



2026:DHC:5800-DB



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Reserved on: 29.04.2026
Pronounced on: 22.07.2026

+ **CRL.A. 583/2003**
+ **CRL.A. 661/2003**

NANAK CHAND @ DEVENDER
VEERMATI

.....Appellant
.....Appellant

Through: Mr. Pradeep Kumar Arya,
Mr.S. K. Singh, Mr. Raj Karan
Sharma, Mr. Aditya Kumar
Yadav, Mr. Gaurav, Chaudhary,
Mr. Rishabh Malhotra, Mr.
Vaibhav Chaudhry, Mr.
Anubhav Rathi, Ms. Akshita
Chaudhary, Advs.

versus

STATE

.....Respondent

Through: Mr. Aman Usman, APP with
Mr. Manvendra Yadav, Adv.
Insp. Amit Kumar, PS Badarpur

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MR. JUSTICE RAVINDER DUDEJA

J U D G M E N T

RAVINDER DUDEJA, J.

1. The present appeals have been filed by the Appellants Nanak Chand and Veermati, assailing the judgment of conviction dated 02nd August 2003 [**“impugned judgment”**] and the Order on sentence dated 08th August 2003, passed by the learned Additional Sessions



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Judge, New Delhi [**“Trial Court”**] in Sessions Case No. 4/2003 in case FIR no. 550/2002, registered under Sections 498-A/304-B/120B & 302 of the Indian Penal Code, 1860 [**“IPC”**] at Police Station Badar Pur.

2. Since both appeals emanate from the same FIR, involve identical questions of fact and law, and assail a common impugned judgment and order on sentence, they are being disposed of together by this common judgment.

BRIEF FACTS:

3. The facts of the prosecution case, as succinctly captured by the learned Trial Court in the impugned judgment, are reproduced below:-

“Arti daughter of Roop Chand was married to accused Nanak Chand on 21-4-2000. Veermati the other accused is mother of accused Nanak and mother in law of Arti. On 4-10-2002 at 8.48 AM an information was received at PS Badar Pur through police control room that at Tajpur Pahari behind sibbal in H. No. A-26, daughter-in-law has been burnt by in-laws. This message was recorded vide DD No. 4A. SI Kishan Lal of PS Badar Pur was given this DD. He went to the spot and found that in H. No. 27, Budh Vihar, Tajpur Pahari the incident had taken place and the injured had already been removed to hospital by PCR. SHO also reached on the spot. He made telephone call to SDM and requested him for reaching Safdarjung Hospital and told that he was also reaching Hospital. SI Kishan Lal also went to Safdarjung Hospital leaving Ct. Ajay Shukla behind on the spot. SDM also reached at Safdarjung Hospital. He obtained MLC of



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injured and made an application to take statement of the deceased. The application made by him Ex. PW10/A. Doctor recorded on it that patient was conscious and oriented and responding to calls and was fit for statement. She made this endorsement at 11.45 AM. Thereafter statement of Arti, injured, who was lying burnt in the hospital, was recorded by SDM. She told her name and husband's name and told that her marriage was performed about two years ago. She was asked as to how the incident had happened. She told that her mother in law Veermati poured kerosene oil on her and put her on fire. She was asked as to how her relations were with her husband. She told that he used to beat her and used to ask her for dowry and money. She was asked as to what else she wanted to say. She stated that she wanted law to punish the culprits. On this statement of Arti, SDM gave directions to police to take action as per the law. SI Krishan Lal then made endorsement on DD copy and sent for registration of FIR against husband of Arti and against her mother in law under section 498-A/307IPC.

Arti was having 100% burns as per the MLC Ex. PW12/A. she was brought to hospital at 9.40 AM by HC Rampal Yadav of PCR. She informed the doctor that she sustained burns as her mother in law poured kerosene oil on her body and set herself (her) on fire. Arti succumbed to her injuries on the same night i.e. night between 4th and 5th October, 2002. The information was sent by duty Ct. Sunil Kumar from Safdarjung Hospital to police station about death of Arti. It was recorded vide DD No, 72B Ex. PW14/A. The information of Arti's burning was sent to the parents of Arti. Investigating officer got the spot photographed, called crime team and collected incriminating material from the spot. From the spot he recovered one plastic can in burnt condition, which was in completely



