IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (S.J.) No. 346 of 2009
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1. Sasank Mandal @ Sasanko Mandal @ Shashanka Mandal, Son of Banshidhar Mandal,
2. Panchanand Mandal @ Panchanon Mandal, Son of Banshidhar Mandal
3. Manju Mandal, Daughter of Banshidhar Mandal,
4. Smt. Rita Mandal @ Rita Mandal, wife of Panchanand Mandal,

All are residents of Village-Kowali, P.S.-Potka, Dist.-Singhbhum East/Jharkhand **... ... ... Appellants**

Versus

The State of Jharkhand **.... .... Respondent**

For the Appellants : Mr. B.M. Tripathi, Sr. Advocate
Mr. Naveen Kumar Jaiswal, Adv.
Ms. Nutan Sharma, Adv.
For the Resp. State : Mr. Fahad Allam, A.P.P.

CORAM: HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA

JUDGMENT

C.A.V. On 12/08/2026 **Pronounced on 05 /10/2026**

1. It is here pertinent to mention, at the very outset that appeal preferred by Banshidhar Mandal and Smt. Munu Mandal @ Munu Mandal stood abated vide order dated 15.05.2026.

2. Heard the arguments of learned Sr. counsel for the appellants and learned A.P.P.

3. The instant criminal appeal is preferred being aggrieved and dissatisfied with judgment of conviction dated 31st March, 2009 and order of sentence dated 02nd April, 2009 passed by learned 5th Additional Sessions Judge, East Singhbhum, Jamshedpur in Session Trial No. 82 of 2008 whereby and whereunder, the appellants along with deceased appellants have been convicted and sentenced to undergo R.I. for 7 years each, for the offence under Sections 304B/34 of the IPC.

Factual Matrix:-

4. The factual matrix giving rise to this appeal is that the informant-Bijay Kumar Mandal (P.W.-8) solemnized marriage of his daughter Rekha Mandal (since deceased) in the year 2002 about five years prior to the occurrence with Sasanko Mandal in accordance with Hindu Rites and Customs and gave articles as dowry according to his capacity. Thereafter, his daughter gave birth of two children namely Khushi aged about 3 years and Rajeev aged about one and half years. It is alleged that after some days of the marriage, the in-laws of his daughter started demanding one motorcycle and Rs. 50,000/- cash as dowry from his daughter and the said demand of dowry was conveyed to the informant by way of telephonic call by the deceased herself. Upon this, the informant went to the matrimonial house of his daughter and assured the in-laws of his daughter that he would fulfill the said demand after getting retirement and on getting his retiral benefits but at present he is unable to fulfill the aforesaid demand. Thereafter, he returned back to his house. It is alleged that thereafter, Bansidhar Mandal (father-in-law of the deceased), Munu Mandal (mother-in-law of the deceased), Panchnand Mandal (Jeth of the deceased) Rita Mandal (Jethani of the deceased), Sasanko Mandal (husband of the deceased) and Manju Mandal (Nanad of the deceased) started to harass the deceased for non-fulfillment of the demand of dowry. It is alleged that several times, the informant tried to pacify the matter but the accused persons continued to pressurize his daughter for fulfillment of the said demand. On 16.11.2007, the informant got information from unknown person on telephone that on 15.11.2007, at about 1:00PM, the aforesaid

accused persons set the deceased on fire along with her daughter Khushi Kumari and son Rajeev Kumar who have sustained severe burn injuries and local persons brought them at T.M.H. for treatment, where Rekha Mandal was declared dead and her daughter and son were admitted for treatment but during treatment Rajeev Mandal (aged about one and half years) also died. It is alleged that in-laws and husband of the deceased had killed his daughter Rekha Mandal and her son Rajeev Kumar for want of dowry..

5. On the basis of fardbeyan of the informant, Potka P.S. Case No. 83 of 2007 was registered for the offences under Sections 304B and 498A of the IPC against the accused persons.

6. After completion of investigation, charge sheet was submitted against above accused persons under Section 304B of the IPC.

