



CRA-S-2012-SB-2003

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

**CRA-S-2012-SB-2003**

**Reserved on: 10.03.2026**

**Pronounced on: 26.05.2026**

**Uploaded on: 27.05.2026**

*Whether only operative part of the judgment is Pronounced: NO*

*Whether full judgment is pronounced: YES*

PARDEEP KUMAR

**...Appellant**

Versus

STATE OF PUNJAB

**...Respondent**

**CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL**

Present: Mr. H.S Dhingra, Advocate  
for the appellant.

Mr. Ravinder Singh, DAG, Punjab.

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**RUPINDERJIT CHAHAL, J.**

1. The present appeal arises out of the impugned judgment dated 13.10.2003 passed by the Additional Sessions Judge, Hoshiarpur in FIR no. 223 dated 09.10.2002 under section 304-B, 406, 498-A, 306, 34 of Indian Penal Code, 1860 registered at Police station City Hoshiarpur, District Hoshiarpur wherein accused Vinod Kumar (father-in-law of the deceased) and accused Sudesh Rani (mother-in-law of the deceased) were acquitted and the appellant was convicted under Section 304-B, IPC and sentenced to undergo rigorous imprisonment for seven years and to pay a fine of



Rs.2000/- or in default of payment of fine, to undergo further rigorous imprisonment for one month.

2. The prosecution case, in brief, is that the present FIR came to be registered on the basis of the dying declaration of deceased Sonu.

2.1 As per the prosecution, the deceased got married to the appellant on 01.03.2002. No child was born out of the said wedlock. The deceased alleged that the appellant was residing as a “Ghar Jawai” at her parental house because her father frequently remained unwell and had been admitted in Patel Hospital, Jalandhar. During the illness of her father, the appellant was allegedly entrusted with the responsibility of managing the shop and transport business of the family.

2.2 It was alleged that the appellant misappropriated cash from the shop and also took away the gold ornaments of the deceased. The deceased further alleged that the appellant used to beat her and had left for his parental home on 08.10.2002 after taking clothes and other articles with him. It was further alleged that on the same day, the appellant along with his parents, namely Vinod Kumar and Sudesh Rani, abused and threatened her over the telephone.

2.3 According to the prosecution, due to the aforesaid harassment and mental pressure, the deceased became puzzled, went to the roof of her house, poured kerosene oil upon herself and set herself on fire. Her mother extinguished the fire with the help of a blanket and she was initially taken to Civil Hospital, Hoshiarpur and thereafter she was referred to DMC Hospital, Ludhiana.



2.4 The deceased ultimately succumbed to the burn injuries on 14.10.2002.

3. The prosecution, in order to prove their case, examined PW1 Dr. Bhupinder Singh, PW2 Baljeet Kumar, PW3 Sh. D.P. Singla, PW4 Dr. Ashish Ohari, PWS Rajinder Kumar, PW6 Dr. Ram Prakash Saroya, PW7 Smt. Ravi Ohri, PW8 Anil Kumar, PW9 Jaswinder Singh, PW10 Kewal Singh, PW11 Madan Mohan, PW12 Hari Singh, PW13 Balwinder Singh.

4. After closing of the prosecution evidence, statements of the accused under Section 313 Cr.PC were recorded, wherein they denied all the allegations of the prosecution and claimed trial. The trial Court after evaluating the evidence acquitted Vinod Kumar and Sudesh Rani and convicted the appellant under Section 304-B, IPC and sentenced him to undergo rigorous imprisonment for seven years and fine of Rs. 2000/- or in default of payment of fine, to undergo further rigorous imprisonment for one month.

5. Learned counsel appearing for the appellant has assailed the impugned judgment primarily on the ground that the prosecution has failed to prove the essential ingredients required for constituting an offence under Section 304-B IPC and for raising the statutory presumption under Section 113-B of the Indian Evidence Act.

5.1 It has been argued that merely because the death of the deceased took place within seven years of marriage, the same by itself would not attract Section 304-B IPC unless the prosecution establishes that the deceased was subjected to cruelty or harassment in connection with demand for dowry soon before her death.



5.2 Learned counsel has submitted that the appellant was not residing with the deceased at the relevant time and that the deceased was residing at her parental house when the incident took place. It is argued that the prosecution has failed to establish any proximate and live link between the alleged acts of harassment and the death of the deceased.

