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M. NARAYAN

v.

STATE OF KARNATAKA

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(Criminal Appeal No.1207 of 2012)

APRIL 17, 2015

[T.S. THAKUR AND AMITAVA ROY, JJ.]

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Penal Code, 1860 – ss. 498A, 304 B – Dowry Prohibition Act, 1961 – ss. 3, 4, 6 – Death of wife by hanging from the roof – Occurrence of incident barely two years after her marriage with the appellant-husband – Death in suspicious circumstances relatable to the constant demand for dowry and harassment and ill-treatment unleashed on her – Acquittal by trial court – However, reversal of order of acquittal by High Court – Conviction and sentence of appellant-husband for commission of offences u/ss. 498A and 304B and ss. 3, 4, 6 of the 1961 Act – On appeal, held: Prosecution had been able to prove the culpability of the appellant vis-a-vis the charges beyond any reasonable doubt – Progression of events from before the marriage till the unnatural death of the hapless victim, provides an inseverable link inter se as also clearly demonstrates the buildup of the intolerable mental and physical torture on her, driving her to take refuge of such a drastic step – Evidence of the prosecution witnesses in this regard is coherent, consistent and compact – Thus, the order passed by the High Court is upheld – Evidence Act, 1872 – ss. 113A and 113B.

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Dismissing the appeal, the Court

HELD: 1.1 The material witnesses PWs-2, 3, 4 and

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10 do prove beyond reasonable doubt that the deceased had been subjected to continuous harassment, assaults and intimidation from a few months after the marriage, so much so that being unable to bear the unbearable cruelty, she did take the extreme step of eliminating herself to seek alleviation from such physical and mental torture. PWs-2, 3 and 10, in particular, are the relations of both sides and, therefore, in the absence of any overwhelming material on records to the contrary, there is no reason whatsoever to disbelieve their versions encompassing the progression of events from before the marriage till the unfortunate end of the deceased. The demand for dowry originated from before the marriage and against a 'claim' of Rs.40,000/- and jewellery, the family of the deceased could garner Rs.25,000/- by way of cash. Jewellery to the extent possible was also given. This demand for dowry having its roots from before the marriage, as the incidents thereafter as narrated by PWs-2, 3 and 10 as disclosed to them by the deceased and also witnesses to some of those demonstrate, assumed virulent proportions culminating in the pathetic death of the deceased. The gravamen of the testimony of PWs-2, 3 and 10 bearing on the essential facts constituting the ingredients of the offences with which the appellant had been charged has remained unshaken in their cross-examination. Minor and stray inconsistencies in their narration, does not destroy the substratum of their version which otherwise do wholly furnish the required materials to constitute the pre-requisites for the offences under Sections 304B, 498A and Sections 3 and 4 of the Act. The view the trial court, having regard to the gamut of the evidence adduced by the prosecution, is not a possible one. On the other hand, the conclusion reached by the appellate court is the only possible deduction in

A the attendant facts and circumstances. [Para 19] [239-B-H; 240-A-B]

1.2 Having regard to avowed objective of the Act along with the purpose of incorporation of Section 498A and 304B, IPC, along with Sections 113A and 113B of the Evidence Act, the view so expressed is concurred with. [Para 28] [244-B]

1.3 On a cumulative consideration of the relevant aspects, factual and legal, the unhesitant opinion is that the prosecution had been able to prove the culpability of the appellant vis-a-vis the charges beyond any reasonable doubt. The progression of events from before the marriage till the unnatural death of the hapless deceased, not only provides an inseverable link inter se but also unambiguously demonstrates the buildup of the intolerable mental and physical torture on her, driving her to take refuge of such a drastic step. The evidence of the prosecution witnesses in this regard is evidently coherent, consistent and compact. There is nothing supervening to suggest that she did suffer from any mental imbalance or eccentricity so as to probabalise any act of self-elimination without any compelling reason. On the other hand, the evidence on record demonstrates in emphatic terms that she had been complaining of the appellant's persistent and hurtful demand for dowry and her pitiable condition, being subjected to continuous and ruthless harassment and ill-treatment resulting in severe physical and mental torture. Thus, the conviction and sentence as recorded by the High Court is upheld. [Paras 30, 31, 32] [244-G-H; 245-A-F]