7. After taking cognizance, the case was committed to the Court of Sessions, where S.T.No. 82 of 2008 was registered. The accused persons pleaded not guilty and claimed to be tried.

8. In the course of trial, altogether 10 witnesses were examined by the prosecution.

P.W.-1	Malay Mandal
P.W.-2	Gorango Mandal
P.W.-3	Meghnath Mandal
P.W.-4	Sishir Mandal
P.W.-5	Samant Mandal
P.W.-6	Bhrigu Mandal
P.W.-7	Rajesh Singhdeo
P.W.-8	Bijay Kumar Mandal (Informant)

P.W.-9 Chema Tirki (I.O.)

P.W.-10 Doctor Lallan Choudhary

9. Apart from oral testimony, documentary evidence has also been adduced by the prosecution.

Ext.-1 Signature of Gorango Mandal on Fardbeyan

Ext.1/1 Signature of Bhriguram Mandal on Fardbeyan

Ext.1/2 Signature of Bijay Kumar Mandal on Fardbeyan

Ext. 2 to 2/1-Signature of Bijay Kumar Mandal on carbon copy of inquest report.

Ext.-3 Fardbeyan

Ext.-4 Endorsement on Fardbeyan

Ext. 5 to 5/1-Carbon Copy of Inquest Report

Ext.-6 Formal F.I.R.

Ext.-7 P.M. Report of deceased Rekha Mandal

Ext.-7/1 P.M. Report of deceased Rajeev

10. On the other hand, no oral and documentary evidence has been adduced on behalf of defence. The plea of defence is denial from occurrence, innocence and false implication.

11. After conclusion of the trial, impugned judgment and order of conviction and sentence has been passed by the learned trial Court, which has been assailed in this appeal.

Submissions on behalf of appellants: -

12. Learned Sr. counsel for the appellants has argued that as per trend of oral testimony of witnesses, particularly, the informant (P.W.-8), there is specific allegation against the husband alone who used to demand Motorcycle and Rs.50,000/- cash. The physical assault and cruelty meted with the deceased has also been attributed against the husband alone and there are general and omnibus allegations against the rest of the appellants

being Jeth, Jethani and Nanad who have no concern with the motorcycle or cash and family affairs of the deceased. There is no allegation at all against the Jeth, Jethani and Nanad except husband as to what specific overt act was committed by them against the deceased amounting to cruelty. It is further submitted that the deceased herself took step to end her life along with children, due to constant torture, harassment and physical and mental assault which resulted in unnatural death. Therefore, except the husband, rest of the appellants deserve acquittal in this case.

Submissions on behalf of the State

13. On the other hand, learned A.P.P. appearing for the State has vehemently opposed the aforesaid contentions raised on behalf of the appellants and submitted that the learned trial Court has very wisely and aptly analyzed, appreciated and apprised with the oral testimony of the witnesses available on record and also in view of the fact that no rebuttal evidence has been adduced by the defence nor any valid explanation about unnatural death of the deceased was given while she was in their custody. The learned trial Court has rightly invoked the presumption under Section 113B of the Indian Evidence Act against them and convicted all the accused persons, who have committed dowry death in a concerted manner in furtherance of their common intention. Therefore, there is no illegality or infirmity in the impugned judgment calling for any interference in this appeal, which is devoid of merit and fit to be dismissed.

14. I have gone through the record along with the impugned judgment in the light of rival contentions raised on behalf of the parties.

15. The sole point for determination in this appeal is "as to whether the impugned judgment of conviction and sentence of the appellants suffers from any error of law, which requires any interference in this appeal"?

Analysis, reasons and decision:

16. Before imparting my verdict on the above point, it appears necessary to take brief resume of ocular testimony of witnesses examined in this case.

