”. It has been further held:

“20. Therefore, in case the essential ingredients of such death have been established by the prosecution, it is the duty of the court to raise a presumption that the accused has caused the dowry death. It may also be pertinent to mention herein that the expression “soon before her death” has not been defined in either of the statutes. Therefore, in each



case, the Court has to analyse the facts and circumstances leading to the death of the victim and decide if there is any proximate connection between the demand of dowry and act of cruelty or harassment and the death. (Vide T. Aruntperunjothi v. State; Devi Lal v. State of Rajasthan; State of Rajasthan v. Jaggu Ram; Anand Kumar v. State of M.P. and Undavalli Narayana Rao v. State of A.P.”

22. In *Sher Singh Alias Partapa v. State of Haryana (2015) 3 SCC 724* it has been held:

“16. As is already noted above, Section 113-B of the Evidence Act and Section 304-B IPC were introduced into their respective statutes simultaneously and, therefore, it must ordinarily be assumed that Parliament intentionally used the word “deemed” in Section 304-B to distinguish this provision from the others. In actuality, however, it is well-nigh impossible to give a sensible and legally acceptable meaning to these provisions, unless the word “shown” is used as synonymous to “prove” and the word “presume” as freely interchangeable with the word “deemed”. In the realm of civil and fiscal law, it is not difficult to import the ordinary meaning of the word “deem” to denote a set of circumstances which call to be construed contrary to what they actually are. In criminal legislation, however, it is unpalatable to adopt this approach by rote. We have the high authority of the Constitution Bench of this Court both in *State of Travancore-Cochin v. Shanmugha Vilas Cashewnut Factory [(1953) 1 SCC 826 : AIR 1953 SC 333]* and *State of T.N. v. Arooran Sugars Ltd. [(1997) 1 SCC 326]*, requiring the Court to ascertain the purpose behind the statutory fiction brought about by the use of the word “deemed” so as to give full effect to the legislation and carry it to its logical conclusion. We may add that it is generally posited that there are rebuttable as well as irrebuttable presumptions, the latter oftentimes assuming an artificiality as actuality by means of a deeming provision. It is abhorrent to criminal jurisprudence to adjudicate a person guilty of an offence even though he had neither intention to commit it nor active participation in its commission. It is after deep cogitation that we consider it imperative to construe the word “shown” in Section 304-B IPC as to, in fact, connote “prove”. In other words, it is



for the prosecution to prove that a “dowry death” has occurred, namely,

- (i) that the death of a woman has been caused in abnormal circumstances by her having been burned or having been bodily injured,
- (ii) within seven years of her marriage,
- (iii) and that she was subjected to cruelty or harassment by her husband or any relative of her husband,
- (iv) in connection with any demand for dowry, and
- (v.) that the cruelty or harassment meted out to her continued to have a causal connection or a live link with the demand of dowry.

We are aware that the word “soon” finds place in Section 304-B; but we would prefer to interpret its use not in terms of days or months or years, but as necessarily indicating that the demand for dowry should not be stale or an aberration of the past, but should be the continuing cause for the death under Section 304-B or the suicide under Section 306 IPC. Once the presence of these concomitants is established or shown or proved by the prosecution, even by preponderance of possibility, the initial presumption of innocence is replaced by an assumption of guilt of the accused, thereupon transferring the heavy burden of proof upon him and requiring him to produce evidence dislodging his guilt, beyond reasonable doubt. It seems to us that what Parliament intended by using the word “deemed” was that only preponderance of evidence would be insufficient to discharge the husband or his family members of their guilt. This interpretation provides the accused a chance of proving their innocence. This is also the postulation of Section 101 of the Evidence Act. The purpose of Section 113-B of the Evidence Act and Section 304-B IPC, in our opinion, is to counter what is commonly encountered—the lack or the absence of evidence in the case of suicide or death of a woman within seven years of marriage. If the word “shown” has to be given its ordinary meaning then it would only require the prosecution to merely present its evidence in court, not necessarily through oral deposition, and thereupon make the accused lead detailed evidence to be followed by that of the prosecution. This procedure is unknown to common law systems, and beyond the contemplation of CrPC.” "



ANALYSIS AND FINDINGS

i. Testimonies Of Witnesses

21. This Court notes that the prosecution had examined 23 witnesses before the learned Trial Court. Complainant i.e. father of deceased Sh. Kirpal Singh was examined as PW1 and Smt. Harjeet Kaur i.e. mother of the deceased was examined as PW2.