H *Surinder Singh v. State of Haryana* (2014) 4 SCC 129;
Kans Raj v. State of Punjab (2000) 5 SCC 207; *Rajinder*

Singh v. State of Punjab 2015(3) SCALE 174; *Sher Singh v. State of Haryana* (2015 (1) SCALE 250; *Dinesh v. State of Haryana* 2014 (5) SCALE 641 – referred to. A

Case Law Reference

2015(3) SCALE 174	Referred to.	Para 10	B
(2014) 4 SCC 129	Referred to	Para 29	
(2000) 5 SCC 207	Referred to	Para 29	
(2015 (1) SCALE 250	Referred to.	Para 29	
2014 (5) SCALE 641	Referred to.	Para 29	C

CRIMINALAPPELLATE JURISDICTION : Criminal Appeal No. 1207 of 2012

From the Judgment and Order dated 15.02.2007 of the High Court of Karnataka at Bangalore in CrI. Appeal No. 1076 of 2000 D

Rajesh Mahale, Krutin R. Joshi, for the Appellant.

Anitha Shenoy for the Respondent. E

The Judgment of the Court was delivered by

AMITAVA ROY, J. 1. Aggrieved by the reversal of the verdict of his acquittal from the charge of having committed the offences under Section 498A and Section 304B of the Indian Penal Code (hereinafter referred to as 'IPC') and Sections 3, 4 and 6 of the Dowry Prohibition Act, 1961 (hereinafter referred to as 'the Act'), the appellant has mounted this challenge against the judgment and order dated 15.02.2007 rendered by the High Court of Karnataka at Bangalore in Criminal Appeal No.1076 of 2000. F G

2. We have heard learned counsel for the parties.

3. The prosecution is traceable to an oral information H

A lodged by Smt. Shivamma, the neighbour of the deceased
Gangalakshamma (for short 'Ganga'), to the effect that on
her return to her house at about 5.30 p.m. on 08.09.1993, she
found Ganga hanging by the neck by a rope from the roof. She
also mentioned that a folding chair was found on the cot.
B According to the informant on this sight, she lost her
consciousness and when she regained the same, she found
that the body of Ganga had been meanwhile removed from
the hook of the roof and had been laid in the house. She,
C however, expressed ignorance about the person or the agency,
who/which had brought down the body.

4. On receipt of this information, the Hebbal Police
Station, Bangalore City, registered the same as UDR No.34/
1993 under Section 174 Cr.P.C. Autopsy on the dead body
D was conducted on 09.09.1993 at M.S. Ramaiah Medical
College, Bangalore, which confirmed that the death was due
to asphyxia as a result of hanging. The post mortem report
also disclosed a ligature mark on the front, sides and back of
E neck of the deceased. The ligature material was identified to
be a light green nylon rope measuring 286 cms in length and 4
cms in diameter. Dr. J. Kiran, who performed the post mortem
examination, mentioned in the report that the rope did fit into
the ligature mark and was capable of bearing the weight of
F the body.