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melted state, a pair of burnt rubber gloves, and one match box which was also partially burnt, only base was remaining. He made inquiries from the spot about the accused persons and came to know through a woman from the crowd gathered at the spot that she had seen Veermati and Nanak Chand, mother and husband of deceased, going towards Badarpur border. He took the lady with him and she after reaching Badarpur border, pointed towards accused Nanak and Veermati. He arrested both of them. He called Lady Ct. Kanta from PS who afterwards took the custody of accused Veermati and took her personal search. Both the accused persons were arrested on 4-10-2002 itself. Father and relatives of Arti reached Delhi on 5-5-2002 and they made statement to the SDM. Roop Chand father of deceased in his statement Ex. Pw1/A to the SDM stated that Arti was married to Nanak Chand about two years before incident and after marriage, Arti's husband Davender @ Nanak used to beat her and used to compel her either to bring Rs. 50,000/- from her father or her father (he) should purchase a plot of 100 yards for him. Arti was living at her parents house since February, 2002. She was sent to matrimonial home only about 12-13 days prior to the incident, at the intervention of some respectable of the society. On 4-10-2002 he received telephone about burning of Arti, He had a doubt that Arti had been killed by Nanak and his mother Veermati. Tota Ram, uncle of Arti also made statement Ex. PW2/A to SDM. He stated that after marriage Arti used to be beaten by Nanak and Nanak used to demand a plot and money for construction of plot. Arti was sent to her in-laws house on 22-9-2002 with the intervention of some respectables as Arti was living with her parents since February, 2002. He also expressed his doubt that Arti had been killed by Nanak and



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Veermati. Post mortem was conducted and doctor gave cutting of hair of deceased to the investigating officer which was seized. Seized articles were sent to CFSL and result was received. The investigation got completed and challan was filed against accused persons. Accused Nanak and Veermati both were charged by this court under section 498-A/34 IPC and Veermati was charged by this court u/s 302 IPC alternatively and u/s 304-B IPC. Both the accused persons pleaded not guilty and claimed trial.”

4. During trial, prosecution examined 15 witnesses, including PW-1 and PW-2, father and uncle of the deceased, respectively, PW-9, Dr. A.K. Sharma, who conducted the post-mortem of the deceased, PW-10 A.K. Singh, the SDM, who recorded the statement of the victim (Ex. PW-10/C), PW-12 Dr. Ritesh Purwar, who proved the MLC Ex. PW-12/A and death summary (Ex. PW-12/B) and PW-15 SI Krishan Lal, Investigating Officer, who deposed about the investigation conducted by him. Prosecution also examined PW-13 Dr. Guru Bhushan of Safdarjung Hospital, who gave an opinion (Ex. PW-10/B) that the victim was fit for statement.

5. In their statements, recorded under Section 313 of the Code of Criminal Procedure, 1973 [“**Cr.P.C.**”], Appellant Nanak Chand stated that the deceased had left the matrimonial home in February 2002 without reason. He denied the allegations relating to harassment and cruelty. He claimed that he was away at work at Madanpur Khadar and was called through a boy. He further claimed ignorance about the incident which happened with his wife.



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6. Appellant Veermati also took almost a similar stand and claimed innocence. According to her, both she and her son, who was called back from his work place, were arrested from their house.

7. In their defence, Appellants examined two defence witnesses, that is, DW-1 Rakesh, their neighbour and DW-2 Karambeer, brother-in-law of the Appellant Veermati.

8. The learned Trial Court, while convicting the Appellants held that, the deceased, who had been married for about two and a half years, was subjected to harassment, beatings and dowry demands of Rs.50,000/- or a plot by the Appellants and had remained at her parental home for nearly eight months before being brought back to her matrimonial home only 12-13 days prior to the incident, whereafter she was burnt to death. Relying upon the testimonies of PW-1 and PW-2 and the dying declaration of the deceased, as recorded by PW-10 SDM, the learned Trial Court convicted both Appellants Veermati and Nanak Chand under Section 498-A IPC and further held Appellant Veermati guilty under Section 304-B IPC, observing that the dying declaration specifically attributed to her the act of pouring kerosene oil upon the deceased and setting her on fire, while Appellant Nanak Chand was not found present at the spot at the relevant time. *Vide* the order on sentence, both the Appellants were sentenced to rigorous imprisonment for three years along with a fine of Rs.10,000/- each under Section 498-A IPC, and in default of



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payment of fine, to further undergo six months imprisonment. Appellant Veermati was further sentenced to imprisonment for life under Section 304-B IPC, considering the cruel manner in which the deceased was set on fire after pouring kerosene oil upon her.

SUBMISSIONS OF THE LEARNED COUNSEL FOR THE APPELLANTS:

9. The learned counsel submitted that the testimonies of PW-1, the father of the deceased, and PW-2, the uncle of the deceased, reveal only vague and general allegations regarding dowry demand and cruelty. PW-1 merely alleged that the accused persons demanded either Rs.50,000/- or a plot measuring 100 sq. yards, but failed to specify the exact date, time or person who allegedly raised such demand. It was argued that though PW-1 claimed that the deceased was sent back to her parental house after beatings, he admitted in cross-examination that he had not disclosed this fact before the SDM, thereby making material improvements in the Court. The learned counsel emphasized that PW-1 himself admitted that he and other family members regularly visited the matrimonial home of the deceased, yet no complaint was ever made to any authority. Even regarding the Panchayat, no independent member thereof was examined. The learned counsel further submitted that the testimony of PW-2 was entirely hearsay in nature, as no dowry demand was ever made in his presence and he only deposed on the basis of what was told to him by the deceased and her father. Even PW-2 admitted that



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no report was lodged during the lifetime of the deceased, despite the alleged demands. It was thus argued that the prosecution failed to establish any specific, proximate or continuous demand of dowry soon before the death of the deceased.

