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(2025) 12 SC CK 0028

Supreme Court

Case No: Criminal Appeal Nos. 132-133 Of 2017

State Of U.P.		APPELLANT
	Vs	
Ajmal Beg Etc		RESPONDENT

Date of Decision: Dec. 15, 2025

Acts Referred:

- Constitution of India, 1950- Article 14, 136
- Code of Criminal Procedure, 1973- Section 161, 313, 374
- Indian Penal Code, 1860- Section 304B, 498A
- Dowry Prohibition Act, 1961- Section 2, 3, 4, 8B
- Evidence Act, 1872- Section 113B

Hon'ble Judges: Sanjay Karol, J; Nongmeikapam Kotiswar Singh, J

Bench: Division Bench

Advocate: Abhishek Saket, Sudeep Kumar, Amruta Padhi, Chanchal Sharma, Manisha, Rupali, Sadhna Sandhu, Shekhar Kumar, Bhanu Pratap Gupta, Shikha Sandhu, Rita Gupta, Nikhil Kumar Sharma, Shantanu Krishna

Final Decision: Disposed Of

Judgement

Sanjay Karol, J

For convenience of reference, this judgment is divided into the following parts:

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THE APPEALS

1. These appeals are at the instance of the State of Uttar Pradesh, laying challenge to a judgment of the High Court of Judicature at Allahabad in Criminal Appeal under Section 374 Cr.PC. Nos. 5109 of 2003 and 5110 of 2003, entering a finding of acquittal of the respondents herein, setting aside the judgment and order dated 7th October 2003, of conviction returned by the Additional Sessions Judge, Bijnor Trial Court in Sessions Trial 573 and 574 of 2001 arising out of the First Information Report FIR bearing No. 94/2001 registered at P.S Kiratpur, under Sections 498-A and 304-B, Indian Penal Code, 1860 IPC and Section 3/4 of the Dowry Prohibition Act, 1961 DPA, 1961.

2. In this case, a young girl, barely of twenty, when she was sent away from the world of the living by way of a most heinous and painful death, met this unfortunate end simply because her parents did not have the material means and resources to satisfy the wants or the greed of her family by matrimony. A coloured television, a motorcycle and Rs. 15,000/- is all she was apparently worth of.

DOWRY: A CROSS-CULTURAL EVIL

3. Evil, unless eradicated, can never be contained. What originally began as a voluntary gift-giving practice to the daughter upon marriage, for her own use and financial independence, with time, morphed into an institutionalized practice - becoming an essential aspect of hypergamy https://www.merriam-webster.com/dictionary/hypergamy. This practice of marrying higher up traces its origins to caste and kinship along with, to use a colloquial term, the baggage of the samaj that comes with it. Since lineage is traced through the patriarchal line, the desire to marry daughters into equal or higher-status families ensured that their offspring retained or enhanced the familys standing. Hypergamy thus became both a social strategy and a religiously sanctioned norm. Among upper castes, this evolved into rigid practices where daughters were married up to families of higher ritual or political rank, often necessitating large dowries as inducements. Over time, hypergamy was not just about varna but also about wealth, landholding, and political influence. Medieval royal families practiced hypergamy to forge alliances, and landed elites followed suit to consolidate power. By the early modern and colonial periods, hypergamy had become a widespread cultural pattern across many Hindu communities, entrenching the link between dowry and upward mobility. Today, even though outlawed, it continues, having divorced itself entirely from the well-being of the female (**its original intent)** to what is now being referred to as the **groom price theory**- i.e., the amount of dowry being determined by the particulars of the groom, such as social and educational background, earning capacity etc. What all of

this translates to, is a systemic bias against women - pervasive across all sections of society - undervaluing them grossly. The amount of dowry the woman brings into the marital home directly corresponds to the value of the groom, which the woman, just as herself, is condemned to be unable to meet, or is otherwise unworthy, sans the dower Suparna Soni, PhD Institution of Dowry in India: A Theoretical Inquiry, Societies Without Borders, Vol 14, Issue 1 (2020).

4. As this case represents, however, dowry is not a feature only amongst the Hindus, but it can also be found in other communities professing different faiths and religions. In Islam, dowry, stricto senso, is prohibited. What is prescribed is, in fact, the reverse. mehr is a compulsory gift that the groom is required to give to the bride at the time of marriage. It is an essential part of the nikah (marriage contract), without which the contract is considered incomplete. The mehr can take many forms - money, jewellery, property, or any valuable as agreed upon by the couple - but what defines it is that it belongs solely to the bride and cannot be taken back by the husband or his family. The Quran makes this obligation explicit in Surah An-Nisa (4:4) https://quran.com/an-nisa/4 :

And give the women [upon marriage] their bridal gifts graciously. But if they of themselves remit to you a portion of it, then you may enjoy it with pleasure and goodwill

See, Generally- Abdul Waaheed, The Phenomenon of Dowry Among Muslims in India, Centre for the Study Of Social Systems School of Social Sciences Jawaharlal Nehru University, 1987 The purpose of mehr is both symbolic and practical: it signifies respect for the woman and ensures her financial security in the marriage.

5. The adoption of dowry amongst the Muslims of the subcontinent is explained through a combination of cultural, economic, and institutional factors. Historically, dowry was most closely associated with Hindu caste society, but over a time it diffused into Muslim practices through processes of cultural assimilation, social emulation, and inter-community influence See, Generally- Abdul Waaheed, The Phenomenon of Dowry Among Muslims in India, Centre for the Study Of Social Systems School of Social Sciences Jawaharlal Nehru University, 1987. Scholarly undertakings trace how Muslim families, particularly in urban centers, began adopting dowry as a status marker and as part of competitive marriage negotiations. At the same time, marriage-market pressures - including imbalances in sex ratios, rising educational aspirations, and competition for higher-status grooms - encouraged families to provide substantial dowry payments.