P.W.-1 Malay Mandal has deposed that Bijay Kumar Mandal (informant-P.W.-8) is his uncle and his daughter got married with Shahanko Mandal on 28.04.2002 and his uncle gave dowry according to his capacity. He has further deposed that after marriage, his sister lived well for a few days at her matrimonial home. Thereafter, the accused persons started to demand a motorcycle and Rs. 50,000/-cash and due to non-fulfillment of the same, she was being tortured mentally and physically. This witness has further stated that two days prior to occurrence, he had gone to the matrimonial house of the deceased where he saw that his sister was threatened by the accused persons that if the demand would not be fulfilled, she would be killed and this fact was narrated by this witness to the informant. Informant assured to accused persons that after retirement, he would fulfill the said demand. This witness has further stated that his Sasural also belongs to the same place where his sister got married. He got information that on 15.11.2007, at about 11 AM, his sister was set on fire along with her children and his sister sustained eighty percent burn injuries. This witness also went to TMH Hospital but his sister was found dead and both the children were undergoing treatment.

In his cross-examination, nothing has been elicited to disbelieve the above testimony.

P.W.-2 Gorango Mandal is the maternal uncle of the deceased who has also deposed the factum of marriage of Rekha Mandal with Sashanko Mandal and this witness had heard from the informant that deceased was being tortured and assaulted due to non-fulfillment of demand of Motorcycle and Rs. 50,000/- cash. This witness has stated that he along with Bhriguram Mandal went to the matrimonial house of the deceased three to four times to pacify the matter and till those days, the family members of the deceased behaved well with the deceased but thereafter started to torture due to non-fulfillment of the demand. Upon this, the father of the deceased had assured to fulfill the demand after getting retiral benefits but on 15.11.2007, he came to know that the accused persons have set on ablaze to daughter of informant along with her children. This witness also went to see the dead body of the deceased at T.M.H. This witness has also put his signature on the fardbeyan of Informant marked as Ext.-1.

In his cross-examination, this witness admits that investigating officer had recorded his statement along with other prosecution witness on 17.11.2007. This witness has also been cross-examined at length but remained intact.

P.W.-3 Meghnath Mandal is the cousin of the deceased, who came to know about the occurrence from Sishir Mandal (P.W.4) that deceased was set on fire by the in-laws of the deceased. This witness had also gone

to the matrimonial house of the deceased but deceased was not there nor her in-laws and neighbor told him that deceased was assaulted by her in-laws throughout the day and set on fire by pouring kerosene oil. This witness has further deposed that deceased herself had stated about the demand of Motorcycle and Rs. 50,000/- cash and the informant had assured to fulfill the same after retirement on getting retiral benefit but her in-laws were not happy upon this assurance and threatened to kill her.

In his cross-examination, this witness admits that he had not gone to hospital and returned from the matrimonial house of the deceased.

P.W.4 Sishir Mandal has deposed that on telephone, he was informed about the occurrence that on 15.11.2007, deceased was set on fire by the accused persons then he informed P.W.-3 Meghnath Mandal and went to matrimonial house of the deceased where co-villagers informed them that the deceased along with their children was set on fire after assaulting due to non-fulfillment of the demand of Motrocycle and Rs. 50,000/- cash.

He has denied the suggestion that he did not receive any telephone calls and deposed wrongly due to being relative of informant.

P.W.5 Sanat Mandal has deposed that he was present on the date of occurrence at the house of Late Jugan Mandal and on hearing Hulla, he along with villagers went to the house of deceased where he saw that deceased along with their children were in burnt condition. The injured were brought out by the villagers from the room. Husband of the deceased and father-in-law and mother-in-law of the deceased were present at their

home. Thereafter, this witness along with villagers brought the deceased to TMH Hospital along with injured children for treatment but Rekha died on the way. This witness came to know that in-laws of the deceased used to demand dowry and for want of dowry, deceased was set on fire.

P.W.6 Bhriguram Mandal is the uncle of the deceased and has also stated about the marriage of the deceased with Shashanko Mandal on 28.04.2002 and after some time of marriage, she was being tortured for non-fulfillment of dowry demand of Motrocycle and Rs. 50,000/- . The informant had assured that the said demand would be fulfilled when he would get retired and got the retiral benefit.

P.W.-7 Rajesh Singhdeo has been declared hostile.