10. It was further contended that the dying declarations recorded before the doctor, who prepared the MLC, and the SDM, who recorded the statement of the victim, were never specifically put to the Appellants during their examination under Section 313 Cr.P.C. The learned counsel argued that the questions framed under Section 313 Cr.P.C. were vague and mechanical, and the exact incriminating circumstances were never brought to the notice of the Appellants. It was submitted that Appellant Veermati is an illiterate lady and could not have understood the references merely made to the exhibits. According to the learned counsel, the failure to specifically confront the Appellants with the contents of the alleged dying declarations caused serious prejudice to the defence of the Appellants.

11. The learned counsel further argued that several crucial witnesses were not produced by the prosecution, including, HC Ramphal Yadav, the PCR driver, the doctor who prepared the MLC, the members of the Panchayat, neighbours and even other family members of the deceased. It was submitted that such non-examination assumes significance in light of the inconsistencies and omissions in the prosecution evidence. The concealment of the medical documents from the time of admission of the deceased till the preparation of Ex.



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PW-12/B was also assailed as a deliberate suppression of material evidence. It was therefore contended that the alleged dying declarations were unreliable and incapable of forming the basis of conviction.

12. Learned counsel for the Appellants lastly relied upon the testimonies of defence witnesses to contend that the actual dispute between the parties was not with respect to dowry but regarding the frequent visits of the deceased to her parental home. Reference was made to the testimony of DW-1 Rakesh, an independent witness and neighbour, who stated that upon reaching the spot he found the deceased in a burnt condition with her head lying in the lap of Appellant Veermati, who was weeping and asking him to call Appellant Nanak Chand. According to learned counsel, such conduct of Appellant Veermati was wholly inconsistent with the conduct of a guilty person.

13. Reliance was also placed upon the testimony of DW-2 Karambeer, brother-in-law of Appellant Veermati, who stated that the deceased frequently visited her parental home and that the parents of the deceased had complained that the Appellants were not permitting her to visit them often. DW-2 further deposed that the mother of the deceased had remarked that if the deceased was not sent willingly, she should give up her life. Learned counsel submitted that the defence version probalised an entirely different cause of discord unrelated to dowry. It was argued that the testimony of defence witnesses ought to



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receive equal treatment as that of prosecution witnesses, but the learned Trial Court failed to accord such fair consideration.

14. On the basis of the aforesaid circumstances, the learned counsel prayed that the impugned judgment be set aside as the prosecution had failed to prove its case beyond reasonable doubt. Reliance was placed upon the following judgments in support of his submissions, ***P. Mani v. State of Tamil Nadu***, (2006) 3 SCC 161; ***Mousam Singha Roy & Ors. v. State of West Bengal***, (2003) 12 SCC 377; ***Dudh Nath Pandey v. State of Uttar Pradesh***, (1981) 2 SCC 166; ***Takhaji Hiraji v. Thakore Kubersing Chamansing and Ors.***, (2001) 6 SCC 145; ***Sampat Babso Kale and Anr. v. State of Maharashtra***, (2019) 4 SCC 739; ***Khushal Rao v. State of Bombay***, AIR 1958 SC 22; ***Irfan @ Naka v. State of Uttar Pradesh***, 2023 INSC 758; and ***Raj Kumar @ Suman v. State (NCT of Delhi)***, 2023 INSC 520.

SUBMISSIONS OF LEARNED APP FOR THE STATE:

15. Mr. Usman, Learned Additional Public Prosecutor [“APP”] for the State submitted that the prosecution case stands duly established from the oral as well as documentary evidence led during trial. It was argued that burnt rubber gloves, plastic can, and match box were recovered and seized *vide* seizure memo Ex. PW-8/A. It was submitted that the Appellants never disputed that the deceased had been taken back to her matrimonial home merely 10-12 days prior to the incident, nor did they dispute that she died due to burn injuries. The only aspect challenged by the Appellants was the allegation



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relating to dowry demand. It was further submitted that the evidence on record clearly demonstrated harassment and strained relations between the deceased and her matrimonial family.

16. Learned APP argued that the defence sought to create doubt by alleging non-examination of certain witnesses, however the core prosecution case rested upon the dying declaration of the deceased and the surrounding circumstances, which remained unshaken. It was also contended that the conduct of the Appellants in absconding after the incident and their apprehension from the Badarpur Border constitutes an incriminating circumstance against them.

