

Secs.154, 41(1)(a), (g)	FIR – Recording of – Is mandatory – Word 'Shall' used in Section 154 leaves no discretion in police officer to hold preliminary inquiry before recording FIR – Use of expression “information” without any qualification – Also denotes that police has to record information despite he being unsatisfied by its reasonableness or credibility.	Lalita Kumari v. Govt. of U.P. - AIR 2014 SC 187 (LB)
	FIR – To be recorded in FIR book/register – Not in general diary prescribed by Police Act or State Police Acts – What is to be recorded in general diary as per Police Act is only gist of information received and not whole of information received – Cannot therefore be said that information received is first to be recorded in general diary and thereafter on preliminary inquiry it will be registered as FIR.	
	FIR – Recording of – Use of expression “information” without qualifying it by prefix reasonable or credible – Indicative that police cannot refuse to register information on ground that he doubts its credibility or reasonableness.	
Secs.154, 2(d)	Complainant and informant – Have different meaning and are not interchangeable – Person giving information which leads to lodging of report under Section 154 of Code is informant and person who files complaint orally or in writing to Magistrate as defined under Section 2 (d) of Code is complainant.	Ganesha v. Sharanappa – AIR 2014 SC 1198
Sec.154	FIR – Delay in lodging – Relevance of-, to doubt prosecution story in a case of gang rape, scope –	State of Rajasthan v. Roshan Khan

	Informant witnessed his daughter being raped by one of accused between 1.00 A.M., and 2.00 A.M. - Other five accused persons had fled on seeing light of scooter – Informant returned to his house and lodged FIR after sun rise as wife of informant was sick and he was also frightened and there was no other person to go to police station – Delay of four hours in filing FIR satisfactorily explained – Moreover no father would lodge a false complaint that his daughter has been gang raped – Doubting prosecution story on ground of delay in lodging FIR, therefore, not justified.	and others – 2014 (1) ALD (CrI.) 819 (SC)
Sec.154	FIR – Registration of – Mandatory – Keeping report pending without registering crime when its contents disclosed commission of cognizable offence, impermissible – Plea of conduct of preliminary enquiry into correctness or otherwise of allegations made by informant in his report to justify delay in registration of FIR – Untenable.	A.V.Santosh Kumar v. Saijid Hussain and others – 2014 (1) ALD (CrI.) 768 (AP) – Justice C.V. Nagarjuna Reddy
Sec.154	FIR – Delay in lodging – Not fatal, if satisfactorily explained by prosecution – Murder case – Sequence of events clearly showing that informant after chasing assailants for few minutes, returned to place of occurrence, and busied himself in taking all steps to save life of his son and making arrangements for money, ambulance etc. - Being concerned about welfare of injured who was struggling for life, informant could not have thought of approaching police first and informing them about incident and assailants – Delay of about 15 hours and 15 minutes	Dilawar Singh and others v. State of Haryana – 2015 (1) ALD (CrI.) 64 (SC)

	in lodging FIR thus, satisfactorily explained – And, therefore, not fatal to prosecution case.	
Secs.154, 157	FIR – Non-mentioning of the name of accused in initial FIR – Is not fatal to prosecution case.	Ramesh v. State through Inspector of Police – AIR 2014 SC 2852 = 2015 (1) ALD (CrI.) 220 (SC)
Sec.154	FIR – Delay in lodging, of no consequence when explained reasonably – Rape case – Evidence of brother of prosecutrix that only on his return to home in evening from agricultural field, he was informed that his sister who had gone to ease herself has not returned – When searching for her, he was told by two villagers that her sister was seen with accused – He did not lodge report immediately as honour of family was involved – It was only after few days when his sister did not return and there was no help from relatives of accused that he made complaint – Delay in registration of FIR, held, reasonably explained – FIR cannot be said to be lodged after consultation and due deliberation.	State of U.P. v. Chhoteylal – 2011 (1) ALD (CrI.) 691 (SC)
Sec.154	FIR – To contain essential feature of prosecution case – It cannot be expected to be an encyclopedia of whole prosecution case.	Kanchanben Purshottambhai Bhandari v. State of Gujarat – 2015 (1) ALD (CrI.) 493 (SC)