P.W.-8 Bijay Kumar Mandal is the informant-cum-father of the deceased. He has deposed that his daughter got married with Shashanko Mandal in the year 2002 and in marriage, he gave Jewellery worth Rs. 40,000/- along with T.V., Cloth, Household utensils etc. He further deposed that after sometime, he was informed by his daughter on telephone that she was being asked for Rs.50,000/- cash and Motorcycle as a dowry and for want of that, his daughter was tortured physically and mentally by the accused persons. He went to the matrimonial house of the deceased to pacify the matter and assured that after getting retiral benefit on his retirement, he would give Motorcycle and Rs. 50,000/-. Thereafter, again accused persons started subjecting to cruelty by assaulting his daughter, then, this witness along with his brother and nephew went to pacify the matter and returned to home. On 15.11.2007, his daughter was

assaulted by the accused persons and set on fire along with her children due to which she sustained serious burn injuries and brought to hospital by the villagers where she was declared dead and children were admitted for treatment but on next day i.e. 16.11.2007, son of the deceased died during treatment. Then, this witness went to TMH where his fardbeyan was recorded by the Police and put his signature marked as Ext.1/2. Police also prepared inquest report of his daughter and grandson and he put his signature marked as Ext. 2 and 2/1. He identifies all the accused persons.

In his cross-examination, this witness has stated that one and half months prior to occurrence, he had gone to matrimonial house of his daughter to pacify the matter. He has further stated that settlement was usually held at the daughter's in-laws house in which he, his family members and accused persons were involved and no one from the village used to participate. This witness has been cross-examined at length, but remained intact.

P.W. 9 Chema Tirky is I.O. of this case. He has stated that on 15/11/07, he was posted at Potka P.S. On that date, the Potaka P.S. case no. 83/07 was registered and fardbayan was forwarded from T.M.H. police camp which was recorded by A.S.I., R.R. Chatamba at police camp T.M.H. He has proved fardhayan Ext. 3. He has further stated that he came at T.M.H. police camp and received fardbayan. Prior to this, an information was received at Potka Police Station that one lady had died due to burn injury at TM.H. Then, he came at T.M.H. and received fardbayan. He has further stated that he forwarded the dead boy of Rekha

Mandal and his son Rajeev for post mortem at M.G.M. and he started investigation of this case. He recorded the restatement of the informant. He took the husband of the deceased in his custody and came at M.G.M. along with dead body and the accused Sashank Mandal. After receiving dead body from post mortem, it was cremated. Thereafter, he came at Potka P.S. along with husband of the deceased and on the basis of fardbayan, Potka P.S. case was registered. He has proved the registration endorsement in the pen and signature of officer-in-charge Potaka Sri Sudhir Kumar which has been marked Ext. 4. He has further stated that he legally arrested the husband of the deceased and kept him in the police Station and proceeded for the place of occurrence. He recorded the statement of the witnesses. The place of occurrence was situated at village Kowali in the house of Bansidhar Mandal. The entrance of the house of Bansidhar Mandal was situated towards South. The house is having one Varamdah. He also found one stair in the Varandah. He found two rooms in the southern portion of the Varandah. In the western room, the deceased was residing and on the date of occurrence, she had sustained severe burn injury in that room. The size of the room was 10 ft. X 7 ft.. He found one diwan in the room towards the East West portion. One godrej almirah was found near the eastern wall of the room. One T.V. was found there and also he found on alna which was used for keeping cloths. He has also found one dressing table and one box in which utensils were kept. In the western side of the room, he found one tosak in brunt condition and also found the ashes of plastic. He saw that T.V. was damaged due to fire. He also found black spots on the roof

and wall of the room. He found the kundi which was used for closing the door from inside in broken condition. He had not sealed any material from the place of occurrence. Secretly, he investigated the case then found that on the date and time of occurrence, a quarrel had taken place in between the husband, nanad and the deceased and marpit had taken place. He further stated that he came to know that the deceased was being harassed prior to this occurrence physically and mentally and due to this reason, she kept concealed in the room and set herself on fire. He has further stated that the witness Sarad Kumar Singh, Kaira Sardar, Sapan Kumar Bhagat, Braj Kumar Singhdeo have stated that the deceased herself set her on fire and became injured. He has further stated that he arrested the accused persons and after completion of investigation submitted charge-sheet in this case. He has proved two inquest report which has been marked Ext. 5 and 5/1 and he has also proved formal F.I.R. Ext. 6.