17. Learned APP further submitted that PW-10, the SDM who recorded the dying declaration, was extensively cross-examined by the learned counsel for the Appellants/accused during trial regarding the manner and circumstances in which the statement of the deceased was recorded. It was thus argued that the contention now sought to be raised by the Appellants that the dying declaration was not specifically put to them during their examination under Section 313 Cr.P.C. is wholly untenable and has caused no prejudice whatsoever. In furtherance, reliance was placed on the testimony of PW-10, wherein he categorically stated that before recording the statement of the deceased, he had not been informed by the police, SHO or doctor about the manner in which the deceased had sustained burns and that she was fully understanding the questions put to her. PW-10 denied the suggestion that the deceased was not in a fit condition to speak or



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that she merely gestured in response to the questions put to her. He stated that he obtained the certificate of the doctor declaring the deceased fit for statement at 11:45 AM and thereafter the statement was recorded at about 11:50 AM. Learned APP also referred to the findings recorded by the learned Trial Court that PW-10 duly proved the dying declaration, Ex. PW-10/C, bearing the thumb impression of the deceased and also proved the endorsement and related inquest proceedings conducted by him. It was submitted that the learned Trial Court rightly relied upon the dying declaration as truthful and voluntary as there existed no reason to disbelieve either the declaration recorded by the SDM or the history noted before the doctor regarding the cause of burns.

18. Learned APP also relied upon the findings of the learned Trial Court that the dying declaration specifically implicated Appellant Veermati for pouring kerosene oil upon the deceased and setting her on fire, while no overt role was attributed therein to Appellant Nanak Chand. He submits that this indicates that there existed no motive to falsely implicate the Appellants. It was argued that the defence version regarding the Appellant Veermati holding the head of the deceased in her lap was rightly disbelieved by the learned Trial Court, as no burn injury whatsoever was found on Veermati, thereby indicating that she had made no effort to save the deceased from the fire. Learned APP submitted that the PCR van was not called by Appellant Veermati and by the time police arrived, she had already fled from the house. The



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Appellants were thereafter apprehended from the Badarpur Border, which can also be seen from the testimony of PW-15, SI Kishan Lal. He submitted that these circumstances clearly pointed towards the Appellants' guilty conduct.

19. Learned APP further contended that the plea regarding improper examination under Section 313 Cr.P.C. is merely an afterthought, inasmuch as throughout the trial, the Appellants had cross-examined witnesses and put suggestions specifically relating to the dying declaration. The object of Section 313 Cr.P.C. is only to afford the appellant an opportunity to explain incriminating circumstances appearing in evidence and it is not mandatory that every detail or exact contents of a document be reproduced verbatim before the appellant. It was thus submitted that sufficient opportunity had been granted to the Appellants to explain the incriminating material appearing against them and no prejudice had been caused.

ANALYSIS AND REASONING:

20. We have considered the submissions made before us and have also perused the material on record.

21. Admittedly, the conviction of the Appellants Nanak Chand and Veermati is based on the testimonies of PW-1 and PW-2 and the dying declaration (Ex. PW-10/C) made by the victim before the SDM, stating therein, that her mother-in-law Veermati had poured kerosene oil upon her and set her ablaze. However, the learned Trial Court, in its wisdom, convicted both the Appellants under Section 498-A IPC,



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and Appellant Veermati was additionally convicted under Section 304-B IPC only and not under Section 302 IPC. The State did not prefer any appeal against the judgment, and therefore, we shall confine our discussion to the extent as to whether the judgment of conviction of the Appellants under Section 498-A/304-B IPC is liable to be affirmed.

22. Section 304-B IPC [Presently, Section 80 of Bharatiya Nyaya Sanhita, 2023] defines dowry death as unnatural or suspicious death of a woman within seven years of her marriage, if it is proved that she was subjected to cruelty or harassment by her husband or in-laws in connection with dowry demand soon before her death. The Hon'ble Supreme Court in the case of **Karan Singh v. State of Haryana**, 2025 INSC 133, enunciated the following essential ingredients of Section 304-B IPC:-

- a) The death of a woman must have been caused by any burns or bodily injury, or must have occurred otherwise than under normal circumstances;
- b) The death must have been caused within seven years of her marriage;
- c) Soon before her death, she must have been subjected to cruelty or harassment by the husband or any relative of her husband; and
- d) Cruelty or harassment must be for, or in connection with, any demand for dowry.



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23. The principal challenge raised by learned counsel for the Appellants pertains to the veracity and admissibility of the dying declaration allegedly made by the deceased, it being contended that the incriminating contents thereof, which formed a substantial part of the prosecution case, were never specifically put to the Appellants during their examination under Section 313 Cr.P.C. Upon a careful scrutiny of the record, this contention merits acceptance as the object of Section 313 Cr.P.C. is to afford an accused a fair and meaningful opportunity to explain every material circumstance appearing in evidence against him. It is trite that any circumstance intended to be relied upon for recording a finding of guilt, must be specifically brought to the notice of the accused so as to enable him to furnish an explanation thereto. In the present case, the most crucial evidence contained in the dying declaration, namely that Appellant Veermati had poured kerosene oil upon the deceased and thereafter set her on fire, was not specifically put to the Appellants during their examination under Section 313 Cr.P.C. She was only questioned to the extent of recording of statement of victim (Ex. PW-10/C) by the SDM. Consequently, a vital incriminating circumstance forming the foundation of the prosecution case was altogether omitted from the examination of the Appellants under Section 313 Cr.P.C.

24. Although the dying declaration (Ex. PW-10/C) was treated by the learned Trial Court as a primary piece of evidence while recording the conviction, the material contents contained therein were not



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brought to the notice of the Appellants for their explanation. The failure to confront the accused with such a fundamental circumstance assumes greater significance as the allegation directly attributed the act causing the fatal burns to Appellant Veermati.