22. PW1 Sh. Kirpal Singh and PW2 Smt. Harjeet Kaur, who were the parents of the deceased Harmeet Kaur, supported the prosecution's account in their deposition before the learned Trial Court while corroborating their statements given before the SDM. They testified about the cruelty and harassment that deceased had endured at the hands of the accused persons, particularly in connection with the demand for dowry.

23. PW3 Suraj Bhan, a neighbor of the complainant Sh. Kirpal Singh, had also been party to a prior compromise reached between the parties in the year 1999 before CAW Cell, Ashok Vihar. Although this witness did acknowledge the earlier compromise between the parties and mentioned that Sh. Kirpal Singh used to claim that the accused persons used to demand dowry, he also deposed before the learned Trial Court that when he had questioned the accused about this matter, they had denied such allegations. Instead, they had complained about the frequent visits of victim's guests and her receiving a large number of calls. Consequently, the learned APP had declared this witness as hostile before the learned



Trial Court since he did not support the prosecution's case on some aspects.

24. PW4 Gopi Chand, a neighbor of the accused persons, had assisted the accused in taking the deceased to the hospital shortly after the incident. However, he professed complete ignorance regarding what had transpired in the house of the accused persons concerning the marital life of Harmeet Kaur and Satpal Singh.

25. PW10 Yugvinder Singh, another son-in-law of the complainant, had also supported the case of prosecution, in similar manner as that of PW1 Sh. Kirpal Singh and PW2 Smt. Harjeet Kaur's, before the learned Trial Court. He deposed that the victim used to confide in them about the cruelty and harassment she used to face from her in-laws. Additionally, he mentioned that victim would even borrow clothes from his wife to wear.

26. Dr. Bijay Prasad, the doctor at Santom Hospital, who had conducted the initial examination of victim outside the hospital, where she was brought in a van deposed as PW11 before the learned Trial Court. Dr. K. Goel, who had conducted the post-mortem examination of victim, was examined as PW-12.

27. PW16 W/SI Raj Bala was informed about the previous complaint lodged by Sh. Kirpal Singh with CAW Cell in Ashok Vihar in September 1999. She had testified about the complaint and the subsequent compromise that was reached between the parties before the learned Trial Court.

28. PW18 Ajit Singh, the brother of deceased Harmeet Kaur corroborated the testimony of his parents before the learned Trial



Court, confirming the cruelty and harassment that victim experienced at the hands of the accused individuals.

29. This Court notes that during their statements under Section 313 of the Cr.P.C., the accused persons refuted the allegations of prosecution and presented a different version of the events. They claimed that the deceased had been suffering from depression because she perceived the status of the accused family as inferior to her own. According to their statements, she considered appellant Satpal Singh less qualified and his family to be from a backward era. The accused persons also denied any allegations of dowry demands, cruelty, or harassment towards the deceased at any point in time.

ii. Medical Evidence

30. In cases of dowry deaths, establishing the unnatural death of the deceased is a crucial element for fulfilling the requirement of Section 304B of IPC.

31. In this particular case, Dr. Bijay Prasad, doctor from Santom Hospital, was responsible for conducting the initial examination of the victim when she was brought to the hospital in a van. His testimony as PW11 before the learned Trial Court established that the victim who was brought at the hospital had already passed away.

