



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRA-S-2311-SB-2004(O&M)
Reserved on:28.08.2025
Date of Order:05.09.2025**

Naib Singh

..Appellant

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MS. JUSTICE SHALINI SINGH NAGPAL

Present: Mr. Atul Lakhanpal, Sr. Advocate, with
Mr. R.S.Chahal, Advocate,
Mr. Karun Jain, Advocate, for the appellant.
Mr. Ved Parkash, Sr. DAG, Haryana.

SHALINI SINGH NAGPAL, JUDGE

1. This appeal is directed against the judgment of conviction dated 27.10.2004 and order on quantum of sentence dated 29.10.2004 of the Court of learned Additional Sessions Judge, Fatehabad.
2. Vide impugned judgment and order, appellant-Naib Singh was convicted under Section 304-B and 498-A IPC while co-accused Seeta Singh and Bant Kaur were acquitted of the charges. Appellant-Naib Singh was sentenced as under:-

Under Section 304-B	Rigorous imprisonment for a period of seven years and to pay a fine of Rs.5000/-. In default of payment of fine, to further undergo rigorous imprisonment for a period of two months.
Under Section 498-A	Rigorous imprisonment for a period of two years and to pay a fine of Rs.1000/-. In default of payment of fine, to further undergo rigorous imprisonment for a period of fifteen days.

Both sentences were ordered to run concurrently.

3. Narrative of the prosecution case, in the report under Section

173 Cr.P.C., is that on 11.04.2002, complainant-Labh Singh son of Mange Ram lodged a complaint with ASI Balbir Singh, who was on patrol duty, stating that he was resident of village Dhamtan Sahib and was an agriculturist. They were three brothers and two sisters, he being the eldest followed by his sister Angrejo, Darbara, Ramphal and Mukesh. Angrejo was married two years ago with Naib Singh son of Sita Singh, resident of village Damkora. Dowry articles such as T.V., fridge, cooler, double bed, gold ornaments, clothes etc. were given at the time of marriage, as per their means. After some days of the marriage, in-laws of his sister started harassing and taunting her for not bringing Hero Honda motorcycle. His sister was thrashed and sent to the parental home with demand of motorcycle. A panchayat of village Damkora and Dhamtan Sahib was convened and Angrejo was sent back on the assurance of Sarpanch-Mithu Singh of village Damkora.

4. Complainant further stated that on 09.04.2002, Sarpanch-Mithu Singh telephonically informed that they should come and take Angrejo back. Thereupon, on 10.04.2002, he and his family members including his nephew Abhey Ram reached village Damkora and met Mithu Singh. They also met Angrejo, who told them that demand of motorcycle was being repeatedly raised. She further informed that her husband-Naib Singh, father-in-law-Sita Singh and mother-in-law-Bant Kaur thrashed her. They prevailed upon Angrejo and assured that they would return the next day, advising her not to take any wrong step. He, Abhey Singh, Ganga Bishan, Panch Block Samiti and Raj Kumar, Panch visited village Damkora, where they learnt that Angrejo was lying dead on the double bed, in burnt condition. He suspected that his sister Angrejo was burnt by her husband-Naib Singh, father-in-law

Sita Singh and mother-in-law Bant Kaur on account of demand for motorcycle. Legal action was prayed for.

5. On the complaint, case under Section 498-A/304-B/34 IPC was registered. Investigation was commenced, proceedings under Section 174 Cr.P.C. were initiated, statements of witnesses were recorded and site plan was drawn up. Dowry articles were recovered. Naib Singh, Sita Singh and Bant Kaur were arrested. On completion of usual formalities of investigation, challan was presented in the Court.

6. Copies of challan were supplied to the accused free of costs as envisaged under Section 207 Cr.P.C.

7. Vide order dated 02.07.2002, learned Sub Divisional Judicial Magistrate, Tohana, committed the case to the court of learned Additional Sessions Judge(I), Fatehabad.

8. The court charged-sheeted Naib Singh (husband), Sita Singh(father-in-law) and Bant Kaur (mother-in-law) under Section 304-B IPC and 498-A IPC on 20.12.2002. They abjured their guilt and claimed trial.