6. As a result, mehr and dowry have come to coexist in complex ways. In many Muslim marriages in India, mehr continues to be stipulated, but often only in nominal terms. The real financial transfers flow from the brides family to the groom, effectively hollowing out the protective function of mehr. This undermines the original Islamic intention of empowering women through property ownership, as the dowry frequently ends up under the control of the husband or his family

See, Section 4 of Okumus and Gümüş, Revitalizing 'mahr' for Muslim women's empowerment within Türkiye's secular legal system, Social Sciences and Humanities Open, Volume 12, 2025. See, https://www.sciencedirect.com/science/article/pii/S2590291125003729#abs0015.
Where dowry replaces or overshadows mehr, women lose an important bargaining tool and face greater economic vulnerability. Scholars note that this dual system - nominal mehr alongside substantial dowry - illustrates how religious norms have been reshaped by social and economic forces. The consequences of this shift are serious. Dowry places a heavy financial burden on the brides family, sometimes delaying or preventing daughters marriages In this case as well, one of the reasons given by the father of the deceased, for not being able to fulfill the demands of the respondent son-in law, was that he had other daughters whose marriage, he has to make arrangements for. It has also been linked to harassment, domestic violence, and even dowry deaths - problems that affect not only the Muslim households but cut across all religions. By contrast, the neglect of mehr erodes womens financial security, leaving them less protected in cases of divorce or widowhood.

7. The eradication of dowry is an urgent constitutional and social necessity. Dowry, legally defined under Section 2 of the DPA, 1961, refers to **any property or valuable security given or agreed to be given directly or indirectly** by one party to a marriage to the other, or by the parents of either party, in connection with the marriage. Although the law sought to prohibit the practice, dowry has persisted in society, slipping through the statutory definition, cloaked as gifts and social expectations. This practice is, at the most basic level, at odds with the values enshrined in the Constitution, i.e., the constitutional ethos of justice, liberty, and fraternity, and more particularly, Article 14, which guarantees equality before the law and equal protection of the laws, a principle directly undermined by a system that treats women as a source of financial extraction and reinforces structural discrimination.

8. The Constituent Assembly debates highlight that independence was meant to inaugurate not only political freedom but also social transformation. Dr. B.R. Ambedkar, amongst others emphasized that democracy in India would be hollow if entrenched social hierarchies and oppressive customs continued unchecked. While dowry was not debated specifically, the Assemblys call for social reform in pursuit of justice and equality clearly applies to the eradication of such a practice.

9. Thus, eliminating dowry is not only a matter of enforcing the DPA 1961 but a constitutional imperative. It fulfills the Republics promise that every woman should enter marriage as an equal citizen and not as the bearer of an unjust financial burden.

FACTS OF THE CASE

10. The facts of this case are as follows:

(i) Nasrin (**hereinafter referred to as the deceased**), who was married to Ajmal Beg Respondent in Criminal Appeal No. 132 of 2017, was the daughter-in-law of Jamila Beg Respondent in Criminal Appeal No. 133 of 2017. The deceased and Ajmal had been married just over a year prior to the incident.

(ii) Repeatedly, Ajmal, Jamila and other family members had demanded from the deceased and her father Taslim Beg (PW1) PW1, a coloured television, a motorcycle and Rs. 15,000/-.

(iii) Ajmal reiterated his demand to PW1 on 4th June 2001 and, in similar fashion to the previous times that this demand had been made, later had expressed his inability to comply.

(iv) The next day, on 5th June 2001 Ajmal, Jamila (the two Respondents before us) Aslam, Shakila @Wakila, Shabina and Akbar Beg - all accused persons before the Trial Court, allegedly assaulted the deceased and threatened her that if she doesnt fulfil their demands, they would kill her.

(v) Alarmed at such threat, the deceased called for help and certain persons namely, Fahmid Beg and Khaliq Beg (PW2) PW2 reached the spot but by that time the accused persons had set her on fire by pouring kerosene oil, and she could not be saved.

(vi) PW2 informed PW1 who reached the spot of crime and found the deceased lying burnt, dead. An FIR was lodged, setting in motion the machinery of criminal law.

(vii) Upon completion of investigation, challan was presented for trial.

THE FINDINGS OF THE TRIAL COURT

11. The findings arrived at by the Trial Court were on the basis of 8 witnesses examined on behalf of the prosecution. The defense led no evidence other than deposing in statements under Section 313 Code of Criminal Procedure 1973 Cr.PC, that they had been falsely implicated in the case, owing to enmity. The discussion made by the Trial Court can be encapsulated as follows:

(i) As regards the charge under Section 304-B is concerned, the evidence of PW1 was considered. He testified to the fact of the deceased having visited her parental home on 10 - 12 occasions since having been married and having consistently mentioned regarding the demand of dowry. Further, in his cross examination he testified to the demand for a colour TV, motorcycle/scooter and Rs.15000/-. The demand made on 4th June 2001 was testified by PW1 and Zahida (PW6) PW6 as well. The fact that the names of all the accused persons were not mentioned in the FIR is not of negative consequence for the prosecution as the same has been mentioned by PW1 in his statement under Section 161, CrPC.

(ii) Qua the involvement of the other accused (excluding Ajmal, Jamila), upon consideration of all the testimonies on record, it was held that Shakila and Shabina,

being married daughters, resided in their matrimonial homes and were not to gain anything from the additional demand of dowry. For Aslam also, it was concluded that he does not live in the same house.

(iii) The defence of the accused, to the effect that no immediate demand for dowry had been made, was rejected, given the uncontroverted position that a day prior to the incident, Ajmals demand for dowry had been established. Physical and mental torture, in the facts, stood proved.

(iv) Other ancillary arguments such as the possibility that the deceased had committed suicide were rejected given that none of the accused persons had tried to save her.