5.3 It has further been contended that no cogent evidence has been produced to establish any demand for dowry. According to learned counsel, the alleged demand regarding transfer of the transport business cannot automatically be construed as a dowry demand within the meaning of Section 304-B IPC.

5.4 It has also been argued that the prosecution case rests entirely upon the dying declaration of the deceased, which suffers from material inconsistencies and improvements. Learned counsel submits that the earliest versions recorded at Civil Hospital, Hoshiarpur and DMC Hospital, Ludhiana clearly indicate that the deceased sustained burn injuries accidentally while boiling milk/cooking food. However, subsequently, the deceased introduced an altogether different version alleging self-immolation due to harassment.

5.5 Learned counsel has further argued that the possibility of tutoring the deceased before recording of her dying declaration cannot be ruled out inasmuch as several relatives remained present with the deceased during her hospitalization. It has also been pointed out that one of the brothers-in-law of the deceased was serving as an ASI in Punjab Police and allegedly bore animosity against the appellant as he was taken as 'Ghar Jawayi' by the parents of the deceased.



5.6 It has further been contended that even if the dying declaration is taken at its face value, the same does not disclose any specific instance of cruelty or harassment in connection with dowry demand soon before the death.

5.7 Accordingly, it has been prayed that the impugned judgment of conviction and order of sentence be set aside and the appellant be acquitted.

6. Per contra, learned State counsel has supported the impugned judgment and argued that the prosecution has successfully proved all the ingredients necessary for constituting an offence under Section 304-B IPC.

6.1 It has been contended that the dying declaration of the deceased was voluntary, truthful and recorded while she was in a fit state of mind. Learned State counsel submits that a truthful dying declaration can form the sole basis of conviction even without independent corroboration.

6.2 It has further been argued that the deceased specifically alleged that the appellant and his family members were pressurising her to transfer her father's transport business in favour of the appellant and were harassing her in connection therewith. According to the State, such demand amounted to demand for property connected with the matrimonial relationship and therefore constituted dowry demand.

6.3 Learned State counsel has further submitted that the requirement of "soon before death" stood fully satisfied as the deceased specifically alleged that she had been threatened and harassed immediately prior to the occurrence.



6.4 It has also been argued that once the prosecution proved that the death took place otherwise than under normal circumstances within seven years of marriage and that the deceased had been subjected to cruelty or harassment in connection with dowry demand, the presumption under Section 113-B of the Indian Evidence Act automatically stood attracted against the accused.

6.5 Regarding the inconsistencies appearing in the medical records, learned State counsel argued that the same are not sufficient to discard the dying declaration altogether. Accordingly, it has been prayed that the appeal be dismissed.

7. This Court has heard learned counsel for the parties and carefully gone through the record of the case.

8. Section 304-B, IPC reads as under:

*"304-B. Dowry death. -(1) Where the death of a woman is caused by any burns or bodily injury or occurs otherwise than under normal circumstances within seven years of her marriage and it is shown that soon, before her death she was subjected to cruelty or harassment by her husband or any relative of her husband for, or in connection with, any demand for dowry, such death shall be called 'dowry death' and such husband or relative shall be deemed to have caused her death.*

*Explanation. -For the 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."*



9. Section 304-B(1), IPC defines 'dowry death' of a woman. It provides that 'dowry death' is where death of a woman is caused by burning or bodily injuries or occurs otherwise than under normal circumstances, within seven years of 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, in connection with demand for dowry. Further, Section 304-B(2), IPC provides punishment for the aforesaid offence.

10. The Hon'ble Supreme Court, in the judgment of ***Satbir Singh v. State of Haryana, 2021 AIR (SC) 2627***; has summarised the law under Section 304-B, IPC and Section 113-B, Indian Evidence Act as under:

*"i. Section 304-B, IPC must be interpreted keeping in mind the legislative intent to curb the social evil of bride burning and dowry demand.*

*ii. The prosecution must at first establish the existence of the necessary ingredients for constituting an offence under Section 304-B, IPC. Once these ingredients are satisfied, the rebuttable presumption of causality, provided under Section 113B, Evidence Act operates against the accused.*

*iii. The phrase "soon before" as appearing in Section 304-B, IPC cannot be construed to mean 'immediately before'. The prosecution must establish existence of "proximate and live link" between the dowry death and cruelty or harassment for dowry demand by the husband or his relatives.*

*iv. Section 304-B, IPC does not take a pigeonhole approach in categorizing death as homicidal or suicidal or accidental. The*