9. The prosecution, in order to prove its case, examined PW1-HC Ram Kumar, who proved the special report, Ex.P1. PW2-Sube Singh, Inspector, who prepared the report under Section 173 Cr.P.C., on 26.04.2002. PW3-Balwant Singh, Draftsman, proved the site plan Ex.P2, which he prepared on 21.04.2002. PW4-Lab Singh narrated prosecution case as per his his first version, Ex.P3, which he proved. PW5-Abhey Ram son of Risala, supported the version of PW4-Labh Singh regarding the demand of Hero Honda Motorcycle and his visit to village Damkora along with Labh Singh on 10.04.2002 and deposed about the demand of motorcycle as

narrated by the deceased. He also deposed regarding the visit to village Damkora, the day the dead body was seen lying in burnt condition. PW6-Raj Kumar son of Kanhiya Lal supported the statement of Labh Singh in material particulars. PW7-Randhir Singh son of Risal Singh accompanied the police to village Damkora for recovery of dowry articles from the house of Naib Singh on 14.04.2002 and proved the recovery memo Ex.P4. PW8-HC Hargian Singh tendered in evidence his affidavit Ex.P5. PW9 HC Balwant Singh took the dead body of deceased Angrejo for post mortem and deposed about the sealed parcel made over by the doctor vide memo Ex.P6. PW10-ASI Tara Chand recorded formal FIR Ex.P1 on rukka Ex.P3 on 11.04.2002 and proved his endorsement Ex.P3/A. PW11 Constable Om Parkash tendered in evidence his affidavit Ex.P7. PW12-Photographer Rohtash took photographs Ex.P8 to Ex.P12 of the burnt dead body on 11.04.2002. He also proved the negatives Ex.P13 to Ex.P17. PW13- Dr. Kusum Gupta conducted post mortem examination on the dead body of Angrejo on 11.04.2002 and proved the post-mortem report Ex.P28, the inquest report Ex.P29, ornaments Ex.P19 to Ex.P25 recovered from the dead body, FSL report Ex.P30. PW14-ASI Balbir Singh, Investigating Officer, deposed regarding the various steps of investigation. He proved various documents prepared during investigation.

10. After closure of prosecution evidence, statements of accused Naib Singh, Sita Singh and Bant Kaur were recorded under Section 313 Cr.P.C. They denied the incriminating evidence as incorrect. Appellant-Naib Singh stated that he never demanded dowry or Hero Honda motorcycle from Angrejo; that he was living separately with his wife. He further stated that he was suffering from Jaundice since long and Angrejo did not wish to

live with him due to his prolonged illness. Further, that no one from the family was present in the house on the day of occurrence and Angrejo was sleeping in the room. On noticing smoke from the room, some persons broke open the door and found her dead. The door was bolted from inside. They informed the parents of Angrejo through Mithu Singh Sarpanch.

11. In defence, the appellant examined DW1-Baldev Singh son of Ajmer Singh, who claimed to be mediator in the marriage of Naib Singh and Angrejo. He stated that Sita Singh, Naib Singh and Bant Kaur did not raise any demand of dowry prior to or at the time of marriage; that Naib Singh was residing separately from his parents and had separate mess; that Mange Ram never approached him regarding demand of dowry; that Naib Singh was suffering from Jaundice after the marriage.

12. Learned trial court, on appreciation of evidence and after considering the arguments addressed, convicted the appellant and sentenced him as indicated in the preceding paragraphs.

13. Mr. Atul Lakhanpal, learned senior counsel for the appellant submitted that learned trial court, vide impugned judgment of conviction dated 27.10.2004 and order on quantum of sentence dated 29.10.2004, acquitted the parents-in-law of deceased while recording conviction under Section 304-B IPC and 498- A IPC against the appellant. Referring to the complaint, Ex.P3, which formed the basis of FIR, it was canvassed that the marriage of deceased and the appellant was two years old. Learned counsel took the court through the statement of complainant-Labh Singh in his complaint Ex.P3 and during trial as PW-4, submitting that version of the witness before the court was much improved over his previous statement and the witness was duly confronted with statement Ex.P3, during cross-

examination. Improved version of PW4-Labh Singh could not be relied upon and the statement was liable to be ignored.

14. Learned counsel for the appellant further referred to cross-examination of PW4-Labh Singh to submit that there was no demand of dowry either before the marriage or at the time of marriage. He went on to argue that the statements of PW4-Labh Singh, brother of deceased, PW5-Abhey Ram son of Risala and PW6-Raj Kumar son of Kanhiya Lal, co-villagers of the complainant were hearsay. Cross-examination of PW4-Labh Singh made it clear that no motorcycle was ever demanded from him by the appellant and he stated about the demand, on the basis of what deceased said to him. PW5 and PW6, both conceded that Labh Singh told them regarding the demand of dowry by the appellant.