32. Dr. K. Goel, an autopsy surgeon, who performed the postmortem examination on the deceased victim, and was examined as PW-12 revealed through postmortem examination and his expert opinion that the victim had committed suicide by hanging and 'chunni' was the ligature material used in the victim's suicide.



iii. Analysing The Testimonies In Light Of Evidence

33. In the present case, it is an admitted fact that the deceased had met an unnatural death shortly after 14 months of her marriage, which falls within the seven-year period as provided under Section 304B of IPC following her marriage to the present appellant Satpal Singh. Therefore, it is essential to determine whether the victim had experienced cruelty at the hands of the appellant concerning dowry demands shortly before her unfortunate death.

34. This Court notes that both PW1 Sh. Kirpal Singh and PW2 Smt. Harjeet Kaur have provided specific statements before the learned Trial Court regarding the demands made by the accused, including a demand for car and a sum of Rupees four to five lakhs, immediately after the marriage of victim. They also indicated that their daughter would frequently complain about the cruel treatment she endured at the hands of the accused. Notably, in August 1999, a complaint was lodged with CAW Cell, Ashok Vihar, alleging harassment by her in-laws, and this matter was subsequently resolved following a written commitment from the accused Satpal Singh to live peacefully. However, only 10 to 15 days after this compromise, the accused had resumed harassing their daughter, driven by the demands for a car and financial contributions toward house construction, making demands on various occasions such as festivals. In October 1999, when victim stayed with her parents, they initially resisted sending her back but later agreed upon assurances from appellant Satpal Singh that she wouldn't be harassed further. They



testified that she was not allowed to communicate with anyone, not even over the telephone, at her in-laws' house. It was also deposed that after the birth of her daughter on January 8, 2000, and the customary gifts they had presented to the accused, the victim had continued to face harassment because she had given birth to a daughter. On the day of her death i.e. May 31, 2000, she had called her mother, PW2 Smt. Harjeet Kaur, around 5:15 pm, asking her to come over to talk. But when she had arrived, she had found her daughter in distress and had come to know that she had been subjected to beatings by accused Satpal Singh due to dowry-related issues. PW-2 had attempted to mediate, but the accused did not relent. Shortly afterwards, the victim had committed suicide. It was also mentioned that victim had written two letters detailing her marital difficulties and the demands made by the accused for a substantial cash sum.

35. PW10 Yugvinder Singh, the brother-in-law of the deceased, had testified before the learned Trial Court that victim used to tell him about the accused persons not providing her with proper food or clothing and physically abusing her due to their unmet expectations of receiving a car as part of the marriage arrangements. He had also testified that she had complained that the accused used to harass her, emphasizing that she had brought nothing substantial to the marriage. It was also deposed that she would occasionally borrow clothing from Yugvinder Singh's wife, i.e. her sister.

36. This Court further notes in regards to two inland letter, that both PW1 Sh. Kirpal Singh and PW2 Smt. Harjeet Kaur mentioned



these letters in their initial statements made to SDM soon after victim's death. The fact that the statements of these witnesses were recorded on the night of the incident is well-established and corroborated by other prosecution witnesses, including police officials. It is clear that these statements were not concocted by Sh. Kirpal Singh immediately after his daughter's death, as he specifically mentioned the letters written by victim about the demand for money and the harassment she faced in his statement to the SDM concerned. The two inland letters were handed over to the police within a few days of the incident, which makes their authenticity credible. The argument suggesting that there was no need for victim to write letters due to the proximity of her parental home, the absence of a mailbox, or their frequent communication through other means, is unfounded as people often express their thoughts in writing, especially during periods of stress or tension. While the seizure of a diary for handwriting comparison could have been more robust, the fact that PW1 Sh. Kirpal Singh had mentioned the existence of these letters in his initial statement to the SDM, coupled with the presence of postage stamps on the letters, supports the conclusion that the letters were indeed written by victim. Furthermore, the presence of postage stamps on the letters indicates that they were genuinely sent through the postal department.