5. Be that as it may, on 10.09.1993 Shri Siddagangaiah,
the maternal uncle of the deceased, lodged a complaint about
the death of her niece Ganga on 08.09.1993 with the same
G Police Station. The information revealed that the deceased
had been given in marriage to the appellant on 20.06.1991
and that on that occasion, gold ornaments and cash of Rs.20,
000/- had been given by way of dowry. It was alleged that for
about six months after the marriage, the couple lived happily
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and thereafter the husband of the deceased (the appellant A
herein) developed some illicit relationship with another girl of
Nayak community and as a consequence, started to despise
the deceased and often assaulted her in an inebriated
condition besides intimidating and harassing her by B
demanding Rs.50, 000/- as dowry. It was mentioned as well
that about two months prior to the demise of the deceased,
she had come to the village of the informant and had stayed
there for a month for being unable to bear the harassment
meted out to her by her husband. The informant asserted that C
during that time, the deceased had disclosed to him and his
wife about the persistent demand of the appellant-husband
for Rs.50,000/- by way of dowry. The informant mentioned as
well about an incident of about the same time, i.e. two months
before the incident, when the appellant-husband had visited D
their house at Dasanapura village in the midnight in an
intoxicated state, holding a knife in hand. According to the
informant, the appellant threatened to kill her (deceased) and
the family members if the deceased was not able to arrange
for Rs.50,000/-. The informant mentioned as well of another E
incident thereafter, when the deceased had come to their house
stating that her husband had tried to murder her and also
showed to them the marks of assault on her body. The informant
stated too that the deceased had disclosed to them that unless F
Rs.50,000/- as demanded by her husband was paid, he would
kill her. According to the informant, he thereafter did visit the
house of the appellant whereupon the deceased had repeated
her apprehension that if the amount of Rs.50,000/- was not G
paid, she would be continuously harassed and intimidated.
The informant also mentioned that on 09.09.1993 at about 5.00
p.m., one of his relatives, Seenappa, having conveyed to them,
the news of the death of his niece (Ganga) by hanging, he with
his parents went to the house of the deceased at about 12.30
p.m. and saw the dead body lying there. Contending that all of H

A them had noticed a ligature mark around the neck of the
deceased and that she had died in suspicious circumstances
relatable to the constant demand for dowry and the harassment
and ill-treatment unleashed on her, suitable legal action was
sought for. The police on this information registered CR.
B No.318/93 under Section 304(B), IPC.

6. Investigation followed and after completion thereof,
charge sheet was filed against the appellant under Sections
304B and 498A, IPC as well as 3, 4 and 6 of the Act. The
C appellant, on being confronted with the charge, denied the
same for which he was made to stand trial. The prosecution
examined several witnesses, including Dr. J. Kiran who had
performed the post mortem examination, as PW-1, the
informant Siddagangappa as PW-2, Govindaiah, grandfather
D of the deceased as PW-3, Govindappa, nephew of PW-3, as
PW-4, Yeshodha, niece of the deceased as PW-10, as well
as the Investigating Officer. Amongst others, the post mortem
report (Ext. P-1) and the information/complaint referred to
E hereinabove were proved at the trial. The appellant abided by
his denial in course of his examination under Section 313,
Cr.P.C., but did not adduce any evidence in defence.

7. The learned trial court, on an appraisal of the
F evidence on record, disbelieved the case of the prosecution
and consequently recorded the finding of acquittal of the
appellant qua all the charges. It was of the view that the
contradictions in the testimony of PWs-3, 4 and 10 did render
the prosecution case wholly untrustworthy. It rejected the case
G of the prosecution also on the ground that the allegations for
demand of dowry had been leveled only after the incident and
not prior thereto. That the prosecution had failed to adduce
any evidence pertaining to the accusation that the appellant
had developed illicit relationship with another girl, was also
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noted in support of his exoneration from the charges.

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8. In the appeal against such acquittal preferred by the State of Karnataka, to reiterate, the High Court of Karnataka has returned a finding of guilt against the appellant, thus, convicting him under 7 Sections 498A and 304B of the IPC as well as under Sections 3, 4 and 6 of the Act. By the decision assailed, the appellant has been awarded sentence of imprisonment: (a) for seven years with a fine of Rs.5,000/- for the offence under Section 304B, IPC,; (b) three years with a fine of Rs.5,000/- for the offence under Section 498A, IPC,; (c) five years and a fine of Rs.25,000/- for the offence under Section 3 of the Act; and (d) six months with a fine of Rs.1,000/- for the offence under Section 4 of the Act. Provision to undergo further imprisonment in case of default in payment of fine was also made. All the sentences, however, were ordered to run concurrently. Relief by way of set-off against the sentence awarded for the period of custody suffered by him at the time of trial was, however, extended to the appellant.