25. Recording of a statement under Section 313 Cr.P.C. is not an empty formality but a valuable procedural safeguard intended to ensure fairness in criminal trials and to protect the rights of the accused. Appellant Veermati is stated to be an illiterate lady and therefore it was incumbent to put to her what was stated by the victim in her statement (Ex. PW-10/C) before the SDM. In the absence of any opportunity to explain this vital circumstance, clear prejudice has been caused to the Appellants and they were deprived of an effective opportunity to offer their explanation in relation to the incriminating material relied upon by the prosecution. Therefore, notwithstanding the evidentiary value otherwise attached to a dying declaration, the same cannot be safely relied upon for sustaining the conviction of the Appellants in the facts and circumstances of the present case.

26. In ***Sujit Biswas v. State of Assam***, (2013) 12 SCC 406, the Supreme Court held that the circumstances which are not put to the accused in his examination under Section 313 CrPC, cannot be used against him and must be excluded from consideration.

27. Similarly, the Hon'ble Supreme Court in the case of ***Raj Kumar v. State (NCT of Delhi)*** (2023) 17 SCC 95, summarised the law on



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this aspect. Paragraph No. 22 of the said judgment is reproduced as under:-

“22. The law consistently laid down by this Court can be summarised as under:

22.1. It is the duty of the trial court to put each material circumstance appearing in the evidence against the accused specifically, distinctively and separately. The material circumstance means the circumstance or the material on the basis of which the prosecution is seeking his conviction.

22.2. The object of examination of the accused under Section 313 is to enable the accused to explain any circumstance appearing against him in the evidence.

22.3. The Court must ordinarily eschew material circumstances not put to the accused from consideration while dealing with the case of the particular accused.

22.4. The failure to put material circumstances to the accused amounts to a serious irregularity. It will vitiate the trial if it is shown to have prejudiced the accused.

22.5. If any irregularity in putting the material circumstance to the accused does not result in failure of justice, it becomes a curable defect. However, while deciding whether the defect can be cured, one of the considerations will be the passage of time from the date of the incident.

22.6. In case such irregularity is curable, even the appellate court can question the accused on the material circumstance which is not put to him.

22.7. In a given case, the case can be remanded to the trial court from the stage of recording the supplementary statement of the accused concerned under Section 313CrPC.

22.8. While deciding the question whether prejudice has been caused to the accused because of the omission, the delay in raising



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the contention is only one of the several factors to be considered.”

28. The Hon’ble Supreme Court in ***Aejaz Ahmad Sheikh v. State of Uttar Pradesh & Anr.***, 2025 SCC OnLine SC 913, while referring to its previous decision in ***Raj Kumar*** (supra), *inter alia*, held as under:-

“22. The prosecution has heavily relied upon the dying declarations of the two victims. As this evidence was not put to the accused in his statement under Section 313 of the CrPC, he was denied an opportunity to explain the same. Hence, this omission causes prejudice to him. Therefore, the evidence of dying declaration will have to be kept out of consideration.”

29. Having held that the dying declaration cannot be used as an incriminating circumstance against the Appellants, it becomes necessary to examine whether the remaining evidence on record independently establishes the prosecution case. The law is well settled that exclusion of one piece of evidence does not necessarily demolish the prosecution case, if other reliable and cogent evidence remains available. This principle was reiterated by the Supreme Court in ***Goverdhan & Anr. v. State of Chhattisgarh***, (2025) 3 SCC 378, wherein it was, *inter alia*, held that if a clear picture emerges on piecing together all evidence, which indicates beyond reasonable doubt the role played by the accused in the perpetration of the crime, the court holds the accused criminally liable and punishes them under the provisions of the Penal Code, in contradistinction to the



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requirement of proof based on the preponderance of probabilities as in case of civil proceedings.

30. Now coming back to the present case, the testimonies of PW-1 Roop Chand, the father of the deceased, and PW-2 Tota Ram, the uncle of the deceased, assume considerable significance. The evidence of PW-1 establishes that the deceased was compelled to leave her matrimonial home and was left at her father's house after being given beatings in February, 2002, and she was residing with her parental family for a substantial period owing to the persistent harassment meted out to her. His testimony further reveals that the Appellants and their relatives approached the parental family and sought reconciliation, pursuant to which the deceased was sent back to her matrimonial home 10-12 days before the incident. Significantly, PW-1 consistently stated that the demands raised by the Appellants were specific in nature, namely, a sum of Rs.50,000/- or a plot of land and even stated that the demands started 1-1.5 years before the incident. These are not allegations of a vague or omnibus character, but specific and distinct. The witness clearly attributed the demands to the Appellants and explained the circumstances in which such demands were made. The inability of PW-1 to recall exact dates and times of each demand does not diminish the substance of his testimony, particularly when the events had occurred over a prolonged period. Human memory cannot be expected to preserve minute particulars of every incident, especially in matters involving continuing matrimonial



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cruelty. The overall conspectus of his evidence inspires confidence and bears the stamp of truthfulness.