(v) The quilt and the thatched roof having also been burnt led the Court to the conclusion that the deceased has been burnt to death, by pouring so much kerosene oil that even the above-mentioned quilt and roof caught fire.

(vi) Guilt of only Ajmal and Jamila - Respondents before us, was as such deemed established beyond reasonable doubt and sentenced as under:

Section	Sentence	Fine	In default
304B IPC	Life Imprisonment	5000/-	Two years
498A IPC	Three years	1000/-	One year
3/4 DPA	Two years	1000/-	Six months

THE IMPUGNED JUDGMENT

12. Quite apparently no appeal against the judgment of acquittal was preferred and only the two aforesaid convicts assailed the Trial Court judgment. The High Court in arriving at a conclusion, opposite to the Trial Court acquitted both Ajmal and Jamila, and made the following observations:

(i) Both PW1 and PW6 are not eyewitnesses to the incident, being residents of not the same, but a nearby village. They claim receipt of information about the incident through PW2, brother of PW6.

(ii) The evidence of PW2 is unreliable. It was held-

(a) That he seems confused and not in direct knowledge of the events surrounding the death of the deceased. Instead, it appeared that he had gathered information from secondary sources, which he then transmitted to PW1.

(b) In his examination-in-chief, the witness stated that having seen the deceased lying dead in the verandah from where he, along with another witness, Fahmid, saw Ajmal and other men fleeing, as also the females exiting, he went and informed the

parents of the deceased. However, in his cross-examination, he says that he has not informed them.

(c) Similarly, he cannot place the above said Fahmid, at the scene of the incident, when cross-examined about the same.

(d) His version that the deceased had, prior to the incident, had come over to his house and complained about the behaviour of Ajmal and others is concluded by the High Court to be an important fact. This too, however, is disbelieved given that PW1 and PW6, both, did not say anything to that effect.

(e) Another factor taken against the credibility of PW2 is that he did not, in the course of investigation, make any statement before the police.

(iii) The evidence of PW6 is also doubted on similar accounts as she did not make any statement during the investigation, before the police, and that during her cross examination she stated that her daughter lived in the matrimonial house happily.

(iv) Certain other observations made, merit being extracted hereunder:

PW6 was stating in paragraph 5 of her evidence that there was no demand of dowry ever prior to the marriage, and it was made only after marriage. Thus, there is sufficient evidence before the Court to record that the marriage was dowryless. If that be so, then we have some difficulty in accepting that such heavy demands for articles could be made by the appellants subsequently. We, further find the allegations of demand of dowry-articles improbable for the reason that PW6 and PW1, both have stated that the accused persons were poor fellows. We believe that the demands are made as per status of a man, as regards the present case, in our opinion, the appellants could not have even afforded to maintain the articles, which was demanded by them. This also makes it notacceptable. We find that both PWs 1 & 6 were feeling cheated and let down by the fact that their daughter had been married to a person who belonged to the poor stratum of the society. PW1, the father was venting his disgust and frustration on account of being cheated. While reply to a question, which appears at page 22 of the paper book, that the accused persons had let him down.

13. The State, being aggrieved by the acquittal based on the findings as aforesaid, has carried the matter in appeal before us. We have heard learned counsel for the parties and perused the record.

ANALYSIS AND DISCUSSION

14. Before adverting to the merits of the matter, it would be useful to take note of a few pronouncements of this Court regarding the sections under which the Trial Court had originally convicted, and the High Court has subsequently acquitted Ajmal and Jamila.

I. DOWRY DEATH

14.1 Section 304-B, IPC

It reads as follows:

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.

a) **Pawan Kumar v. State of Haryana** (1998) 3 SCC 309, culled out the following essentials of the Section-

6. Let us see Section 304-B IPC. The ingredients necessary for the application of Section 304-B are:

(a) When the death of a woman is caused by any burns or bodily injury, or

(b) occurs otherwise than under normal circumstances

(c) and the aforesaid two facts spring within 7 years of girl's marriage

(d) and soon before her death, she was subjected to cruelty or harassment by her husband or his relative,

(e) this is in connection with the demand of dowry.

7. If these conditions exist, it would constitute a dowry death; and the husband and/or his relatives shall be deemed to have caused her death. In the present case, it is not in dispute that the deceased Urmil died of burn injuries, that she died otherwise than under normal circumstances, and that the death was within a period of 7 years of marriage. The only consideration has to be: whether she was subjected to any cruelty or harassment by the appellants soon before her death, and whether the same was for or in connection with any demand of dowry.

b) The discussion in **Ashok Kumar v. State of Haryana** (2010) 12 SCC 350 is important to understand the phrase soon before her death as it appears in the Section. It was held:-

19. In our view, the expression soon before her death cannot be given a restricted or a narrower meaning. They must be understood in their plain language and with reference to their meaning in common parlance. These are the provisions relating to human behaviour and, therefore, cannot be given such a narrower meaning, which would defeat the very purpose of the provisions of the Act. Of course, these are penal provisions and must receive strict construction. But, even the rule of strict construction requires that the provisions have to be read in conjunction with other relevant provisions and scheme of the Act. Further, the interpretation given should be one which would avoid absurd results on the one hand and would further the object and cause of the law so enacted on the other.

20. We are of the considered view that the concept of reasonable time is the best criteria to be applied for appreciation and examination of such cases. This Court in Tarsem Singh v. State of Punjab [(2008) 16 SCC 155 : (2010) 4 SCC (Cri) 27] , held that the legislative object in providing such a radius of time by employing the words soon before her death is to emphasise the idea that her death should, in all probabilities, has been the aftermath of such cruelty or harassment. In other words, there should be a reasonable, if not direct, nexus between her death and the dowry-related cruelty or harassment inflicted on her.