37. Learned counsel for the appellant had also argued that victim's suicide was a result of her feeling that her husband, accused Satpal Singh, was less educated, and that his family's conservative values were outdated. However, this argument lacks merit as it fails to



provide a specific explanation of how the accused's family was perceived as living in the 17th century by victim. The dowry system has been a longstanding issue in our society, and efforts have been made to combat it. Even if victim was more educated, it cannot be assumed that she viewed her husband as less educated due to a minimal age gap in their education. The defense's explanation for victim's suicide is unfounded and lacks a credible basis.

CONCLUSION

i. Summarizing the Acts of Cruelty Against The Deceased

38. This Court notes that Complainant/PW1 Sh. Kirpal Singh, who is the father of deceased, had stated in his testimony before the learned Trial Court that the accused/husband had demanded a car and cash amount of Rs.5 lakhs from the deceased which she was supposed to get from her parents as dowry. PW-2 Smt. Harjeet Kaur/mother of deceased is another vital witness, has deposed and narrated the harrowing account of the experiences of the deceased in the matrimonial home due to non-fulfillment of demands of the accused. She has deposed that the accused, Satpal Singh had subjected the deceased to physical abuse, including hitting her in her stomach when his demand for bringing cash etc. from her parents could not be fulfilled. The deceased was reportedly beaten on multiple occasions due to the non-fulfillment of demand of dowry. The family members of the appellant Satpal Singh, had even resorted to throwing glass bottles at the deceased. Smt. Harjeet Kaur has further deposed that the deceased was isolated in her matrimonial



home as all the family members were against her and treated her with contempt and physical abuse. She was driven to loneliness and isolation to the extent that she was not even allowed to make phone calls to her own parents who had given birth to her, who could have supported and given strength to her. Despite this, Smt. Harjeet Kaur being mother of the deceased as per customs in Indian society, being mother of a daughter, had visited the matrimonial house of the deceased on the occasion of Diwali and her grandchild's birth. She recounts an incident when she had to rush to the matrimonial home of her deceased daughter to meet her in the evening after receiving a distressing phone call from her and had found that her daughter had been beaten again by the appellant and his family. The Son-in-law of Sh. Kirpal Singh, i.e. PW-10 who is married to the elder sister of the deceased has portrayed even a grimmer picture of the deceased's matrimonial life. He recounts as to how the accused Satpal Singh, used to physically abuse the deceased. The deceased had disclosed to him that she was not provided with adequate food and even had to borrow clothes from his wife. Furthermore, the accused had openly threatened to marry another woman while being married to the deceased. The witness mentions an incident where the deceased's sister-in-law had taken away her bridal suits, leading to a dispute and further physical abuse by the accused Tirlok Singh and harassment by the younger brother-in-law, accused Surjeet Singh. The deceased even confided in him that she was not given money to buy toys for her child, reflecting the extent of her suffering and deprivation. These testimonies collectively illustrate the extent of abuse, cruelty physical



and mental as well as life of deprivation that the deceased was forced to lead and endure just because her parents were not able to fulfill the demands of dowry.

39. As has already been highlighted and discussed above, the statements of Sh. Kirpal Singh (PW1) and Smt. Harjeet Kaur (PW2) immediately following their daughter's demise, along with the two inland letters later presented to the Investigating Officer by PW1 Sh. Kirpal Singh containing accounts from deceased regarding the accused's monetary demands, as well as the cruelty and mistreatment she endured, coupled with the complaint lodged with the CAW Cell, Ashok Vihar, within five months of deceased's marriage makes it clear that she was subjected to cruelty and harassment in her marital home in connection with dowry demands. Furthermore, on the day of incident, the deceased had called her mother asking her to come over to talk and when her mother had arrived, she had found her daughter in distress and had come to know that she had been subjected to beatings by accused Satpal Singh due to dowry-related issues, and shortly thereafter, the victim had committed suicide.