*reason for such non categorization is due to the fact that death occurring "otherwise than under normal circumstances" can, in cases, be homicidal or suicidal or accidental.*

*v. Due to the precarious nature of Section 304-B, IPC read with 113-B, Evidence Act, Judges, prosecution and defence should be careful during conduction of trial.*

*vi. It is a matter of grave concern that, often, Trial Courts record the statement under section 313, CrPC, 1973 in a very casual and cursory manner, without specifically questioning the accused as to his defense. It ought to be noted that the examination of an accused under section 313, CrPC, 1973 cannot be treated as a mere procedural formality, as it based on the fundamental principle of fairness. This aforesaid provision incorporates the valuable principle of natural justice "audi alteram partem" as it enables the accused to offer an explanation for the incriminatory material appearing against him. Therefore, it imposes an obligation on the court to question the accused fairly, with care and caution.*

*vii. The Court must put incriminating circumstances before the accused and seek his response. A duty is also cast on the counsel of the accused to prepare his defense since the inception of the Trial with due caution, keeping in consideration the peculiarities of Section 304-B, IPC read with Section 113-B, Evidence Act.*

*viii. section 232, CrPC, 1973 provides that, "If, after taking the evidence for the prosecution, examining the accused and hearing the prosecution and the defence on the point, the Judge considers*



*that there is no evidence that the accused committed the offence, the Judge shall record an order of acquittal". Such discretion must be utilized by the Trial Courts as an obligation of best efforts.*

*ix. Once the Trial Court decides that the accused is not eligible to be acquitted as per the provisions of section 232, CrPC, 1973 it must move on and fix hearings specifically for 'defence evidence', calling upon the accused to present his defense as per the procedure provided under section 233, CrPC, 1973 which is also an invaluable right provided to the accused.*

*x. In the same breath, Trial Courts need to balance other important considerations such as the right to a speedy trial. In this regard, we may caution that the above provisions should not be allowed to be misused as delay tactics.*

*xi. Apart from the above, the presiding Judge should follow the guidelines laid down by this Court while sentencing and imposing appropriate punishment.*

*xii. Undoubtedly, as discussed above, the menace of dowry death is increasing day by day. However, it is also observed that sometimes family members of the husband are roped in, even though they have no active role in commission of the offence and are residing at distant places. In these cases, the Court need to be cautious in its approach."*

11. In the present case, it is not disputed that the death of the deceased took place within seven years of marriage and was otherwise than under normal circumstances. However, these two circumstances alone are



insufficient to attract Section 304-B IPC. The prosecution must further prove that the deceased was subjected to cruelty or harassment in connection with demand for dowry "soon before her death". It is only upon the satisfaction of these ingredients that the presumption under Section 113-B of the Indian Evidence Act can be invoked.

12. Adverting to the facts of the present case, the prosecution case primarily rests upon the dying declaration of the deceased. It is a settled law that a truthful and voluntary dying declaration can form the sole basis of conviction. However, such declaration must inspire confidence and must be free from any suspicion.

13. In the present case, the perusal of record reveals that immediately after the occurrence, the deceased was taken to Civil Hospital, Hoshiarpur, where the history of the patient, Sonu (since deceased), was recorded at the time of admission. Dr. Ram Parkash Saroya, who recorded the history at the first point of time, has been examined as PW6 by the prosecution. During his cross-examination, he stated that the patient had been brought to the hospital by Ravi Ohri, the mother of the patient. He further stated that he had inquired about the history of the case, and the same was narrated by her mother. It was stated that the patient had sustained burn injuries while boiling milk on a gas stove. Ravi Ohri (mother of the deceased), who was examined as PW7, has admitted during her cross-examination that when they reached Civil Hospital, Hoshiarpur, the doctor had given preliminary treatment to the deceased and had also inquired as to how her daughter had caught fire. She further stated that she had seen the



bed head ticket Ex.PF/1 and identified her signature at point 'A' on its first page.

14. After receiving preliminary treatment, Sonu (since deceased) was referred to DMC Hospital, Ludhiana. Ravi Ohri (mother of the deceased) stated that she had reached DMC Hospital, Ludhiana, in the early hours of that night. The doctor at DMC Hospital, Ludhiana, had also inquired from her as to how the deceased had sustained burn injuries. A perusal of the admission history at DMC Hospital, Ludhiana reveals that it was recorded therein that the patient had suffered burns while cooking food in the kitchen and that her clothes had caught fire from the flame of the gas burner. Ravi Ohri also identified her signature at point 'B' on the history sheet recorded at DMC Hospital, Ludhiana. Thus, the history of the case was disclosed to two different hospitals, namely Civil Hospital, Hoshiarpur, and DMC Hospital, Ludhiana. In both hospitals, at the time of disclosing the history, the manner in which the deceased sustained burn injuries was consistently stated to be accidental catching of fire while boiling milk/cooking. These two versions, recorded independently by two different hospitals, are identical in material particulars, and the mother of the deceased has admitted the correctness of the aforesaid medical history and identified her signatures on the relevant documents.