22. The cruelty and harassment by the husband or any relative could be directly relatable to or in connection with, any demand for dowry. The expression demand for dowry will have to be construed ejusdem generis to the word immediately preceding this expression. Similarly, in connection with the marriage is an expression which has to be given a wider connotation. It is of some significance that these expressions should be given appropriate meaning to avoid undue harassment or advantage to either of the parties. These are penal provisions but ultimately these are the social legislations, intended to control offences relating to the society as a whole. Dowry is something which existed in our country for a considerable time and the legislature in its wisdom considered it appropriate to enact the law relating to dowry prohibition so as to ensure that any party to the marriage is not harassed or treated with cruelty for satisfaction of demands in consideration and for subsistence of the marriage.

(emphasis supplied)

[See also: **Devender Singh v. State of Uttarakhand** (2022) 13 SCC 82 & **Parvati Devi v. State of Bihar** (2022) 14 SCC 500]

II. PRESUMPTION OF DOWRY DEATH

14.2 Section 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).]

a) A three judge bench in **Devender Singh v. State of Uttarakhand** (2022) 13 SCC 82, succinctly encapsulated the functioning of this presumption as follows:

12. Section 304-BIPC read along with Section 113-B of the Evidence Act, 1872 makes it clear that once the prosecution has succeeded in demonstrating that a woman has been subjected to cruelty or harassment for or in connection with any demand for dowry soon before her death, a presumption shall be drawn against the said persons that they have caused dowry death as contemplated under Section 304-BIPC. The said presumption comes with a rider inasmuch as this presumption can be rebutted by the accused on demonstrating during the trial that all the ingredients of Section 304-BIPC have not been satisfied. [Ref. : Bansi Lal v. State of Haryana [Bansi Lal v. State of Haryana, (2011) 11 SCC 359: (2011) 3 SCC (Cri) 188] , Maya Devi v. State of Haryana [Maya Devi v. State of Haryana, (2015) 17 SCC 405 : (2018) 1 SCC (Cri) 768] , G.V. Siddaramesh v. State of Karnataka [G.V. Siddaramesh v. State of Karnataka, (2010) 3 SCC 152 : (2010) 2 SCC (Cri) 19] and Ashok Kumar v. State of Haryana [Ashok Kumar v. State of Haryana, (2010) 12 SCC 350 : (2011) 1 SCC (Cri) 266] .]

(emphasis supplied)

III. **WOMEN SUBJECTED TO CRUELTY**

14.3 Section 498-A

It runs:

498A. 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 purpose 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.

Although there are numerous judgments that delineate the scope, object behind the introduction of this Section reference to a recent order of this Court in **Aluri Venkata Ramana v. Aluri Thirupathi Rao** 2024 SCC OnLine SC 5473, would serve the present purpose. The relevant paragraphs are extracted hereunder: -

8. Section 498A of the IPC was introduced in the year 1983 with the primary objective of protecting married women from cruelty at the hands of their husbands or their in-laws. The section provides a broad and inclusive definition of cruelty, encompassing both physical and mental harm to the woman's body or health. In addition, it covers acts of harassment designed to coerce the woman or her family into fulfilling unlawful demands for property or valuable security, including demands related to dowry. Notably, the provision also recognizes acts that create circumstances leading a woman to the point of suicide as a form of cruelty.

9. The definition of harassment under the Explanation to Section 498A is specifically outlined in clause (b), independent to the wilful conduct described in clause (a), thus necessitating a separate reading of the two. It is significant to note that the inclusion of the word or at the end of clause (a) clearly indicates that cruelty for the purposes of Section 498A can either involve wilful conduct that causes mental or physical harm or harassment related to unlawful demands, such as dowry. Moreover, these forms of cruelty can co-exist, but the absence of a dowry-related demand does not preclude the application of the section in cases where there is mental or physical harassment unrelated to dowry. In interpreting the provision, it is crucial to consider the broader objective behind its introductionto safeguard women from all forms of cruelty, regardless of whether the nature of the harm inflicted includes a specific demand for dowry or not.

10. The statement of objects and reasons for the introduction of this provision in the Penal Code, 1860 by The Criminal Law (Second Amendment) Act, 1983 (Act No. 45 of 1983) reads as under

The increasing number of Dowry Deaths is a matter of serious concern. The extent of the evil has been commented upon by the Joint Committee of the Houses to examine the working of Dowry Prohibition Act, 1961. Cases of cruelty by the husband and the relatives of the husband which culminate in suicide by, or murder of, the hapless woman concerned, constitute only a small fraction of the cases involving such cruelty. It is therefore proposed to amend the Penal Code, 1860, the Code of Criminal Procedure and the Indian Evidence Act suitably to deal effectively not only with cases of Dowry Death but also cases of cruelty to married woman by their in laws.

11. It is relevant to note the last line which explains that the aim for the introduction of Section 498A in the IPC is not only to curb cruelty relating to dowry demand but also cases of cruelty to married woman by their in laws. A reasonable interpretation of this would be that cruelty within this section goes beyond the definition of cruelty

relating just to dowry demand.

(emphasis supplied)

IV. **DOWRY PROHIBITION ACT**

14.4 Sections 3 & 4, DPA,1961

It is also important to make reference to the objects and reasons of the said Act, here itself:

The object of this Bill is to prohibit the evil practice of giving and taking of dowry. This question has been engaging the attention of the Government for some time past, and one of the methods by which this problem, which is essentially a social one, was sought to be tackled was by the conferment of improved property rights on women by the Hindu Succession Act, 1956. It is, however, felt that a law which makes the practice punishable and at the same time ensures that any dowry, if given does ensure for the benefit of the wife will go a long way to educating public opinion and to the eradication of this evil. There has also been a persistent demand for such a law both in and outside Parliament. Hence, the present Bill. It, however, takes care to exclude presents in the form of clothes, ornaments, etc., which are customary at marriages, provided the value thereof does not exceed Rs 2000. Such a provision appears to be necessary to make the law workable. as quoted in Enforcement and Implementation of Dowry Prohibition Act, 1961, In re, (2005) SCC 565

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 bridegroom (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.]