15. Learned counsel next submitted that deceased had, in fact, committed suicide as the appellant was suffering from Jaundice and was not keeping well for some time. On that account, deceased did not wish to live with him. In this context, he referred to the statement of Investigating Officer, PW-14, who conceded that deceased was inside the room when she caught fire and the door of the room was broken open by inmates of the house. Learned counsel further canvassed that PW13-Dr. Kusum Gupta, stated before the court that there was no smell of alcohol, kerosene or petrol on the body at the time of examination. Thus, it could well be a case of accidental death.

16. Referring to *Karan Singh vs State of Haryana, 2025 ALL SCR (Crl.) 589*, it was urged that prosecution failed to prove the specific instances of cruelty or harassment for dowry demand and on this ground alone, appellant deserved to be acquitted of the charges. In this context, he

also referred to *Rohtash vs. State of Haryana, 2012 (3) SCC(Crl) 287, The State of Uttarakhand vs. Sanjay Ram Tamta @ Sanju @ Prem Prakash, 2025(2) RCR (Criminal) 61* and *Panchanand Mandal @ Pachan Mandal and another vs. State of Jharkhand, (2014) 1 SCC (Cri) 24*, submitting that evidence of cruelty and harassment in general was not sufficient to attract 304-B IPC.

17. Mr. Ved Parkash, Sr. Deputy Advocate General, Haryana, in reply, submitted that the evidence of PW4-Labh Singh, PW5-Abhey Ram and PW6-Raj Kumar was admissible in evidence to prove the demand of dowry. Referring to the statement of PW13-Dr. Kusum Gupta, it was argued that the evidence established that deceased suffered 100% burns, thus, the unnatural death was well proved. He further submitted that the deceased was married in the year 2000 and died in the year 2002, within two years and there was sufficient evidence to show that she was subjected to cruelty and harassment by the appellant, who demanded motorcycle, soon before her death. He prayed that the appeal be dismissed.

18. To prove the offence under Section 304B IPC against appellant-Naib Singh, prosecution was required to prove:-

- (i) *That death of Angrejo was caused by burns or occurred otherwise than under normal circumstances.*
- (ii) *That her death occurred within seven years of her marriage.*
- (iii) *That the deceased was subjected to cruelty or harassment by her husband appellant-Naib Singh.*
- (iv) *That the cruelty or harassment was for, or in connection with demand for dowry.*
- (v) *That such cruelty or harassment was meted out to the deceased soon before her death with a view to coerce*

her parents to meet unlawful demand of dowry.

19. It is in the statement of PW4-Labh Singh, brother of the deceased, that Angrejo was married with Naib Singh in the year 2000. His statement regarding the date of marriage was not challenged in cross-examination. Appellant-Naib Singh too conceded in his statement under Section 313 Cr.P.C., that he was married with Angrejo on 31.03.2000. During the course of argument also, no dispute regarding the date of marriage has been raised. It is, therefore, proved that appellant-Naib Singh was married with Angrejo on 31.03.2000.

20. As per Ex.P28, post-mortem report, death of Angrejo occurred on 11.04.2002. The post-mortem report Ex.P28 duly proved by PW-13-Dr. Kusum Gupta, proves that the cause of death was suffocation due to 100% burns which were ante-mortem in nature. Prosecution thus successfully proved that death of Angrejo occurred by burns otherwise than under normal circumstances. It is quite inconsequential in this proceeding that Dr. Kusum Gupta, who conducted the post mortem examination on the dead body of Angrejo, found no smell of alcohol, kerosene or petrol. Statement of Investigating Officer that Angrejo was inside the room when she caught fire and door of the room was broken open by inmates of the house is equally irrelevant. Whether the death was suicidal or accidental, the fact remains that death was unnatural, caused by shock and suffocation due to 100% burn which were ante-mortem in nature.