In his cross examination, he has stated that Rekha Mandal was brought at T.M.H. hospital and her in-laws had admitted her in the hospital. He cannot say who had paid the expenses of the treatment. He has further stated that prior to the post mortem, the parents of Rekha Mandal had met with him and at that time, no one had made any complaint against the accused persons. At the time of cremation, persons from both sides were present but no one had made any complaint against the in-laws of the Rekha Mandal. He has further stated that he has recorded the defence version of the husband of the deceased Rekha Mandal and also recorded the statement of the villagers. But he has not

given name of those villagers in the charge-sheet. He has further stated that he recorded the statement of Sanat Mandal and Rajesh Singhdeo and their names have been given in the charge-sheet. He has further stated that Sanat Mandal also resides at village Karandih. He had constructed a house at Karandih and he resides there along with his family members.

He admits that the witness Malay Mandal has not stated before him that the accused persons were demanding cash of Rs. 50,000/- and motorcycle as dowry. He has also not stated before him that when he had gone at the house of Rekha Mandal then he found her in injured condition. He has also not stated before him that the nearby persons had informed him about the occurrence on phone. He has further stated that the witness Gorango Mandal has not stated before him that on 14/11/07, he contacted with Bijay Mandal and Bijay Mandal informed him that in-laws of Rekha Mandal are harassing Rekha Mandal. He has also not stated before him that the accused persons were demanding cash of Rs. 50,000/- and one motorcycle. This witness has also not stated before him that Bijay Mandal had given assurance that after retirement, he would fulfill the demands. This witness has also not stated that he had gone at the house of Rekha Mandal about 3 to 4 times along with Bhrigu Mandal and tried to pacify the matter.

He has further stated that witness Meghnath Mandal has not stated before him that at the time of occurrence, he was present at his village and Sishir Mandal informed him that Rekha Mandal was burnt by her in-laws at village Kowali. He has also not stated before him that after

receiving this information, he went at village Kowali along with Sishir Mandal. The villagers informed that Rekha Mandal was assaulted by the accused persons and they set her on fire. This witness has also not stated before him that an agreement was made by the father of the deceased that after retirement he would fulfill the demand of the accused persons. He has further stated that witness Sishir Mandal has not informed him that he had informed about the occurrence to Meghnath Mandal while he was working in the field. He has also not stated before him that due to the pressure of the villages/, Sasanko Mandal brought Rekha Mandal at hospital. The witness Bhrigu Mandal has not stated before him that informant had assured to fulfill the demand after retirement. He has further stated that he had not prepared the inquest report of the deceased persons.

P.W. -10 Doctor Lallan Chodhary has stated that on 16/11/07, he was posted as Assistant Professor in the department of Forensic Medicine, M.G.M. Medical College hospital, Jamshedpur and on that date, at 1.30 p.m., he and Doctor Y. Nath conducted post mortem examination on the dead body of Rekha Mandal aged about 25 years, Female, who was wife of Sasanko Mandal, resident of Kawali, P.S. Potka District East Singhbhum. The dead body was covered with a markin, cloth and wearing red black and green color printed un-burnt and red paticot present around waist like Kerosine Oil perceived. On examination of the body ante-mortem dermo-epidermal burn present all over body except sides and posterior part of scalp, forehead middle of scalp hair, eye brow and pubic hair singed

degloving of skin of both hands, peeling of skin most of the places except 2" bend around waist where cloth present and pubic region.

On dissection of skull brain congested, neck larynx and tracial mucus congested and contain carbon particles. Chest and abdomen lungs congested viscera congested, bladder empty, stomach contains fluid (mar and rice) with few carbon particles 300 ml.