Sec.154	FIR – Delay in filing – Of no consequence, when properly explained – Rape case – Prosecutrix, a young illiterate girl, who had just crossed her 16th year – Not disclosing incident immediately to parents as accused having taken her photographs and recorded her talk with him on mobile, threatening her of dire consequences with use of said evidence against her – Conduct of prosecutrix in waiting for two weeks to eventually disclose incident to her mother, therefore, natural – On being disclosed after two weeks, mother immediately filed FIR – Having regard to facts and circumstances of case coupled with explanation given by prosecutrix, there was no delay in lodging FIR by her mother – And even if there some delay then the same was satisfactorily explained.	Deepak v. State of Haryana – 2015 (1) ALD (Crl.) 1024 (SC)
Sec.154	Delay in filing of FIR – Death of deceased in matrimonial home allegedly by consuming poison – Filing of FIR after ten hours on day next after tragedy – Did not constitute inordinate delay such as would justifiably categorise FIR as an afterthought or as contrived – Complainant along with family and friends had to travel to another village – He would have had to first come to terms with tragedy, make enquiries and consider circumstances, before recording FIR.	Sher Singh alias Partapa v. State of Haryana – 2015 (2) ALD (Crl.) 362 (SC)
Sec.154	FIR – Delay in lodging – Incident taken place at 12.30 p.m. - And deceased brought to hospital where he was declared as dead before arrival at about 2.30 p.m. - Despite other police stations which were	K.A.Kotrappa Reddy and another v. Rayara Manjunatha Reddy

	closer, FIR lodged at 6.30 p.m., at Police Station, which was at a distance of around 16 Kms., from place of incident – Only explanation informant gave was that they were under shock due to brutal attack – Not explanatory in view of distance and time taken – Further, to cater to law and order situation, many police personnel headed by Deputy Superintendent of Police were present at hospital – However, non-action on news of homicidal death on behalf of police officer casts doubt on role of informant in connivance with police officer.	– 2016 (1) ALD (Crl.) 57 (SC)
Sec.154	Earliest or first information – Withholding of-, by prosecution – Goes a long way and this by itself is a circumstance to extend a reasonable benefit of doubt to accused.	Yeleboina Mariyadas v. State of Andhra Pradesh – 2016 (1) ALD (Crl.) 199 – Justice M.Seetharama Murti
Sec.154	FIR – Lodged of by Court Duty Constable as assault taken place inside Courtroom – Investigation Officer initially requested Presiding Officer to lodge complaint – But upon his refusal made enquiries and thereafter recorded FIR – Prosecution case cannot be discarded on ground that even before registration of FIR, inquest was undertaken and post-mortem was conducted – Further, there is nothing wrong if informant immediately after recording of FIR corrected himself and dropped name of third assailant from proceedings.	Harijan Jivrajbhai Badhabhai v. State of Gujarat – 2016 (2) ALD (Crl.) 7 (SC)
Sec.154	FIR – Telephonic message – Given to police to effect that A5 and other accused persons assaulted	Bhagwan Jagannath Markad

	complainant party – Not disclosing nature of offence and manner in which offence was committed – Such cryptic information cannot be treated as FIR.	and others v. State of Maharashtra – 2016 (2) ALD (Crl.) 834 (SC)
Sec.154	FIR/complaint – Delay of 6 days in lodging – Offence of outraging modesty of woman – Accused, a high ranking police officer of State – Conduct of victim, a young girl in not informing about incident to parents immediately but after some days – Cannot be said to be unnatural – Complaint lodged against accused after six days of incident, once victim and her family members got assurance of justice from superior authorities – Delay of 6 days in filing complaint duly explained.	S.P.S. Rathore – C.B.I and another – 2016 (2) ALD (Crl.) 851 (SC)
Sec.154	FIR – Delay in lodging – After occurrence, deceased taken to nearby nursing home where he was declared dead – And body remained there till inquest was over – Hence, from delay of 2-3 hours in registering FIR, no adverse inference could be drawn.	Anjan Dasgupta v. State of West Bengal and others – 2017 (1) ALD (Crl.) 511 (SC)
Sec.154	FIR – All necessary facts about assault on deceased narrated – Non-specification of details like from which side particular accused came – Not fatal.	M.G.Eshwarappa v. State of Karnataka – AIR 2017 SC 1197 = 2017 (1) ALD (Crl.) 1015 (SC)