15. However, subsequently on 09.10.2002, the deceased made a dying declaration alleging that she had poured kerosene oil upon herself and set herself on fire due to harassment by the appellant and his family members. The dying declaration of Sonu (since deceased) is reproduced below:



"My marriage was solemnized on 01.03.2002 and I have no child. My husband was taken as 'ghar javai' by my father as my father was ill and was admitted in Patel Hospital, Jalandhar. My husband was looking after the business of shop of my father and during that period, he had taken away entire cash from the shop. He also took away all my ornaments and also gave beatings to me. This occurrence is 10 days old, but I do not remember the date. He also took away clothes and other articles in a suitcase to his house. He started threatening me after reaching his house. My mother-in-law and father-in-law also abused me on telephone. I was threatened. After that, I became puzzled and went to the roof top, sprinkled kerosene oil on my body and set myself on fire. My mother called me by name 'Sonu, Sonu', then I came to the ground floor and told my mother. My mother extinguished the fire with the blanket. Thereafter I was brought to the Civil Hospital, Hoshiarpur. I was given little treatment and 2 bottles of glucose were administered to me through a drip. After that, I was brought to Emergency in DMC Hospital, Ludhiana. My mother-in-law, father-in-law and my husband used to maltreat me. They were after my property. They used to say that they will send the boy only if the transport business is transferred in their names. I did not like the boy because he used to beat me. I want divorce from him. Whatever I have stated is voluntarily."

16. This Court has carefully examined the dying declaration of the deceased, which forms the fulcrum of the prosecution case. The subsequent



version constitutes a material departure from the earliest versions recorded at two different hospitals. Such improvement assumes considerable significance and creates doubt regarding the reliability of the prosecution case.

17. Further, in the dying declaration itself, the deceased merely stated that after being threatened and abused over the telephone, she became "puzzled" and thereafter, set herself on fire. The expression used by the deceased indicates emotional disturbance rather than any direct provocation or instigation attributable to the accused. Admittedly, the deceased was at her parental home when the incident took place, and the appellant was residing separately in his own house.

18. There is no specific allegation that the appellant directly incited or compelled the deceased to commit suicide. The allegations regarding telephonic threats are vague and unsupported by any independent evidence. No specific details regarding the time, contents or nature of such alleged conversations have been proved on record. The sequence of events, as narrated by the deceased herself, indicates that the act of self-immolation was a consequence of her own mental state following the alleged telephonic exchange, and not the result of any immediate or direct act of instigation attributable to the appellant. This aspect assumes greater significance when viewed in conjunction with the absence of specific allegations of cruelty or harassment linked to dowry demand soon before death. The dying declaration does not narrate any immediate or grave act of harassment connected with dowry demand preceding the incident.



19. This Court cannot ignore the fact that the deceased remained under the care and supervision of her relatives during her hospitalization. The mother of the deceased, during her cross-examination, stated that 4–5 relatives had reached DMC Hospital and that, while Sonu (since deceased) was admitted there, these relatives had shared certain woeful tales with her. It has also been alleged by the defence that one of the brothers-in-law of the deceased was serving as an ASI in the Punjab Police, and was nursing a grudge against the appellant as he had been taken as a ‘ghar jawai’ by the parents of the deceased. In such circumstances, the possibility of tutoring or subsequent improvement in the later version cannot be ruled out.