He has opined that cause of death due to burn shock, percentage of burn 96% approximately. Time since death 21 hours to 30 hours approximately. He has proved Post mortem report in his pen and signed by him and Dr. Y. Nath, which is marked Ext. 7. He has further stated that on the same day at about 2.20 p.m. conducted post mortem examination on the dead body of Rajeev aged about 1-1/2 years male child son of Sasanko Mandal. On examination, he found ante-mortem dermo-epidermal burn present over forehead, face, other aspect of all four limbs, right side of chest and abdomen (Thalanx), back of lower abdomen buttocks and both lower limbs, perineum and penis. On dissection of skull brain congested. Chest and abdomen- lungs congested, viscera congested, bladder empty, stomach contains undigested rice and fluid 150 gm.

He has opined that cause of death due to burn shock, Percentage of burn 60% approx. He has opined that time elapsed since death 12 hours approximately. He has proved the post mortem report which has been marked as Ext. 7/1.

In his cross examination, he has stated that he had not found any other injury except burn injury. In the case of Rajeev, he did not perceive

any smell of Kerosene Oil. He has further stated that before 2 and 3 hours of sustaining injury, the deceased had taken meal. On the basis of this post mortem report, it is crystal clear that both the deceased died due to burn injuries which they had sustained and on this point there is no dispute.

17. In order to properly appreciate the above evidence, relevant provisions of law are extracted hereunder:-

Indian Penal Code

"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 purposes 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."

498-A. Husband or relative of husband of a woman subjecting her to cruelty*-Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.*

Explanation*.-For the purposes of this section, "cruelty" means-*

Any willful 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

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.]

2. Definition of "dowry".- *In this Act, "dowry" means any property or valuable security given or agreed to be given either directly or indirectly-*

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

(b) by the parents of either party to a marriage or by any other person, to either party to the marriage or to any other person;

at or before [or any time after the marriage] [in connection with the marriage of the said parties, but does not include] dower or mahr in the case of persons to whom the Muslim Personal Law (Shariat) applies.

Explanation II. – The expression "valuable security" has the same meaning as in section 30 of the Indian Penal Code.

3. Penalty for giving or taking dowry- *(1) If any person, after the commencement of this Act, gives or takes or abets the giving or taking of dowry, he shall be punishable with imprisonment for a term which shall not be less than five years, and with fine which shall not be less than fifteen thousand rupees or the amount of the value of such dowry, whichever is more.*

Provided that the Court may, for adequate and special reasons to be recorded in the judgment, impose a sentence of imprisonment for a term of less than five years.

(2) Nothing in sub-section (1) shall apply to, or in relation to-

(a) presents which are given at the time of a marriage to the bride (without any demand having been made in that behalf)

Provided that such presents are entered in a list maintained in accordance with the rules made under this Act.

(b) presents which are given at the time of a marriage to the bride groom (without any demand having been made in that behalf)

Provided that such presents are entered in a list maintained in accordance with the rules made under this Act:

Provided further that where such presents are made by or on behalf of the bride or any person related to the bride, such presents are of a customary nature and the value thereof is not excessive having regard to the financial status of the person by whom, or on whose behalf, such presents are given.

Indian Evidence Act

"113B. Presumption as to dowry death*. -- When the question is whether a person has committed the dowry death of a woman and it is*

shown that soon before her death such woman had been subjected by such person to cruelty or harassment for, or in connection with, any demand for dowry, the court shall presume that such person had caused the dowry death.

Explanation.- For the purposes of this section, dowry death shall have the same meaning as in section 304B of the Indian Penal Code (45 of 1860)."

18. From bare perusal of Section 304B of the IPC (Section 80 of B.N.S., 2023), it is obvious that following ingredients have to be proved by the prosecution as foundational facts for invoking the offence of dowry death:-

(i) the death of a woman must have been caused by burns or bodily injury or otherwise than under normal circumstances;
(ii) such death must have occurred within seven years of her marriage;
(iii) soon before her death, the woman must have been subjected to cruelty or harassment by her husband or any relatives of her husband;
(iv) such cruelty or harassment must be for, or in connection with, demand for dowry.