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9. It has been assiduously urged by the learned counsel for the appellant that the order of acquittal having been recorded by the learned trial court on an appropriate evaluation of the evidence on record, the High Court had fallen in gross error in reversing the same. According to the learned counsel, though death was as a result of suicide committed by the deceased and that too after little over two years of marriage, as the other essential ingredients of the offences with which the appellant had been charged were not proved, the learned trial court had rightly acquitted him. Referring to the testimony of PWs-2, 3, 4 and 10, in particular, the learned counsel insisted that in the face of the contradictions on material terms, the prosecution version had been rendered wholly untrustworthy and that the High Court had erred in law and on facts in

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A reversing the acquittal of the appellant. The learned counsel has argued that in the absence of any reliable and convincing evidence pertaining to demand for dowry and harassment or cruelty meted out to the deceased, the view entertained by the High Court to the contrary is patently erroneous and if the B impugned judgment and order is allowed to stand it will result in travesty of justice. Without prejudice to the above, learned counsel has maintained that the view expressed by the learned trial court, in the conspectus of the evidence on record, being C assuredly a plausible one, it is not a case of reversal of acquittal as has been decisively enunciated by a plethora of judicial pronouncements and, thus, on this count as well the impugned judgment and order is liable to be interfered with.

D 10. In reply, learned counsel for the State while endorsing the sustainability of the impugned decision has emphatically argued that the prosecution had amply established the charges against the appellant. Dismissing the minor inconsistencies in the testimony of PWs-2, 3, 4 and 10 to be wholly E inconsequential, the learned counsel has asserted that the view entertained by the learned trial court was not a possible one and, thus, was rightly overturned in appeal in the interest of justice. According to the learned counsel for the State, the evidence on record unmistakably established all the ingredients F of the offences with which the appellant had been charged rendering the conclusion of guilt arrived at by the High Court to be the yield of the only view possible. Adverting to the facts bearing on the persistent demand for dowry, harassment and ill-treatment qua the deceased as authenticated by the G testimony of the prosecution witnesses, learned counsel has insisted that the appellant had been rightly convicted on the charges leveled against him. It being not a case where the view entertained by the learned trial court was one of the two H permitted by the materials on record, the plea against

interference therewith based on the precedential dicta outlining the parameters of scrutiny in an appeal against 10 acquittal, is wholly misplaced and, thus, untenable, she urged. Reliance, to reinforce the above submissions, was placed on the decision of this Court in *Rajinder Singh v. State of Punjab* [2015(3) SCALE 174].

11. The materials on record as laid before this Court and the rival assertions have been duly analysed. Following the sequence of events as stand admitted, there is no room for doubt that the unfortunate incident in which death had visited, Ganga, was barely over two years of her marriage with the appellant. That the death had been otherwise than under normal circumstances is also indubitable.

12. In the instant appeal, it is not incumbent though for this Court to re-scrutinize the evidence, the present being a case of reversal of acquittal, we have construed it to be expedient to undertake that exercise albeit to the extent essential. This is more so having regard to the inalienable ingredients of the offences with which the appellant had been charged and eventually convicted by the High Court.

13. The testimony of PWs-2, 3, 4 and 10 in particular having a vital bearing on the accusations constituting the offences would, therefore, be revisited. The narration on oath by PW-2, Siddagangappa, is in substantial reiteration of his version in the complaint pertaining to the facts relatable to marriage, dowry demand of the appellant, harassment, assault and intimidation to the deceased by him and eventual commission of suicide by her. The witness had introduced himself to be the uncle of the appellant, the latter being the son of his cousin brother. He is the maternal uncle too of the deceased. He claimed to have reared the deceased after she had lost her mother. According to this witness, the appellant

- A about 3 or 4 months prior to the marriage had demanded Rs.40,000/- in cash and also jewelleries by way of dowry, to which he had agreed to give Rs.25,000/- in cash accompanied by jewelleries. The witness deposed that about twenty days before the celebration of the marriage, he gave cash of
- B Rs.25,000/- to the appellant. He testified that after six months of the marriage, the appellant started assaulting the deceased, coercing her to bring Rs.50,000/- from him (witness) to purchase cows for his dairy. The witness stated that the
- C appellant thereafter repeated this conduct for about 10/12 times and also sent the deceased to fetch this amount from him. The witness has expressly stated on oath that these facts have been revealed to him by the deceased. The witness stated that this harassment and assaults did continue thereafter
- D for about 1 to 1-1/2 years till Ganga had committed suicide, the situation having become intolerable for her. The witness also deposed to have accompanied his parents to the matrimonial house of the deceased after receiving the information of her death. That he also on the same date lodged
- E a complaint with the Hebbal Police Station was stated by him.