20. In the case of *Umakant v. State of Chhatisgarh, 2014 (7) SCC 405*; wherein the facts of the case were somewhat similar, the Hon’ble Supreme Court of India has held that Courts have to be very careful while analyzing the truthfulness, genuineness of the dying declaration and should come to a proper conclusion that the dying declaration is not a product of prompting or tutoring. The relevant part of the said judgment is reproduced below:

*“19. In spite of all the importance attached and the sanctity given to the piece of dying declaration, Courts have to be very careful while analyzing the truthfulness, genuineness of the dying declaration and should come to a proper conclusion that the dying declaration is not a product of prompting or tutoring.*

*20. The legal position about the admissibility of a dying declaration is settled by this Court in several judgments. This Court in *Atbir v. Government of NCT of Delhi, 2010(4) RCR (Criminal) 165 : 2010(5) Recent Apex Judgments (R.A.J.) 92 :**



*2010 (9) SCC 1, taking into consideration the earlier judgments of this Court in Paniben v. State of Gujarat, 1992(3) RCR (Criminal) 552 : 1992(2) SCC 474 and another judgment of this Court in Panneerselvam v. State of Tamilnadu, 2008(3) RCR (Criminal) 54 : 2008(3) Recent Apex Judgments (R.A.J.) 549 : 2008(17) SCC 190 has given certain guidelines while considering a dying declaration :*

- 1. Dying declaration can be the sole basis of conviction if it inspires full confidence of the Court.*
- 2. The Court should be satisfied that the deceased was in a fit state of mind at the time of making the statement and that it was not the result of tutoring, prompting or imagination.*
- 3. Where the Court is satisfied that the declaration is true and voluntary, it can base its conviction without any further corroboration.*
- 4. It cannot be laid down as an absolute rule of law that the dying declaration cannot form the sole basis of conviction unless it is corroborative. The rule requiring corroboration is merely a rule of prudence.*
- 5. Where the dying declaration is suspicious, it should not be acted upon without corroborative evidence.*
- 6. A dying declaration which suffers from infirmities, such as the deceased was unconscious and could never make any statement cannot form the basis of conviction.*



7. *Merely because a dying declaration does not contain all the details as to the occurrence, it is not to be rejected.*

8. *Even if it is a brief statement, it is not to be discarded.*

9. *When the eye-witness affirms that the deceased was not in a fit and conscious state to make the dying declaration, medical opinion cannot prevail.*

10. *If after careful scrutiny the Court is satisfied that it is free from any effort to induce the deceased to make a false statement and if it is coherent and consistent, there shall be no legal impediment to make it basis of conviction, even if there is no corroboration.*

21. *In the light of the above legal position that governs the consideration of a dying declaration, the factual matrix has to be scrutinised. As already extracted above, in the dying declaration Ex.P-13, the deceased stated before the Magistrate that the appellants demanded dowry and that the appellants set fire to her and she asked her brother-in-law to rescue her, but he had chosen not to do so, and further on hearing her cries, the neighbours came and extinguished the fire and admitted her in the hospital. After she was admitted in the hospital, her parents came and she informed them about the incident.*

*The deceased is said to have stated that when she was pregnant she was beaten up by the accused and because of which the child died in the womb. At that time, she had taken treatment in Revival Hospital. This statement is found in Ex.P-23, FIR*



written by K.B. Singh (P.W.23), and not in Ex.P13 dying declaration.

22. When we look at the dying declaration, it is not inspiring confidence in the mind of this Court and throws serious doubt that the same is a product of tutoring by the family members of the deceased for the reason that, the sister of the deceased who was present when the deceased was admitted in the hospital had signed in Ex.P-2 wherein it is stated that it was an accident and nobody has burnt the deceased, but later she turned around and stated that unless she signed on that, they were told that the deceased would not be treated, and the High Court has taken this fact into consideration, whereas in the dying declaration, the deceased has stated that when her parents came to the hospital on 06.08.2003, she informed to the parents for the first time and she had not mentioned that she informed her sister or anybody before that, but according to the sister of the deceased, on 02.08.2003, she was aware of this, which shows that the evidence of the witness is not reliable and clouded with doubt.”

21. Viewed cumulatively, the inconsistencies appearing in the prosecution case render it unsafe to sustain the conviction solely on the basis of dying declaration.

22. In this context, the law laid down by the Hon'ble Supreme Court in *P.V. Radhakrishna v. State of Karnataka, 2003 AIR (SC) 2859*; also assumes relevance, wherein it was held that a dying declaration must be carefully scrutinized and must inspire full confidence before it can be made the sole basis of conviction. Where the declaration reflects ambiguity or



lacks clarity on material particulars, the Court must seek corroboration. The relevant paragraphs are reproduced below:

*“12. Though a dying declaration is entitled to great weight, it is worthwhile to note that the accused has no power of cross-examination. Such a power is essential for eliciting the truth as an obligation of oath could be. This is the reason the Court also insists that the dying declaration should be of such a nature as to inspire full confidence of the Court in its correctness. The Court has to be on guard that the statement of deceased was not as a result of either tutoring, or prompting or a product of imagination. The Court must be further satisfied that the deceased was in a fit state of mind after a clear opportunity to observe and identify the assailant. Once the Court is satisfied that the declaration was true and voluntary, undoubtedly, it can base its conviction without any further corroboration. It cannot be laid down as an absolute rule of law that the dying declaration cannot form the sole basis of conviction unless it is corroborated. The rule requiring corroboration is merely a rule of prudence. This Court has laid down in several judgments the principles governing dying declaration, which could be summed up as under as indicated in **Smt. Paniben v. State of Gujarat, 1992(3) RCR (Criminal) 552 (SC)** .*

*(i) There is neither rule of law nor of prudence that dying declaration cannot be acted upon without corroboration. [See **Munna Raja and anr. v. The State of Madhya Pradesh, 1976(2) SCR 764**].*



ii) *If the Court is satisfied that the dying declaration is true and voluntary it can base conviction on it, without corroboration. [See State of Uttar Pradesh v. Ram Sagar Yadav and others, 1985(1) RCR (Criminal) 600 (SC) and Ramavati Devi v. State of Bihar, AIR 1983 Supreme Court 164].*

(iii) *The Court has to scrutinise the dying declaration carefully and must ensure that the declaration is not the result of tutoring, prompting or imagination. The deceased had an opportunity to observe and identify the assailants and was in a fit state to make the declaration. [See K. Ramachandra Reddy and anr. v. The Public Prosecutor, AIR 1976 Supreme Court 1994].*

(iv) *Where dying declaration is suspicious, it should not be acted upon without corroborative evidence. [See Rasheed Beg v. State of Madhya Pradesh, 1974(4) SCC 264].*

(v) *Where the deceased was unconscious and could never make any dying declaration the evidence with regard to it is to be rejected. [See Kaka Singh v. State of M.P., AIR 1982 Supreme Court 1021].*

(vi) *A dying declaration which suffers from infirmity cannot form the basis of conviction. [See Ram Manorath and others v. State of U.P., 1981(2) SCC 654.*

(vii) *Merely because a dying declaration does contain the details as to the occurrence, it is not to be rejected. [See State of Maharashtra v. Krishnamurthi Laxmipati Naidu, AIR 1981 Supreme Court 617].*



(viii) Equally, merely because it is a brief statement, it is not to be discarded. On the contrary, the shortness of the statement itself guarantees truth. [See **Surajdeo Oza and others v. State of Bihar, AIR 1979 Supreme Court 1505**].

(ix) Normally the Court in order to satisfy whether deceased was in a fit mental condition to make the dying declaration look up to the medical opinion. But where the eye-witness said that the deceased was in a fit and conscious state to make the dying declaration, the medical opinion cannot prevail. [See **Nanahau Ram and anr. v. State of Madhya Pradesh, AIR 1988 Supreme Court 912**].

(x) Where the prosecution version differs from the version as given in the dying declaration, the said declaration cannot be acted upon. [See **State of U.P. v. Madan Mohan and others, AIR 1989 Supreme Court 1519**].

(xi) Where there are more than one statement in the nature of dying declaration, one first in point of time must be preferred. Of course, if the plurality of dying declaration could be held to be trustworthy and reliable, it has to be accepted. [See **Mohanlal Gangaram Gehani v. State of Maharashtra, AIR 1982 Supreme Court 839**].”

23. In the present case, the dying declaration, even if taken at its highest value, does not advance the case of the prosecution, to the extent necessary to uphold the conviction. Even otherwise, the prosecution has failed to establish any specific act of cruelty or harassment connected with dowry demand soon before the death and the allegations remained general

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and omnibus in nature. The prosecution has failed to prove beyond reasonable doubt that the deceased was subjected to cruelty or harassment in connection with demand for dowry soon before her death. Consequently, the statutory presumption under Section 113-B of the Indian Evidence Act is not attracted in the facts and circumstances of the present case.

24. In view of the aforesaid discussion, the present appeal deserves to be allowed. Accordingly, the impugned judgment of conviction and order of sentence passed by the learned trial Court are hereby set aside. The appellant is acquitted of the charges framed against him by extending the benefit of doubt. The bail bonds of the appellant shall stand discharged.

25. The trial Court record be sent back.

**26.05.2026***Puneet***(RUPINDERJIT CHAHAL)  
JUDGE**

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