40. Thus, in view of the aforesaid discussion, the prosecution has been successful in proving that deceased was subjected to cruelty in connection with demand of dowry and that too, soon before her death and which led to her unnatural death i.e by way of suicide within seven years of her marriage. Her death, thus, can clearly be termed as dowry death.



ii. Dowry Deaths and the Dominance of Greed Over Humanity

41. This Court, in view of the aforesaid discussions, is of the opinion that victim's suicide was a tragic outcome of the profound distress she experienced in her marital home, stemming from the relentless cruelty and harassment inflicted upon her by her in-laws.

42. The case at hand also presents a tragedy, wherein the continuous demands of dowry made by the appellant pushed the deceased into a despair so profound that she felt compelled to take her own life. **This serves as a reminder of how the forces of greed can often eclipse the sanctity of human life and the bonds of matrimony.** The collective experience of victims of dowry death, as narrated through their near ones after their demise as also visible in the present case, **lays bare the excruciating psychological trauma that women endure when subjected to dowry demands which mean that even after being married, they are forced and expected to keep asking their parents and families to somehow give cash or other expensive articles to the husband or his family as a matter of their right only because they are parents of a boy and the parents of a girl are duty bound to fulfill such demands of theirs.**

43. It can be understood and one will shudder to think of the feeling and conflict such women undergo caught between societal pressure to live in the matrimonial home and feeling inadequate, small and insulted that they will have to force their parents to pay money to the in-laws so that they can live a decent life in the matrimonial home, which at times may not be a guarantee though. This trauma can be so overwhelming that, for some, death may



tragically appear to be a lesser agony than the relentless torment caused by the demands for dowry and compulsion and pressure to ask their parents to keep on giving money and gifts to the in-laws.

44. This deeply disturbing case highlights that such issues are still a part of our society and there is an urgency for the society and the legal system to address these issues comprehensively and with a heavy hand, with the aim of preventing such tragic outcomes in matrimonial lives where women are still forced to take their own life just because their husbands or in-laws want money and gifts only because they are married to such woman.

45. Coming back to the present case, the only "offence" of the deceased was that she was married to the appellant whose overpowering greed had shadowed the basic humanity, respect, love that a human being should have towards another human being. Even the minimum respect and love expected within a matrimonial relationship was missing as is reflected from the testimonies of the witnesses, that the deceased was not only beaten but was also threatened that he will get married to another woman while being married to her in case, he does not get cash of Rs.5 lakhs etc. from her parents. It was a blackmail and physical abuse unpardonable.

iii. The Ongoing Battle: Dowry Deaths in the Shadow of Misogynistic Mindset

46. The present case reminds one of the long history of struggle against patriarchy, sexism and misogyny. This struggle is tragically mirrored in the context of dowry deaths, which can be more



accurately described as deaths caused by the burdensome dowry system.

47. What adds to the distress is that such cases aren't simply about male dominance and gender-based hostility; they often reveal complex dynamics where women themselves participate in perpetuating this hostility towards their counterparts. **These cases continue to reinforce the notion that women are seen as financial burdens, with their marriage prospects and associated expenses taking precedence from their very birth, often overshadowing their education and career aspirations in many parts of the country and financially weaker strata of society.** The Courts have consistently played a pivotal role in combating these social evils by effectively enforcing the law and safeguarding women against gender-based crimes, thus contributing positively to the ongoing battle against violence inflicted upon married women.

48. This Court is acutely aware of the distressing pattern that links such incidents, extending to issues such as female foeticide and pre-natal sex selection. Many parents, burdened by the fear of their daughters' future prospects and the financial strain associated with dowry and marriage expenses, become entangled in this cycle.

49. Moreover, **the present case lays bare the anguish of a married woman who found herself trapped in her marital home, enduring relentless torment akin to custodial violence since she was not even permitted to call her parents on phone or visit them as per her desire. Even the phone calls to her parents were rationed.** Her suffering reached a point where she was denied even



the most basic necessities, such as food and clothing, compelling her to borrow clothes from her sister.