14. In cross-examination, the witness deposed to have sold away their land for a sum of Rs.80,000/- out of which Rs.40,000/- had been spent for making gold ornaments. That
- F in order to meet the expenses of marriage the family had sold away standing trees for about Rs.15,000/-, was stated as well. He, however, indicated that the deceased though had discontinued her studies at an early age and was a little sensitive by nature, had acquaintances in the neighbourhood.
- G That she was a little upset for being unable to bear a child was also stated by this witness.

15. PW-3, Govindaiah, is by relation a distant – cousin of the accused. He too is the grandfather of the deceased. He
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reiterated on oath that the appellant before the marriage had been demanded Rs.40,000/- by way of dowry and that against the same, a sum of Rs.25,000/- was paid. The witness stated further that in addition thereto, jewellery had been given at the marriage. According to this witness, before the expiry of about one year from the date of marriage, the deceased had visited his house and had told him that she was being harassed by her husband, who was demanding from her an additional amount of Rs.50,000/- by way of dowry for developing his dairy business. The witness, in reply, expressed his financial incapability. He, however, stated that during the stay of the deceased with him for a period of about one week, the appellant had come to the house and had created a pandemonium under the influence of liquor and had threatened to assault him and the deceased, reiterating his demand for Rs.50,000/-. This happened, according to the witness, also in the presence of Gangappa, Govindappa and Seenappa. This witness further stated that eight days after the said incident, the appellant came to his house and took the deceased with him whereafter within one week Ganga committed suicide. This witness deposed to have seen the dead body of the deceased in the house of the appellant. He affirmed that PW-2 had lodged a complaint in connection with the incident. He opined as well that Ganga had committed suicide because of the intolerable harassment and ill-treatment meted out to her by the appellant for failing to meet his illegal demand of additional dowry.

16. PW-4, Govindappa, is the nephew of PW-3 Govindaiah. His evidence-in-chief is limited to the extent of his visit to the matrimonial home of the deceased after receiving the information of her death. This witness was declared hostile and was cross-examined in course of which he generally denied the statements made by him during the investigation inculcating the appellant.

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A 17. PW-10, Yeshodha, is the aunt of the deceased,
besides being the wife of Siddagangappa (PW-2). She
reaffirmed the testimony of PWs-2 and 3 about the demand of
a sum of Rs.40,000/- by the appellant and his parents as dowry
before the marriage, together with jewellery. She stated as well
B that as finally settled, an amount of Rs.25,000/- by cash and
jewelleries handed over to the appellant and his father about a
week prior to the marriage. This witness stated that after four
months after the marriage when Ganga visited her house, she
C had revealed that she was being subjected to harassment and
assaults by the appellant in connection with demand for an
additional amount of Rs.50,000/- in cash for the improvement
of his dairy business. This witness deposed as well that about
7-8 months thereafter Ganga had visited them again and had
D reiterated her complaint of harassment, abuse and assault by
the appellant for the same reason. According to this witness,
on the same day the appellant visited their house late in the
night and had taken Ganga from there. She stated that about
two months prior to the incident, Ganga had again come to
E their house and had confided in her that the same cruel
treatment had been continuing. This witness deposed that a
little more than a month thereafter, the appellant came to their
house and created a furore in connection with his demand for
Rs.50,000/- and also threatened to kill Govindaiah (PW-3) if
F the amount was not paid. This witness stated that this happened
also in the presence of Gangappa (PW-3), Govindappa (PW-
4) and one Srinivas. According to this witness, Ganga met an
unnatural death about a month thereafter. She stated as well
G that on their visit to the matrimonial house of the deceased
they saw a ligature mark around her neck.