21. The only contentious issues which fall for determination are points no.(iv) and (v) posed hereinbefore.

22. To prove the same, prosecution has examined Labh Singh as

PW4. The sum and substance of his statement before the court is that his sister Angrejo was married with Naib Singh on 31.03.2000; that sufficient dowry was given in the marriage as per capacity and customs; that after marriage Sita Singh, Naib Singh and Bant Kaur started demanding Hero Honda motorcycle and thrashed Angrejo. He stated that 3-4 times they visited village Damkora and asked the in-laws not to harass her but to no avail. Angrejo was turned out of her matrimonial home. Thereafter, a panchayat from village Damkora came to their village, comprising of Mitthu Singh Sarpanch, Sita Singh and Naib Singh. Mitthu Singh took away his sister assuring that she will not be harassed in future. Then, Mitthu Singh gave a call on 09.04.2002 that 2/4 persons should come and take away Angrejo as there was a quarrel in the family. On the following day, he along with his nephew Abhey Ram went to village Damkora, met Mitthu Singh and told him that the next day, they will bring panchayat. Then, they went to meet Angrejo in the house of her in-laws, who wept and informed that Sita Singh, Bant Kaur and Naib Singh used to beat her and demanded Hero Honda Motorcycle. They consoled Angrejo and told her not to take any extreme step. On 11.04.2002, he along with Raj Kumar, Abhey, Krishan went to village Damkora and saw the dead body of Angrejo, lying on double bed with burn injuries. He reported the matter vide Ex.P3.

23. PW5-Abhey Ram son of Risala, accompanied Labh Singh to village Damkora on 10.04.2002. He supported and corroborated statement of Labh Singh in material particulars and specifically stated regarding the visit to the house of the appellant-Naib Singh where Angrejo told them that they (appellant and his family members) were demanding motorcycle and they used to beat her, on which they consoled her and assured that they would

come back the next day and settle the matter finally.

24. PW6-Raj Kumar son of Kanhiya Lal is another witness, who deposed about the panchayat convened by parents of Angrejo at village Dhamtan Sahab, where Mitthu Singh Sarpanch assured that the appellant and his parents would not harass Angrejo. He also deposed about the telephone call of Mitthu Singh asking Mange Ram that he should take away his daughter from village Dhamkora as the in-laws were harassing for demand of dowry. He visited village Damkora on 11.04.2002 along with Labh Singh and others, where Angrejo was lying dead with burn injuries.

25. From the statement of PW4-Labh Singh, it comes out that the demand of Hero Honda motorcycle by the appellant was conveyed to the witness by deceased-Angrejo. PW5-Abhey Ram has also stated that deceased told him about the demand of motorcycle. In cross-examination, he admitted that Labh Singh told him that Naib Singh-appellant, used to demand motorcycle from Angrejo-deceased.

26. The evidence of PW4-Labh Singh and PW5-Abhey Ram with regard to the statement made by the deceased is no doubt hearsay but is admissible under Clause (I) of Section 32 of the Indian Evidence Act, 1872. Following observations of Hon'ble Supreme Court of India in *Amar Singh vs. State of Rajasthan, AIR 2010 Supreme Court, 3391*, may be referred with advantage:-

“11.Clause (1) of Section 32 of the Indian Evidence Act provides that statements made by a person as to the cause of his death, or as to any of the circumstances of the transaction which resulted in his death, in cases in which the cause of that person's death comes into

question, are themselves relevant facts. In the present case, the cause of death of the deceased was a question to be decided and the statements made by the deceased before PW-4 and PW-5 that the appellant used to taunt the deceased in connection with demand of a Scooter or Rs.25,000/- within a couple of months before the death of the deceased are statements as to "the circumstances of the transaction which resulted in her death.

*12. In **Pakala Narayana Swami v. Emperor [AIR 1939 PC 47]** Lord Atkin held that circumstances of the transaction which resulted in the death of the declarant will be admissible if such circumstances have some proximate relation to the actual occurrence. The test *laid down by* Lord Atkin has been quoted in the judgment of Fazal Ali, J. in **Sharad Birdhichand Sarda v. State of Maharashtra** (supra) and His Lordship has held that **Section 32** of the Indian Evidence Act is an exception to the rule of hearsay evidence and in view of the peculiar conditions in the Indian Society has widen the sphere to avoid injustice. His Lordship has held that where the main evidence consists of statements and letters written by the deceased which are directly connected with or related to her death and which reveal a tell-tale story, the said statements would clearly fall within the four corners of **Section 32** and, therefore, admissible and the distance of time alone in such cases would not make the*

statements irrelevant. The difference in the English Law and the Indian Law has been reiterated in [Rattan Singh v. State of H. P.](#) (supra) and it has been held therein that even if the deceased was nowhere near expectation of death, still her statement would become admissible under [Section 32 \(1\)](#) of the Indian Evidence Act, though not as a dying declaration as such, provided it satisfies one of the two conditions set forth in this sub-section.”