4. Penalty for demanding dowry.If any person demands, directly or indirectly, from the parents or other relatives or guardian of a bride or bridegroom, as the case may be, any dowry, he shall be punishable with imprisonment for a term which shall not be less than six months, but which may extend to two years and with fine which may extend to ten thousand rupees:

Provided that the Court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than six months.]

A Bench of two learned Judges in S. Gopal Reddy v. State of A.P. (1996) 4 SCC 596, appreciated the context and purpose of the provisions of DPA, 1961 in the following terms:

11. The definition of the expression dowry contained in Section 2 of the Act cannot be confined merely to the demand of money, property or valuable security made at or after the performance of marriage as is urged by Mr Rao. The legislature has in its wisdom while providing for the definition of dowry emphasised that any money, property or valuable security given, as a consideration for marriage, before, at or after the marriage would be covered by the expression dowry and this definition as contained in Section 2 has to be read wherever the expression dowry occurs in the Act. Meaning of the expression dowry as commonly used and understood is different than the peculiar definition thereof under the Act. Under Section 4 of the Act, mere demand of dowry is sufficient to bring home the offence to an accused. Thus, any demand of money, property or valuable security made from the bride or her parents or other relatives by the bridegroom or his parents or other relatives or vice versa would fall within the mischief of dowry under the Act where such demand is not properly referable to any legally recognised claim and is relatable only to the consideration of marriage. Marriage in this context would include a proposed marriage also more particularly where the non-fulfilment of the demand of dowry leads to the ugly consequence of the marriage not taking place at all. Where definition has been given in a statute itself, it is neither proper nor desirable to look to the dictionaries etc. to find out the meaning of the expression. The definition given in the statute is the determinative factor. The Act is a piece of social legislation which aims to check the growing menace of the social evil of dowry and it makes punishable not only the actual receiving of dowry but also the very demand of dowry made before or at the time or

after the marriage where such demand is referable to the consideration of marriage. Dowry as a quid pro quo for marriage is prohibited and not the giving of traditional presents to the bride or the bridegroom by friends and relatives. Thus, voluntary presents given at or before or after the marriage to the bride or the bridegroom, as the case may be, of a traditional nature, which are given not as a consideration for marriage but out of love, affection or regard, would not fall within the mischief of the expression dowry made punishable under the Act.

15. Having appreciated the provisions and the judgments as aforesaid, let us now proceed to consider whether, in view of the evidence, the High Court was justified in setting aside the findings of the Trial Court. However, prior to that we will undertake the task of examining the scope of this Courts power under Article 136 of the Constitution of India in criminal matters.

15.1 In **Surajdeo Mahto v. State of Bihar** (2022) 11 SCC 800, it was held:

25. It may be highlighted at the outset that although the powers vested in this Court under Article 136 of the Constitution are wide, this Court in a criminal appeal by special leave will ordinarily loath to enter into a fresh reappraisement of evidence and question the credibility of witnesses when there is a concurrent finding of fact, save for certain exceptional circumstances. While it is difficult to lay down a rule of universal application, it has been affirmed time and again that except where the assessment of the High Court is vitiated by an error of law or procedure, or is based on misreading of evidence, or is inconsistent with the evidence and thus has led to a perverse finding, this Court will refrain from interfering with the findings of the courts below.

15.2 On a reading of various judgements, viz., **Ramaniklal Gokaldas v. State of Gujarat,** (1976) 1 SCC 6, **Nadodi Jayaraman v. State of T.N.** 1992 Supp (3) SCC 161, **Banwari Ram v. State of U.P**. (1998) 9 SCC 3, the generally accepted standard - which it ought to be stated, is not a rule - is that when the Courts below concurred, this Court does not enter into the reappreciation of the evidence, in a criminal case. In the present case, the Courts below have, in fact, arrived at opposite findings and as such, to set the matter to rest either by conviction or acquittal, this Court must analyse the evidence on record.

16. As we have already observed, the defense led no evidence. Let us, in that view of the matter, revisit the evidence of those witnesses on the basis of which the High Court arrived at findings opposite that of the Trial Court.

16.1 PW1, Taslim Beg, the father of the deceased testified that marriage of the deceased and Ajmal, took place about 2 years and a few months back from the date of recording of the evidence and that he had given certain goods as dowry in the said wedding. The demand for further dowry in the form of goods mentioned earlier as well has been consistent, to which he has also disclosed his response which was to the effect that, providing the same would be beyond his financial capabilities. He

testified that since her marriage the deceased had visited her natal home, on 10 - 12 occasions, till her passing and that grievance of harassment regarding dowry was almost a regular feature. The deceased told her father that she had been warned of the consequences of non-fulfillment of their demands - to the effect that she would be killed. On the last occasion when she visited, even then, this issue came up and he advised her before sending her off with Ajmal. According to him, PW2 and Fahmid Beg, who told him of this horrible incident, were eyewitnesses to the same.

The only effective point in the cross-examination was as to why the initial report filed by this witness was lacking in detail - but in our considered view, not material particulars.

16.2 PW2 is Khaliq Beg, the maternal uncle of the deceased and brother-in-law of the complainant - PW1. In his examination-in-chief he testified to the specific demand of dowry in terms of the motorcycle, colour TV and cash to the tune of Rs.15,000/- and complaints made by the deceased regarding harassment, to the effect that Ajmal and other members of his family did undertake, in his presence as also that of other witnesses that they would not harass the deceased in this regard. He, along with Fahmid Beg reached the spot and saw some of the accused, including Ajmal fleeing from the spot and yet others running away from the house, seeing them approaching.

By way of cross-examination, it comes forth that although he was the one to have informed PW1 of the incident, but the presence of Fahmid Beg is under question. On a suggestion that, the deceased was in fact unhappy and as such, had committed suicide as opposed to Ajmal and the other accused having killed her, he denied the same. He states that he had seen the accused persons running away from the spot but however, not seen them actually setting the deceased ablaze.