H 18. As adverted to hereinabove, the medical opinion in
clear terms evinced that the deceased had died due to
asphyxia as a result of hanging. The ligature marks were also

seen on the front, sides and back of neck of the deceased. A

19. The material witnesses whose testimony has been synopsisized above, i.e. PWs-2, 3, 4 and 10, in our estimate, do prove beyond reasonable doubt that the deceased had been subjected to continuous harassment, assaults and intimidation from a few months after the marriage, so much so that being unable to bear the unbearable cruelty, she did take the extreme step of eliminating herself to seek alleviation from such physical and mental torture. PWs-2, 3 and 10, in particular, are the relations of both sides and, therefore, in the absence of any overwhelming material on records to the contrary, there is no reason whatsoever to disbelieve their versions encompassing the progression of events from before the marriage till the unfortunate end of the deceased. Noticeably, the demand for dowry originated from before the marriage and against a 'claim' of Rs.40,000/- and jewelleryes, the family of the deceased could garner Rs.25,000/- by way of cash. Jewelleryes to the extent possible were also given. This demand for dowry having its roots from before the marriage, as the incidents thereafter as narrated by PWs-2, 3 and 10, as being disclosed to them by the deceased and also being witnesses to some of those demonstrate, assumed virulent proportions culminating in the pathetic death of the deceased. The gravamen of the testimony of PWs-2, 3 and 10 bearing on the essential facts constituting the ingredients of the offences with which the appellant had been charged has remained unshaken in their cross-examination. Minor and stray inconsistencies in their narration, in our opinion, does not destroy the substratum of their version which otherwise do wholly furnish the required materials to constitute the pre-requisites for the offences under Sections 304B, 498A and Sections 3 and 4 of the Act. The view adopted by the learned trial court, in our opinion, having regard to the gamut of the evidence adduced by the

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A prosecution, is not a possible one. On the other hand, we are of the view that the conclusion reached by the learned trial court is the only possible deduction in the attendant facts and circumstances.

B 20. Sections 304B and 498A of the IPC are set out hereunder at this juncture for ready reference:-

C **“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.

D *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).

E (2) Whoever commits dowry death shall be punished with imprisonment for a term which shall

F not be less than seven years but which may extend to imprisonment for life.

G **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.

H *Explanation.*—For the purpose of this section, “cruelty”

means—

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(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

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(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.”

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21. Whereas under Section 304B defining ‘dowry death’, there will be a statutory presumption against the husband for having caused the death of a woman resulting from burns or bodily injury or occurring otherwise than under normal circumstances within seven years of her marriage accompanied by the proof that soon before her death she had been subjected to cruelty or harassment by him or any of his relatives for, or in connection with, any demand for dowry, Section 498A provides for punishment to the husband or his relative, if the woman has been subjected to cruelty. As per the Explanation attached to Section 498A, IPC, ‘cruelty’ has been defined to mean any willful conduct which is of such a nature as is likely to drive a woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) to her or harassment of the woman with a view to coercing her or any person related to her to meet such demand.

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22. ‘Dowry’ as used in Section 304B, IPC, has been assigned the meaning as, according to it, in Section 2 of the Dowry Prohibition Act, 1961. Section 2 of the Act defining ‘dowry’ is quoted hereinbelow:-

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A **“2 Definition of ‘dowry’.** —In this Act, “dowry” means any property or valuable security given or agreed to be given either directly or indirectly—

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

C (b) by the parent 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 1 [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.

4[***]

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

E 23. As is evident from the definition so provided, ‘dowry’ shorn of all details, in the plainest form, signifies any property or valuable security having an inextricable nexus with the marriage.

F 24. Section 3 of the Act prescribes penalty for any person who gives or takes or abets the giving or taking of dowry after the enforcement thereof. This section excludes its application vis-à-vis the presents given at the time of marriage to the bride/bridegroom without any demand having been made in that regard and if such presents are entered in a list maintained in accordance with the rules framed under the Act. The penalty for demand, directly or indirectly, of any dowry from the parents or other relatives or guardian of a bride/bridegroom has been enjoined by Section 4 of the Act.