27. In view of the position of law discussed above, the argument of Mr. Atul Lakhanpal, Sr. Advocate, that evidence of PW4-Labh Singh regarding statement made by the deceased is hearsay and not admissible, is without substance. The testimony of PW4-Labh Singh and PW5-Abhey Ram would not be hit by the rule against hearsay evidence as it related to one of the circumstances of the transaction resulting in Angrejo's unnatural death.

28. Learned senior counsel for the appellant has argued that statement of PW4-Labh Singh was marred with improvements with which he was duly confronted during the course of cross examination and considering the improved version of PW4-Labh Singh, giving specific names of the accused, the number of visits to village Damkora etc., no reliance could be placed on his testimony in the absence of specific particulars of the demand.

29. The argument of learned counsel for the appellant does not merit serious consideration. It is not the law that whenever a witness improves his version, his evidence is to be thrown out and discarded. The improvements pointed out are minor and not fundamental which strike at root of prosecution case. Statement of the complainant in the FIR is fully

proved by his sworn deposition and the elaboration in the statement in the Court is of no avail. The improvement in the statement of Naib Singh, does not effect his credibility as law does not require or expect a truthful witness to reproduce his first version in a parrot like manner. Human memory has its own shortcomings and whenever an incident is narrated after some time gap, some discrepancies are bound to occur.

30. In the wake of testimony of PW4, PW5 and Pw6, it cannot be held that evidence of cruelty and harassment is general in nature and no specific instances of cruelty have been narrated.

31. In cases like the present one, the court is required to appreciate evidence keeping in view the legislative intent while enacting various provisions to curb the evil of dowry and to secure punishment for the of offence. [see *Satbir Singh vs. State of Haryana, (2021) 6 SCC 11*]. Pith of the case laid in the FIR and brought forth in evidence is that appellant-Naib Singh was harassing Angrejo in connection with demand of dowry and raising demand of Hero Honda motorcycle. There could be no reason for a young woman to end her life by burning just two years after the marriage, if she was being treated with love and affection in the matrimonial house. There is no evidence that she had suicidal tendencies and plea of the appellant that the deceased was reluctant to live with him due to his long illness (jaundice) has no legs to stand upon. There is no material on record to prove that the deceased was suffering from any illness. Even otherwise, that could hardly be a reason for deceased to end her life by burning.

32. Learned defence counsel has tried to make much from the statement of DW1-Baldev Singh, mediator in the marriage. He has stated that appellant and his family did not raise any demand of dowry prior to the

marriage nor at the time of marriage. Demand of dowry and cruelty in connection therewith takes place within the precincts of the matrimonial home. No person other than the close family members living in the same house and relatives of the wife can be expected to be aware of the demands. Even if no demand of dowry was raised before or at the time of marriage, demand could still be raised after marriage. The marriage was just two years old. There is evidence that deceased informed her family members about the demands of dowry.

33. Evidence of PW4-Labh Singh, PW5-Abhey Ram and PW6-Raj Kumar is found consistent, reliable and completely trustworthy. Their credit could not be impeached during cross-examination and no material could be elicited to suggest any falsehood in their version. Finding of learned trial court that the appellant was responsible for causing cruelty and harassment, in connection with demand of dowry, therefore, cannot be faulted.

34. In Rajinder Singh Vs State of Punjab, AIR 2015 Supreme Court, 1359, Hon'ble Apex Court observed that:-

“.....What must be borne in mind is that the word “soon” does not mean “immediate”. A fair and pragmatic construction keeping in mind the great social evil that has led to the enactment of Section 304B would make it clear that the expression is a relative expression. Time lags may differ from case to case. All that is necessary is that the demand for dowry should not be stale but should be the continuing cause for the death of the married woman under Section 304B.”