31. The testimony of PW-2 lends substantial corroboration to the version advanced by PW-1. It was PW-1 and PW-2 who had reached the hospital after the information of the incident was received by them. PW-2 categorically deposed that disputes between the deceased and her matrimonial family arose on account of demands for money and a plot. He further testified regarding a Panchayat being convened for reconciliation and the circumstances in which the deceased was sent back to her matrimonial home. Although, his testimony regarding demand of cash or plot by appellants is based upon information received from the deceased and her father, the same cannot be brushed aside when considered in the backdrop of the surrounding circumstances. Importantly, PW-2 consistently maintained that the demand for Rs.50,000/- or a plot measuring 100 sq. yards was the principal reason of discord between the parties, as confided by the deceased. The defence could not establish any motive on the part of PW-2 to falsely implicate the Appellants. His deposition is materially consistent with that of PW-1 and reinforces the prosecution allegation of dowry-related cruelty. The consistency between these two witnesses on material particulars strengthens the credibility of the prosecution case.

32. Thus, the depositions of PW-1 and PW-2 reveal that the deceased was repeatedly subjected to cruelty on account of demands



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for Rs.50,000/- or a plot measuring 100 square yards. The Appellants during the trial, could not elicit any material contradiction capable of discrediting the prosecution's version on these aspects. Merely because these witnesses were related to the deceased, cannot be a ground to discard their testimonies when their evidence otherwise appears natural, consistent and trustworthy. Their relationship with the deceased, in fact, places them in a position to be aware of the difficulties faced by her during her matrimonial life.

33. In ***Sanjay D. Jain & Ors. v. State of Maharashtra & Ors.***, 2025 INSC 1168, the Supreme Court held that criminal proceedings based on vague and general allegations, unsupported by statutory ingredients of the offence, cannot sustain a *prima facie* case. However, this is not the matter in the present case. There are categorical statements made by the father of the deceased that after a few days of the marriage the in-laws started mistreating and harassing the deceased and demanded money and plot, but as the father of the deceased could not arrange the demands, the deceased was sent back to her parental house in February 2002.

34. Another contention of the Appellants is that, the other family members were not examined. This contention is also baseless as the father and the uncle were the ones who went to the hospital and they gave their statements to the SDM which were exhibited as Ex.PW-1/A and Ex.PW-2/A. They were the key witnesses and their statements have been recorded during the Trial.



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35. The contention of learned counsel that the allegations are vague and general in nature does not merit acceptance. A careful reading of the testimonies of PW-1 and PW-2 demonstrates that they did not level generalized accusations of harassment. On the contrary, they specified the nature of the dowry demand and explained the manner in which the deceased was subjected to cruelty when such demand remained unfulfilled since the father of the deceased could not afford to fulfil the demand. The evidence also establishes that the deceased had been residing at her parental home for several months from February 2002 to September 2002 and was brought back to the matrimonial home only after Panchayat intervened and assurances were extended by the Appellants and their relatives. DW-2 Karambeer, who was present during the reconciliation meeting as per his testimony given in the learned Trial Court, has corroborated the same that there was a meeting and respectable members of the families were present. Such circumstances clearly indicate the existence of continuing matrimonial discord rooted in dowry-related demands. The absence of a prior police complaint is likewise not fatal to the prosecution case. In the social conditions prevailing in our society, parents and close relatives of a married woman often refrain from initiating criminal proceedings at the first instance, in the hope that the matrimonial disputes may be amicably resolved and the marital relationship be restored. More often than not, they avoid approaching the police as they apprehend that the institution of



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criminal proceedings may further strain relations between the families and diminish the prospects of the daughter leading a peaceful married life. Such reluctance on the part of the parental family cannot, by itself, be construed as a circumstance discrediting their allegations of harassment or dowry demand. Therefore, the explanation furnished by PW-1, father of the deceased, and PW-2, Uncle of the deceased, for not lodging any complaint prior to the incident appears natural, plausible, and consistent with ordinary human conduct.

36. The medical evidence also lends substantial assurance to the prosecution case. The MLC Report (Ex. PW-12/A) records that the deceased herself disclosed before the doctor that her mother-in-law had poured kerosene oil upon her and set her on fire. Further, the post-mortem examination conducted by PW-9 established that the deceased suffered 100% antemortem flame burns and died due to shock consequent thereto. Moreover, the statement made by the deceased in the MLC Report, Ex. PW-12/A, finds substantial corroboration from the articles recovered from the place of occurrence, that is, a burnt plastic can smelling of kerosene oil, a burnt match box, and a pair of burnt rubber gloves. Such recovery is wholly consistent with the prosecution version that kerosene oil was poured upon the deceased before she was set ablaze. More significantly, the presence of burnt rubber gloves in the kitchen appears highly unnatural and constitutes a telling circumstance, suggesting an attempt by the perpetrator to avoid direct contact with kerosene, while committing the offence.