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25. A combined reading of the above provisions attests the salutary legislative intendment of not only discouraging any demand for dowry either directly or indirectly but also penalizing any such act. The obvious concern of the legislature on this growing social menace based on demand for dowry, and the resultant macabre fall outs eventuated in the incorporation of Sections 498A and 304B by successive amendments of the Indian Penal Code by Act of 46 of 1983 and Act 43 of 1986 respectively. Not only Section 304B enjoins a statutory presumption of the guilt of the husband on the proof of the eventualities as mentioned therein, Section 113B of the Indian Evidence Act, 1872 fortifies such presumption in the probative perspectives. Section 304B, IPC, and Section 113B of the Indian Evidence Act, 1872, do supplement each other to effectuate the legislative mandate of statutory presumption of guilt, the contingencies warranted being present.

26. Section 113A of the Indian Evidence Act, 1872 permits a court to presume that the husband of a woman or any of his relative had abetted her to commit suicide if it is shown that she had resorted to the such act within a period of seven years from the date of her marriage and that her husband or such relative of his had subjected her to cruelty.

27. This Court, amongst others, in *Rajinder Singh* (supra) after an exhaustive survey of the judicial pronouncements on the purport of the expression 'dowry' as noticed hereinabove, has enunciated that any money or property or valuable security demanded by any of the persons mentioned in Section 2 of the Act, at or before or at any time after the marriage which is reasonably connected to the death of a married woman, would necessarily be in connection with or in relation to the marriage unless the facts of a given case clearly and unequivocally point otherwise, thus defining the

A content of the word for its application.

28. Having regard to avowed objective of the Act along with the purpose of incorporation of Section 498A and 304B, IPC, along with Sections 113A and 113B of the Indian Evidence Act, 1872, we are in respectful agreement with the view so expressed.

29. Qua the words 'soon before' appearing in Section 113B of the Indian Evidence Act, 1872 and Section 304B of the IPC, it is no longer *res integra* that the same is laden with the notion of proximity test, but not synonymous with the term 'immediately before'. It has been *inter alia* stated also in *Surinder Singh v. State of Haryana* [(2014) 4 SCC 129] that though the applicability of this expression would obviously depend on the facts and circumstances of each case, it ought to mean that the time interval cannot be stretched to any period. This Court in *Kans Raj v. State of Punjab* [(2000) 5 SCC 207], while dwelling upon the import of the words 'soon before death' observed that there ought to be a proximate and live link between the impact of cruelty based on dowry demand and the consequential death. That these words, however, should receive a fair and pragmatic construction keeping in mind the great social evil that has led to the enactment of Section 304B was highlighted by this Court in *Sher Singh v. State of Haryana* [(2015 (1) SCALE 250)]. In *Dinesh v. State of Haryana* [2014 (5) SCALE 641], it was underscored that the expression 'soon before' cannot be lodged in a straitjacket formula so as to fix any time for its relevance and applicability .

30. On a cumulative consideration of the relevant aspects, factual and legal, as addressed to hereinabove, we are, thus, of the unhesitant opinion that the prosecution had been able to prove the culpability of the appellant vis-a-vis the charges beyond any reasonable doubt.

31. To reiterate, the progression of events from before the marriage till the unnatural death of the hapless deceased, not only provides an inseverable link *inter se* but also unambiguously demonstrates the buildup of the intolerable mental and physical torture on her, driving her to take refuge of such a drastic step. The evidence of the prosecution witnesses in this regard is evidently coherent, consistent and compact. The materials on record though indicate that the deceased had lost her mother at a young age and was denied the love and affection of her father who married for the second time and was also a little sensitive and self-centered, there is nothing supervening to suggest that she did suffer from any mental imbalance or eccentricity so as to probabalise any act of self-elimination without any compelling reason. On the other hand, the evidence on record demonstrates in emphatic terms that she had been complaining of the appellat's persistent and hurtful demand for dowry by way of an additional amount of Rs.50,000/- and her pitiable condition, being subjected to continuous and ruthless harassmt and ill-treatment resulting in severe physical and mental torture.

32. In view of the above, we hereby affirm the conviction and sentence as recorded by the High Court in toto. In the result, the appeal fails and is dismissed. The appellat's bail bond stands discharged and he is hereby ordered to surrender before the learned trial court to serve out the sentence awarded. All follow up steps be taken forthwith.