35. In the case before us, consistent version of prosecution

witnesses PW4-Labh Singh, PW5-Abhey Ram and PW6-Raj Kumar is that after marriage, the appellant started demanding Hero Honda motorcycle. PW4 stated that they had gone 3/4 times to village Damkora and requested the in-laws not to harass Angrejo. It is on record that Mitthu Singh Sarpanch of village Damkora called brother of the deceased on 09.04.2002 to take her away as there was quarrel in the family. PW4-Labh Singh and PW5-Abhey Ram went to meet Angrejo on 10.04.2002, who started weeping and informed them that the appellant was demanding Hero Honda motorcycle and used to beat her. Thus, it is proved that the deceased was continuously subjected to cruelty and harassment by the appellant in connection with demand of dowry regarding which she informed her brother one day before her death. There is a proximate and live link between the dowry death and harassment for dowry demand by the appellant

36. Once the presence of the essential ingredients, (i) to (v) is established even by preponderance of possibility, the initial presumption of innocence is replaced by an assumption of guilt of the accused, thereupon, transferring heavy burden of proof upon him and requiring him to produce evidence dislodging his guilt, beyond reasonable doubt.

37. Both Sections 304B of IPC and 113-B of Evidence Act were inserted by Dowry Prohibition (Amendment) Act, 43 of 1986 with a view to combat the increasing menace of dowry deaths. Section 113-B of Evidence Act reads as under:

“113-B Presumption as to dowry death – When the question is whether a person had 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 304-B of the Indian Penal Code (45 of 1860).”

38. According to the definition of “dowry death” in Section 304-B IPC and the wording in the presumptive Section 113-B of the Evidence Act, one of the essential ingredients, amongst others, in both the provisions is that the woman concerned must have been “soon before her death” subjected cruelty or harassment “for or in connection with the demand of dowry”. On proof of the essentials mentioned in Section 113-B, it becomes obligatory on the court to raise a presumption that the accused caused the dowry death.

39. In the case in hand, there can be no doubt that prosecution has successfully proved the harassment and cruelty meted out to the deceased by appellant in connection with dowry demand soon before her death on 11.04.2002. The onus thus shifted on the appellant to rebut the presumption of Section 113-B of the Evidence Act. The defence of the appellant is not acceptable and fails to convince. Thus, the presumption as to dowry death envisaged under Section 113-B of the Evidence Act remains unrebutted.

40. Appellant has been convicted under Section 304-B IPC and also Section 498-A IPC.

41. In *Kamesh Panjiyar vs. State of Bihar, (2005) 2 SCC 388*, hon'ble Supreme Court held as under:-

“It is to be noted that Sections 304B and 498A, IPC

cannot be held to be mutually inclusive. These provisions deal with two distinct offences. It is true that cruelty is a common essential to both the Sections and that has to be proved. The Explanation to Section 498A gives the meaning of 'cruelty'. In Section 304B there is no such explanation about the meaning of 'cruelty'. But having regard to common background to these offences it has to be taken that the meaning of 'cruelty' or 'harassment' is the same as prescribed in the Explanation to Section 498A under which 'cruelty' by itself amounts to an offence. Under Section 304B it is 'dowry death' that is punishable and such death should have occurred within seven years of marriage. No such period is mentioned in Section 498A. If the case is established, there can be a conviction under both the sections."

42. Statements of PW4, PW5 and PW6 prove that the deceased was subjected to cruelty and harassment by the appellant with a view to coerce her and her family members to meet his unlawful demand of motorcycle. The ingredients of the offence under Sections 304B and 498A IPC have been fully established by prosecution against the appellant. No interference in the judgment of conviction recorded by learned Additional Sessions Judge, is called for. Conviction of the appellant under Section 304-B IPC and 498-A IPC is, therefore, maintained.

43. Judgments referred by learned counsel for the appellant were rendered on their own facts and are of no help. It is well settled that criminal matters are to be decided on their own peculiar facts, without any universal

generalization.

45. No arguments have been addressed on the point of sentence. The sentence of 7 years under Section 304-B IPC awarded to the appellant is commensurate with the gravity of offence. The sentence under Section 498-A IPC is also a balanced one. Section 304-B IPC, however, does not provide for imposition of fine. Learned trial court appears to have erroneously ordered the appellant to pay a fine of Rs.5,000/- for the offence under Section 304-B IPC and also imposed sentence in default of payment of fine, in violation of the statutory provision. To that extent, the sentence awarded deserves to be modified. The sentence of fine of Rs.5,000/- imposed under Section 304 IPC is accordingly set aside.

46. Except for the above modification in sentence, the appeal is dismissed. Sentence of the appellant was suspended on 13.12.2004. He is ordered to be taken into custody to undergo the remaining portion of his sentence.

47. All the pending miscellaneous applications, if any, stand disposed of.

(SHALINI SINGH NAGPAL)
JUDGE

05th September, 2025
nt

Whether speaking/reasoned : **Yes/No**
Whether reportable : **Yes**