16.3 PW-4 is Dr. VK Mishra who conducted the post-mortem of the deceased. The cause of death was testified to be asphyxia and shock caused by extreme burns. It was deposed that hundred percent of the body surface was burnt down to the muscles. It was possible, therefore, that the death had been caused due to pouring of kerosene. There was no injury inflicted by any weapon on the body.

16.4 PW6, is the mother of the deceased and wife of the complainant. She testified to the particular demand of motorcycle, cash Rs.15,000/- and a colour TV; the 10 or 12 prior visits of the deceased; the demand of dowry a day before the death of the deceased and, PW2 informing them of the incident. In her cross-examination, it comes forth that the deceased apparently lived in the matrimonial home, happily.

17. A perusal of the witness statements, as encapsulated above, reveal the following facts:

(a) The deceased and Ajmal were married, and the former resided in her matrimonial home. The marriage lasted for just over a year, before the deceased

passed away.

(b) All the witnesses have consistently deposed the demand for two specific items and that particular amount of cash.

(c) All the witnesses have testified that the deceased told them that she had been threatened with her life, should the demands not be fulfilled.

(d) The case of the prosecution is consistent insofar as the demand for dowry being restated by Ajmal himself, just one day prior to the death of the deceased.

18. A perusal of the testimonies also reveals the following inconsistencies:

(a) On the one hand, PW6 states that there was no demand at the time of marriage but on the other, her husband states that he had given dowry at the time of marriage that is, double bed etc.

(b) PW1 states that it was PW2 who informed him about the incident and were eyewitnesses to the incident but however PW2 states that he had not seen the accused people setting the deceased ablaze.

(c) PW2 stated that he and one Fahmid Beg, reached the spot after the deceased cried for help, but however, in his cross-examination it appears that presence of Fahmid Beg, could not be established.

(d) On the one hand, all witnesses depose as to the continued harassment of the deceased for dowry, whereas on the other, PW6 stated that she lived in her matrimonial home happily.

19. What is now for us to do is balance the position of statements unblemished by the assault of cross-examination and the inconsistencies, omissions, contradictions in the testimony of witnesses, in order to determine the guilt, as found proved by the Trial Court, or lack thereof as held by the High Court. At this juncture, we must notice the effect of certain omissions or inconsistencies in the testimonies of witnesses.

19.1 In **Sohrab v. State of M.P.** (1972) 3 SCC 751 the Court held as follows in connection with inconsistencies in statement of witnesses in a criminal trial:

8 It appears to us that merely because there have been discrepancies and contradictions in the evidence of some or all of the witnesses does not mean that the entire evidence of the prosecution has to be discarded. It is only after exercising caution and care and sifting the evidence to separate the truth from untruth, exaggeration, embellishments and improvement, the Court comes to the conclusion that what can be accepted implicates the appellants it will convict them. This Court has held that falseus in uno falsus in omnibus is not a sound rule for the reason that hardly one comes across a witness whose evidence does not contain a grain of untruth or at any rate exaggeration, embroideries or embellishments. In most

cases, the witnesses when asked about details venture to give some answer, not necessarily true or relevant for fear that their evidence may not be accepted in respect of the main incident which they have witnessed but that is not to say that their evidence as to the salient features of the case after cautious scrutiny cannot be considered though where the substratum of the prosecution case or material part of the evidence is disbelievable it will not be permissible for the Court to reconstruct a story of its own out of the rest .

19.2 In this connection, various judgments of this Court have restated the position. [See: **Radha Mohan Singh v. State of U.P.** (2006) 2 SCC 450, **Hari v. State of U.P**. (2021) 17 SCC 111 and **Ravasaheb v. State of Karnataka** (2023) 5 SCC 391.]

20. The position of law being clear, as referred supra let us now consider the evidence. The demand for dowry, and in particular, a motorcycle, a colour TV and Rs.15,000/- in cash, have been established beyond reasonable doubt, with such a version not to have been shaken at all. Equally so, in no manner could it be disputed that the said demand had been reiterated just a day prior to the deceased passing away. This ties in with the fact that PW1 and PW 2, both have testified to the effect of continuous harassment of the deceased. The expression soon before her death, as explained in **Ashok Kumar** (supra) would, in the considered view of this Court, be met and all the essentials, as noted in **Pavan Kumar** (supra) would be satisfied. Here itself, it may then be noted that the presumption under Section 113-B of the Indian Evidence Act, 1872 came into effect as soon as it stood proved that the deceased had been subjected to cruelty soon before her death, and went unrebutted by the defence, since no evidence was led by them.

21. The next aspect to be considered is the disregarding of the evidence of PW2, by the High Court. We are of the view that the same was not justified. He has stated that when he reached the spot he saw Ajmal and other co-accused persons fleeing. He is the one who told PW1. Nowhere in his testimony has it come forth that he is an eyewitness to the incident. PW1 on the contrary said that PW2 and Fahmid Beg had witnessed the incident. On first blush, this contradiction appears significant and material, but, it is not so. The witness, PW2, regarding whose presence the discrepancy is, has himself categorically stated that upon reaching the spot, he only saw that the deceased had been set ablaze and that the accused persons were fleeing away. He has nowhere said that he saw the act being committed. As such, this contradiction will not have a bearing on the overall value of the testimony of PW2. The High Court, in disbelieving the testimony of this witness, as extracted supra, further stated that prior to the incident the deceased had come to his residence which is in the same village as her matrimonial home and complained to her uncle, about her maltreatment, at the hands of Ajmal and others on account of the demand for dowry. As such, the same was held, not to be an ordinary fact and so, it could be very well supposed that PW 1 and 6, parents of the deceased knew of this incident. Given that in their testimonies, neither of these persons mentioned

this, has been taken to mean a credible doubt on the testimony of PW 2.