50. To subject a woman to a life akin to a slave merely because of her marital status is an egregious injustice. When parents arrange their daughters' marriages, they do so with hopes and dreams, never anticipating that their cherished child will be stripped of the fundamental necessities they've been accustomed to since birth. It is both inhumane and inconceivable that a woman who willingly makes the sacrifice of leaving her childhood home where she was nurtured and raised, should find herself treated as an inferior being after she gets married. She should never become a target, facing the threat of violence or deprivation, merely because her parents cannot satisfy the insatiable demands of her in-laws. In this instance, this Court emphatically asserts that the **judicial system cannot stand by and allow the economic circumstances of a girl's parents to become death warrants and sentences for their daughters in their matrimonial homes.**

iv. Striking At The Societal Thinking And Existing Patriarchal Norms That Still Are A Part Of Our Society Through Judicial Pronouncements And Understanding With Sensitivity Trauma Undergone By The Silent

51. The situation presented in this case highlights an existing paradox in our society. On one hand, we are striving to empower women, encouraging them to pursue their education and dreams,



fostering a sense of independence and self-worth, on the other hand, cases as the present one, reflect that despite a woman's education, a woman can become a target for discrimination and mistreatment in her matrimonial home where her self-worth is weighed in terms of her parents capability of paying money etc. to her husband and in-laws. It signifies a significant failure in our societal mindset. The Courts cannot side by people who perpetuate this failure.

52. This Court notes that in such cases how the psychological stress and emotional trauma can often be extremely damaging. At times the mental trauma can be more damaging than physical violence. In case this Court fails to address this aspect adequately, it will allow a culture of silent suffering to persist, where women and their families are under silent societal pressure to let their daughters stay in their violent matrimonial homes and on the women to strive hard and continue to stay in a violent matrimonial homes, ultimately leading to devastating outcomes like the one in this case.

53. In conclusion, **the distressing narrative in this case serves as a reminder that educational and women empowerment should be celebrated in its true form, not on paper alone but also in the mindsets of people.** It is high time that our society acknowledged the critical importance of treating women with respect, dignity, and empathy within the institution of marriage, ensuring their emotional and psychological well-being is protected with the same vigor as their physical safety and they and their families not being treated as source of their financial enrichment only because they marry a woman.



54. **The step taken by the deceased to take her own life in itself speaks volumes about the deafening cry in the silence of death. It's a reminder that, in her absence, the courts must step in to become the voice of those who can no longer speak for themselves.** The dreams, aspirations, and potential of a woman, once extinguished, can never be witnessed or fulfilled.

55. What makes this case even more heart-wrenching is that the deceased was a woman with ambitions and had the support of her parents, who stood by her throughout her life and even after her untimely death but could not survive the torment of physical and mental abuse as she did not want to bother her parents with continuous demands of her in-laws for cash and kind.

56. **It's a solemn duty of the justice system to ensure that the dreams and hopes of individuals, are not shattered by the malevolent forces within our society.** The Courts have to ensure that guilty of offences as the present case are treated as per law to send a message to the society that the laws and the Courts do not stand by those or show sympathy to those who shatter the dreams of women for non-fulfillment of their demands of dowry thus ensuring that women after marriage are respected, cherished and nurtured, for their own self worth and sanctity of relationship, and not due to the capacity of their parents to pay cash to husband and in-laws. The precious lives of women in such circumstances cannot be allowed to be lost in the abyss of despair.



v. *The Decision*

57. In view thereof, this Court finds no reasons to interfere with the impugned judgment dated 16.04.2009 and order of sentence dated 21.04.2009 and the same are thereby upheld. However, since the present appeal pertains to the year 2009 and the appellant has been on bail for more than 14 years, it is directed that the appellant shall surrender to serve the unexpired portion of his sentence within a period of 30 days.

58. Accordingly, the present appeal stands disposed of.

59. The judgment be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

OCTOBER 31, 2023/ns