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37. The contention of the Appellants that the non-examination of HC Ramphal Yadav, the PCR driver, the doctor who initially prepared the MLC, and other witnesses is fatal to the prosecution case, does not merit acceptance. It is settled law that the prosecution is required to prove its case through reliable and cogent evidence and not by examining each and every witness associated during investigation. Mere non-examination of certain witnesses is not sufficient to discard otherwise trustworthy evidence unless prejudice is shown to have been caused. The Appellants have failed to demonstrate as to how the non-examination of the PCR officials or certain other witnesses creates any dent in the otherwise cogent and reliable prosecution case.

38. Furthermore, PW-12 Dr. Ritesh Purwar, duly and correctly identified and proved the handwriting and signatures of Dr. Anju, who had prepared the MLC and stated that she had left the hospital since and was not traceable, thereby duly proving the medical record in accordance with law. In **Kamlesh v. State** (judgment dated 05.01.2023 in CRL.A. 481/2019) this Court, while dealing with a similar contention, held that the MLC is an authenticated record of injuries which is prepared in regular course of business by the doctor and can be relied upon by the Courts, even when the doctor who prepared the MLC is not examined in the Court and record is proved by any other doctor. It cannot be expected from the hospital to keep track of the doctor after he leaves the hospital. Neither the doctor is expected to keep the hospital informed about his/her whereabouts. Merely because



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the doctor who prepared the MLC is not personally examined, the MLC cannot be disbelieved. Proving of MLC by a colleague doctor who identifies the handwriting and signatures of the doctor who examined the patient or by an administrative staff of the hospital who identifies the signatures of the doctor is sufficient and good proof and MLC cannot be doubted.

39. The contention of the Appellants that the contents of DD No. 4A are incorrect or create any doubt in the prosecution case, is wholly misconceived and without merit. Merely because the DD entry recorded that “*Guddi Pradhan ke yaha bahu ko sasural walo ne jala dia*” does not in any manner affect the legality or credibility of the subsequent investigation, particularly when the FIR itself came to be registered only after the statement of the injured victim was formally recorded by the SDM. A perusal of the deposition of PW-15 SI Kishan Lal clearly shows that after reaching the hospital, the SDM recorded the statement of injured Arti and thereafter handed over the same along with his endorsement to the Investigating Officer, upon which PW-15 made his endorsement, Ex. PW-15/A and sent the *rukka*, Ex. PW-10/C, for registration of the FIR. PW-15 specifically stated that only thereafter did he proceed further with the investigation including inspection and photography of the spot and seizure of incriminating articles. The testimony of PW-10, the SDM, further establishes that before recording the statement of the deceased, he moved an application, Ex. PW-10/A, seeking opinion regarding her



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fitness and the doctor declared the patient fit for making the statement *vide* endorsement, Ex. PW-10/B. PW-10 categorically deposed that thereafter he recorded the statement of injured Arti in his own handwriting as Ex. PW-10/C, bearing the thumb impression of the deceased, and that the statement was correctly recorded, as narrated by her. Thus, the genesis of the prosecution case did not arise from the DD entry no. 4A but from the statement of the deceased recorded by the SDM after obtaining medical certification regarding her fitness to make the statement. In these circumstances, the contention of the Appellants that the contents of DD No. 4A render the prosecution case doubtful is liable to be rejected.

40. The CFSL Report, Ex. PW-15/D, records that the exhibits were analysed by chemical and gas chromatographic methods and residues of kerosene were detected in Ex.1 and Ex.2. Whereas Ex.1 consisted of one burnt plastic material, one empty match box and one burnt rubber-like material recovered from the spot, Ex.2 comprised the hair sample of the deceased taken by Dr. A.K. Sharma, PW-9, who conducted the post-mortem of the deceased.

41. The defence evidence led by the Appellants during the trial does not probabilise any alternate hypothesis consistent with the innocence of the Appellants. The testimony of DW-1 that Appellant Veermati was found weeping while holding the deceased's head in her lap after the incident, does not outweigh the other incriminating circumstances established by the prosecution, including the recovery and seizure of



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the rubber gloves *vide* seizure memo Ex. PW-8/A, the scientific evidence emerging from the CFSL Report, and the evidence establishing the continued harassment and cruelty meted out to the deceased testified by PW-1 and PW-2 as discussed above.

42. Human conduct is inherently variable and differs from person to person. Therefore, such subsequent conduct, even if assumed to be true, cannot by itself displace or dilute the cumulative effect of the cogent circumstantial evidence on record, which, when considered in its entirety, points towards the guilt of Appellant Veermati. Rather, the conduct attributed to Appellant Veermati by DW-1 appears suspicious inasmuch as despite the victim having sustained severe burn injuries, instead of asking DW-1 to immediately call an ambulance, inform the police or help her shift the victim to the hospital, her first reaction was to ask him to call Appellant Nanak Chand. Likewise, the testimony of DW-2 regarding frequent visits of the deceased to her parental home, merely attempts to suggest a different source of discord within the matrimonial relationship but does not negate the prosecution evidence relating to dowry harassment and cruelty. The learned Trial Court rightly appreciated the defence evidence and found it insufficient to discredit the prosecution case, and held as under;