We cannot agree. True it is that this fact has not come in the testimony of the parents of the deceased, but it is equally so that the statement of PW2 could not be shaken by cross-examination. Further, it is generally well understood that demands for dowry lead to considerable stress on the paternal family, and it is entirely possible that, being fully aware of the situation, PW2 did not want this additional incident to cause further stress on PWs 1 and 6. We notice further that the examination-in-chief as well as the cross-examination of PW 2 took place on 8th April 2003 and this fact was therefore, on record much before the testimony and cross-examination of PW6 which took place on 2nd July 2003. No question appears on record regarding this incident. That being the case, it would only be on the basis of conjectures and surmises that the statement of PW2 would be rejected and as such, it would be unfair and unjust to cast doubt on the testimony of the said witness.

22. Now, coming to the alleged happiness of the deceased in her married life we only wish that it was true. Once again adverting to the testimonies of the witnesses, PW1 said as quoted hereunder:

Ajmal Beg came to my house one day before the incident. He had come to my house with my daughter also. He had demanded colour TV, motorcycle and INR 15,000/-coming to my house. However I had sent the daughter after persuading her. The daughter also went with him happily. Since I was a poor man I did not stop my daughter and sent her she was assaulted and dowry was demanded from her.

PW 6 stated as below:

My daughter mostly resided in her matrimonial home after the marriage and she lived there happily.

The High Court appears to have been misdirected by the use of the word happily, at least insofar as the testimony of PW1 is concerned. Reading the entire statement as extracted herein above, clearly establishes that the deceased went back to her matrimonial home having been persuaded and assured by her father. He also states that she had been assaulted and dowry had been demanded from her. Therefore, the use of one word does not colour the entire tenor of the evidence. The sum of the evidence is to be understood, taking into account all aspects testified to therein.

Insofar as the statement of PW6 is concerned, we find the same to be an outlier on record. It cannot be read out of context. Nothing else whatsoever, present on record can lend credence to this statement of the mother. The evidence of all the witnesses, including the mother, is consistent on the demand of dowry and both PW1 and PW2 have also testified to the continued harassment that was endured by the deceased. The High Court disbelieved the evidence of PW2 but as we have observed above, his testimony cannot be disregarded in its entirety. This statement

alone cannot help the case of Ajmal and Jamila. When the harassment for dowry is proved and so is the fact that such harassment was made soon before her death, then a mere statement of one of the witnesses that she was apparently happy, would not save the Respondents from guilt.

23. We may also record that the reasoning given by the High Court to acquit Ajmal and Jamila, in the considered view of this Court, is fallacious. The learned judges record that as per the statement of PW6, there was no demand of dowry prior to the marriage and, therefore, they have certain difficulties in accepting the factum of subsequent demand. We find this difficult to accept for two reasons - one, that PW1s statement regarding having given certain goods as dowry to Ajmal and his family at the time of marriage, has gone unrebutted, and two, that the DPA, 1961 does not distinguish between demand made prior to or after marriage. In this regard Section 2 thereof, which runs thus, may be seen

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.

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Explanation II.The expression valuable security has the same meaning as in section 30 of the Indian Penal Code (45 of 1860).

It is clear from the above that any property or valuable security given by either party to a marriage to the other, or by any other person to the party to marriage, or to any other person, on the day of marriage, before or at any time after marriage, shall be considered to be dowry. So, the demand by Ajmal and/or his family members for a colour TV, a motorcycle and Rs.15,000/- in cash, unquestionably constitutes dowry.

Yet another reason given by the High Court for acquittal was that since Ajmal and his family members were poor, they could not have made such demand because even if they managed to procure the same, they had no means of maintaining the said goods. Suffice it to say that this reason does not appeal to reason.

We may also observe that, while reversing the findings of facts returned by the Trial Court, the High Court has not assigned any reasons explicitly holding such findings to be erroneous/perverse or illegal.

CONCLUSION

24. The upshot of the discussion made in the preceding paragraphs is that the High Court has erred in setting aside the judgment of conviction returned by the Additional District Judge, Bijnor, and acquitting Ajmal and Jamila in connection with the FIR bearing No. 94/2001 registered at P.S Kiratpur, under Sections 498-A and 304-B, IPC and Section 3/4 of the DPA, 1961. The States appeals, therefore, deserve to be allowed.

The judgment of the Trial Court, insofar as it relates to the conviction of both Ajmal and Jamila, is restored, as also the quantum of sentence in respect of Ajmal is concerned. However, insofar as the respondent in Criminal Appeal No. 133 of 2017 is concerned, i.e., Jamila, who, as we have recorded in our order reserving judgment dated 10th September 2025, is 94 years of age - the question we must ask ourselves is whether any fruitful purpose will be served by sending her to prison. While weighing and assessing sentencing particularly in case of convicts of advanced age such as in praesenti causa, the Court must take into consideration humanitarian considerations which dictate that imposing imprisonment may be inhumane, given the severe physical frailty, likely medical dependency, and reduced capacity to endure the hardships of custody, thereby implicating and compromising the dignity protected under law. As such, while we restore the conviction as awarded by the Trial Court however, in the attending facts and circumstances of this case, we refrain from incarcerating her. Respondent Ajmal in Criminal Appeal No. 132 of 2017 is directed to surrender before the concerned Court, within a period of four weeks from today, for serving the sentence awarded by the Trial Court.