When the above ingredients are established by reliable and acceptable evidence, such death shall be called dowry death and such husband or his relatives shall be deemed to have caused her death and once the prosecution establishes aforesaid ingredients, the burden of proof radically shifts to the defence due to strict statutory presumption.

19. The provision of section 304-B of IPC as regards cause of death does not categorize death as homicidal, suicidal or accidental rather any death occurring "otherwise than under normal circumstances" may attract the provision of section 304-B of IPC, if other ingredients are fulfilled.

20. In the instant case, after going through the ocular testimony of prosecution witnesses examined in this case, it appears that the death of the deceased as per the evidence of witnesses is admittedly due to burn

injuries sustained by the deceased which has happened otherwise than under normal circumstance as corroborated by the Doctor (P.W.-10) which confirms the first requirement of Section 304B of the IPC.

21. The second requirement is also proved as per the testimony of the witnesses that the deceased was married with the appellant No. 1 just before five years from her death which was also corroborated by the informant and she died unnatural death i.e. within 7 years of marriage.

22. So far as, third and fourth conditions are concerned, it appears from the testimony of the informant who is the father of the deceased and other witnesses that motorcycle and Rs.50,000/- cash was being demanded and due to non-fulfillment of same, the deceased was tortured and assaulted and demand of dowry was also narrated by the deceased herself to informant through telephone that if the same is not fulfilled, the accused would kill her. The unrebutted testimony of aforesaid witnesses also proves the ingredients nos. (iii) and (iv).

23. Therefore, presumption under Section 113B of the Indian Evidence Act can legitimately be raised in this case against the husband of the deceased. So far as presumption under Section 113B of the Indian Evidence Act against rest of the appellants being Jeth (appellant No.2), Jethani (appellant No. 4) and Nanand (appellant No. 3) is concerned, none of the prosecution witnesses have specifically stated that they have ever demanded motorcycle and Rs. 50,000/- cash and have ever subjected the deceased with cruelty and torture, who have no concern with the family

matters of the deceased rather there are general and omnibus allegations against the rest of the appellants.

24. I have considered the defence version in the light of circumstances proved by the prosecution. It is crystal clear that all the four ingredients of dowry death have been proved by the prosecution against the husband only through cogent and reliable evidence and the defence has miserably failed to rebut the presumption invoked under Section 113B of the Indian Evidence Act.

25. In view of the above discussion and reasons, I do not find any illegality or infirmity in the impugned judgment of conviction and sentence passed by the learned trial Court against the husband (appellant No. 1) calling for any interference in the appeal. Accordingly, the judgment of conviction and sentence passed by the learned trial Court for the offence under Section 304B of the IPC is hereby **confirmed and upheld against the husband**.

26. Consequently, the suspension of sentence granted to the appellant No. 1 vide order dated 03.02.2012 during pendency of this appeal, is hereby cancelled and he is directed to surrender before the learned Trial Court within two months from the date of this Judgment and undergo the remaining period of sentence awarded to him by the learned trial Court, failing which, the learned trial Court shall take all coercive steps for arrest and detention of the appellant No. 1 for sustaining the remaining period of sentence awarded to him.

27. So far as the conviction and sentence passed by the learned trial Court in respect of appellant No. 2 to 4 is concerned, the same is hereby **set aside and they are acquitted** from the charge leveled against them. Appellant Nos. 2 to 4 are on bail, hence, they are discharged from the liabilities of bail bonds. The sureties are also discharged.

28. In result, this appeal is **partly allowed** to the extent mentioned above.

29. Pending I.A(s), if any, is also disposed of, accordingly.

30. Let a copy of this judgment along with Trial Court Records be sent back to the court concerned for information and needful.

(Pradeep Kumar Srivastava, J.)

Jharkhand High Court, at Ranchi
Date: 05 /10/2026
*Basant/-****N.A.F.R.***
Uploaded on 06/10/2026