“It has come on record from the testimony of DW-1 that accused Nanak was not at home. He was on duty and DW-1, after the incident went to call him. His father was also working in the same area and both came home after learning about the incident. Thus, it is clear that Nanak was not at home when Arti was burnt. It cannot be said that Nanak shared the



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same intention which her mother also shared. As per the dying declaration it was mother of Nanak who poured kerosene oil on her and set her on fire. In the dying declaration deceased has not implicated Nanak for setting her on fire. It is argued by counsel that DW-1 found Arti in lap of Veermati. Had Veermati burnt Arti, she would not have taken her head in lap. I consider this part of testimony of DW1 is not believable. If Veermati had not burnt Arti, she would have tried to save her, she being mother-in-law could not have just been watching her burnt. But no injury on her person and not burning of her clothes shows that she after setting deceased on fire kept her watching burnt. Deceased was removed to hospital by PCR. None from in-laws accompanied deceased to hospital as Veermati ran away from there. There is no reason to disbelieve dying declaration as well as statement made to doctor by deceased as to how she was burnt. It seems that after Arti was brought to home with the intervention of relatives and common friends, the things did not move smooth and Veermati started nourishing animosity against Arti. On the date of incident neither Nanak nor his father was at home and only Arti and Veermati were at home, Veermati poured kerosene on her and set her on fire. There is no evidence that Veermati tried to save her or cried for help to save her. It is not the case of accused persons that Veermati tried to save Arti. The case of prosecution is that Veermati was not at home when police reached there and Veermati was seen by one woman going towards Badarpur border. Veermati and Nanak were arrested from Badar Pur border on the pointing out of that lady. I consider that it was Veermati's sole mental desperation due to which she killed Arti by pouring kerosene on her..."



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43. Further, the conduct of the Appellants immediately after the occurrence also constitutes a significant incriminating circumstance against them. PW-15 SI Kishan Lal categorically deposed that during inquiry a woman from the locality informed him that Appellants Nanak Chand and Veermati had gone towards the Badarpur Border, pursuant to which both the Appellants were apprehended there. This version stands duly corroborated by PW-8 Constable Ajay Shukla, who specifically stated that after the recovery and seizure of the burnt articles from the spot, the police party proceeded in search of the Appellants and they were apprehended near the Badarpur terminal, and further by PW-11 Lady Constable Kanta who proved the personal search memo of Appellant Veermati prepared at the police booth at Badarpur Border.

44. Significantly, when the police initially reached the house, neither of the Appellants was found present there, despite the fact that the deceased daughter-in-law had sustained severe burn injuries and had already been shifted to the hospital in a critical condition. If the conduct attributed to Appellant Veermati by DW-1 is accepted, namely that she was holding the head of the burnt victim and weeping immediately after the incident, it becomes even more unnatural and suspicious that shortly thereafter she was found not at the hospital or near the victim, but at the Badarpur Border along with Appellant Nanak Chand. The absence of the Appellants from the hospital or from the house immediately after the incident, coupled with their



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apprehension at the border, assumes significance in the facts of the present case. Though abscondence by itself may not conclusively establish guilt, it nevertheless remains a relevant circumstance which, when read conjointly with the recovery of incriminating articles from the spot and the other evidence on record, lends further credence to the prosecution case.

45. Viewed cumulatively, this Court is of the considered opinion that while the dying declaration cannot be relied upon owing to the failure to put its incriminating contents to the appellants during their examination under Section 313 Cr.P.C., the prosecution case does not collapse on that account. The independent testimonies of PW-1 and PW-2 constitute reliable and cogent evidence establishing that the deceased was subjected to cruelty and harassment in connection with specific dowry demands. Their evidence is consistent, natural and free from material infirmities. The conduct of the Appellants is far from natural. The allegations are neither exaggerated nor omnibus but relate to identifiable demands repeatedly raised by the Appellants. Admittedly, the death of the deceased occurred within the span of 2.5 years of her marriage and the death occurred otherwise than under natural circumstances at the matrimonial home of the deceased. The learned Trial Court was therefore justified in placing reliance upon these witnesses while appreciating the evidence on record. Even after excluding the dying declaration from consideration, sufficient material remains to sustain the findings regarding dowry-related cruelty.



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46. Accordingly, this Court finds no reason to interfere with the impugned judgment, and the conviction of the Appellants is upheld. The sentence imposed is proportionate and commensurate with the offence committed. The appeals are, therefore, dismissed.

47. The Appellants, Nanak Chand and Veermati, are directed to surrender before the concerned Jail Superintendent within a period of two weeks from today for serving the remaining sentence. In the event of failure to surrender, appropriate steps shall be taken by the State/Trial Court to ensure their arrest for undergoing the remaining sentence.

48. A copy of this judgment be sent to the learned Trial Court and the concerned Jail Superintendent for information and necessary action.

RAVINDER DUDEJA, J.

NAVIN CHAWLA, J.

JULY 22, 2026/na