25. Before we part with this judgment, we deem it appropriate to note that while in this case, the accused person(s) has finally been brought to book, there are many cases in which it is not the case. Many, who openly seek and give dowry, go scot-free. It has been noted time and again, in various judicial pronouncements that DPA, 1961 suffers from various difficulties in its implementation. About forty-two years ago, R.S Pathak J., (**as His Lordship then was**) in **Bhagwant Singh v. Commr. of Police** (1983) 3 SCC 344, observed:

18. Young women of education, intelligence and character do not set fire to themselves to welcome the embrace of death unless provoked and compelled to that desperate step by the intolerance of their misery. It is pertinent to note that such cases evidence a deep-seated malady in our social order. The greed for dowry, and indeed the dowry system as an institution, calls for the severest condemnation. It is evident that legislative measures such as the Dowry Prohibition Act have not met with the success for which they were designed. Perhaps, legislation in itself cannot succeed in stamping out such an evil, and the solution must ultimately be found in the conscience and will of the social community and in its active expression through legal and constitutional methods.

19. Besides this, what is important to point out is that where the death in such cases is due to a crime, the perpetrators of the crime not infrequently escape from the

nemesis of the law because of inadequate police investigation. It would be of considerable assistance if an appropriately high priority was given to the expeditious investigation of such cases, if a special magisterial machinery was created for the purpose of the prompt investigation of such incidents, and efficient investigative techniques and procedures were adopted taking into account the peculiar features of such cases. Among other suggestions, we would recommend that a female police officer of sufficient rank and status in the police force should be associated with the investigation from its very inception. There are evident advantages in that. In a case where a wife dies in suspicious circumstances in the husband's home it is invariably a matter of considerable difficulty to ascertain the precise circumstances in which the incident occurred. As the incident takes place in the home of the husband, the material witnesses are usually the husband and his parents or other relations of the husband staying with him. Whether it was cooking at the kitchen stove which was responsible for the accident or, according to the inmates of the house, there was an inexplicable urge to suicide or whether indeed the young wife was the victim of a planned murder are matters closely involving the intimate knowledge of a woman's daily existence.

A few years later, taking note of this ineffective implementation, this Court even entertained a writ petition W.P. No. 499 of 1997 and issued various directions for effective implementation of the Act finally culminating in **Enforcement and Implementation of Dowry Prohibition Act, 1961, In re** (2005) 4 SCC 565.

These issues undoubtedly persist today. The tables Data supplied by Centre for Research and Planning, Supreme Court of India below capture the current position of cases arising out of Section 304-B and 498-A IPC.

1. Annual Incidence of Dowry Deaths (Section 304B IPC) [20192023] Data from the National Crime Records Bureau (NCRB) Reports

Year	Total Dowry Deaths	Year-on-Year Change
2019	7141	-
2020	6966	2.45%
2021	6753	3.06%
2022	6516	3.51%
2023	6156	5.52%

2. **Annual Incidence of Cruelty by Husband/ Relatives (Section 498A IPC) [20192023]** Data from the National Crime Records Bureau (NCRB) Reports

Year	Cruelty by Husband/ Relatives	Year-on-Year Change
2019	124934	-
2020	111549	10.71%
2021	136234	22.13%
2022	140019	2.78%
2023	133676	4.53%

While on the one hand, the law suffers from ineffectiveness and so, the malpractice of dowry remains rampant, on the other hand, the provisions of this Act have also been used to ventilate ulterior motives along with Section 498-A, IPC. This oscillation between ineffectiveness and misuse creates a judicial tension which needs urgent resolution. While this urgent resolution cannot be stressed upon enough, at the same time it is necessary to be recognized that particularly when it comes to the giving and taking of dowry, this practice unfortunately has deep roots in society, hence, it not being a matter of swift change, instead needs concentrated effort on part of all the involved parties, be it Legislature, law enforcement, Judiciary, civil society organizations etc.

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26. With an intent to further this change, we issue the following directions: -

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(a) to ensure that the change brought in is able to make an impact on the efforts to eradicate this evil, it is to be ensured that the future generation, youngsters of today, are informed and made aware about this evil practice and the necessity to eschew it. As such, it is directed that States and even the Union Government consider changes as are necessary to the educational curricula across levels, reinforcing the constitutional position that parties to a marriage are equal to one another and one is not subservient to the other as is sought to be established by giving and taking of money and or articles at the time of marriage;

(b) The law provides for the appointment of Dowry Prohibition Officers Section 8B of DPA in States. It is to be ensured that these officers are duly deputed, aware of their responsibilities and given the necessary wherewithal to carry out the duties entrusted to them. The contact details (name, official phone number and email ID) of such an officer designated to this position are disseminated adequately by the local authorities ensuring awareness of citizens of the area;

(c) the police officials, as also the judicial officers dealing with such cases, should periodically be given training, equipping them to fully appreciate the social and psychological implications which are often at the forefront of these cases. This would also ensure a sensitivity of the concerned officials towards genuine cases versus those which are frivolous and abusive of the process of law;

(d) it is not lost on us that the instant case began in 2001 and could only be concluded 24 years later by way of this judgment. It is but obvious that there would be many such similar cases. The High Courts are requested to take stock of the situation, ascertain the number of cases pending dealing with Section 304-B, 498-A from the earliest to the latest for expeditious disposal; and

(e) in furtherance of (a) above, we also recognize that many people today are/have been outside the education fold, and that it is equally, if not more so, important to reach them and make accessible and comprehensible, the relevant information regarding the act of giving or taking of dowry as also other acts sometimes associated therewith, other times independent thereof (mental and physical cruelty) is an offence in law. The District Administration along with the District Legal Services Authorities, by engaging and involving civil society groups and dedicated social activists, is requested to conduct workshops/awareness programs at regular intervals. This is to ensure change at the grassroot level.

27. Let a copy of this judgment be circulated electronically to the Registrar General of the High Courts who are requested to place the same before the Learned Chief Justices and solicit directions in accordance with the above, and also, to the Chief Secretaries of all States for necessary follow up action.

27.1 While the main appeals are disposed of, so far as these directions are concerned, to ensure compliance thereof, as also issue any other directions as may be necessary, list this matter after four weeks. States are requested to file affidavits indicating the position qua the direction given under (b) hereinabove. The High Courts shall do the same for (d).

Pending applications, if any, shall stand disposed of.