Sec.154	FIR – Eyewitnesses not mentioning names of accused-persons – Subsequent addition of their names clearly demonstrate that it was an afterthought, only to implicate him.	Krishnegowda and others v. State of Karnataka – 2017 (2) ALD (Crl.) 42 (SC)
Sec.154	FIR – Absence of names of accused persons in FIR – Cannot be ground to raise doubts about prosecution case.	Mukesh v. State for NCT of Delhi – AIR 2017 SC 2161 (FB)
Sec.154	FIR – Non-mentioning of names of accused – Effect – FIR clearly stating number of accused persons were twelve – But mentioning names of five accused only – Non-mentioning of seven other accused persons in FIR – Inconsequential.	Fazar Ali v. State of Assam – AIR 2017 SC 2475
Secs.154 and 162	FIR – Not hit by Section 162, merely because police instead of recording it immediately on receipt of information of commission of a cognizable offence, rushed to spot to ascertain truth – And if need be, to save victims by referring them to hospital or to safeguard crime scene and do some other preliminary works – Doing these acts cannot be termed as investigation – In such an event, registration of FIR at a later stage will not be hit by Section 162.	Maskoori Srinivas v. State of Andhra Pradesh – 2017 (2) ALD (Crl.) 429 – Suresh Kumar Kait and U. Durga Prasad Rao, JJ
Sec.154	FIR – Delay in lodging or its reaching Magistrate Court – Would be considered fatal where there is scope for false implication or improvements or embellishments in preparing complaint – But, in	Mallela Omprakash v. State of Andhra Pradesh – 2018 (1) ALD

	absence of any scope for false implication, such delay would not be fatal even though no specific explanation offered by prosecution for same.	(Crl.) 274 – C.V.Nagarjuna Reddy and A.V.Sesha Sai, JJ
Sec.154	FIR – Delay in registration of – Burden on prosecution to explain delay – Even in absence of any question being put by defence to prosecution witnesses, this burden on prosecution, is absolute - And prosecution cannot be heard to say that in absence of any question having been put by defence in this regard, it is not liable to discharge such burden – It is so because delay in registration of FIR gives rise to a reasonable doubt about manipulation or false implications.	Rokalla Dharmarao @ Busayya v. State of Andhra Pradesh – 2018 (1) ALD (Crl.) 599 – C.V.Nagarjuna Reddy and Ms.J.Uma Devi, JJ
Sec.154	FIR – Not to be read as encyclopaedia requiring every minute detail of occurrence to be mentioned therein – Deceased was last seen with appellant at about 9 p.m., going on bicycle together- Deceased did not return home at night and his body found next morning lying concealed in a heap of dry fodder in fields of one ‘S’, in vicinity of where deceased was last seen with appellant – Appellant was stated to have had altercation with deceased few days ago with regard to payment of milk – Recovery of atlas bicycle belonging to PW7, uncle of deceased – And milk can with name of PW7 inscribed on it with nail polish following disclosure by appellant under Section 27 of Evidence Act after his arrest – Absence of any mention in FIR with regard to previous altercation and presence of milk can, cannot affect its veracity so as to doubt entire case of prosecution.	Satpal v. State of Haryana – 2018 (1) ALD (Crl.) 749 (SC) (FB)

Sec.154	FIR – Delay in lodging – Effect of – Delay of more than two days in giving police report and registration of FIR – Quiet often results in embellishments which are creature of afterthoughts – On account of delay, report not only gets bereft of advantage of spontaneity, but also danger creeps in of introduction of coloured version, exaggerated account or concocted story as a result of deliberations and consultations.	Kothareddi Aswartha Reddy v. State of Andhra Pradesh – 2018 (2) ALD (Crl.) 596 – C.V. Nagarjuna Reddy and Mrs. Kongara Vijaya Lakshmi, JJ
Sec.154	FIR – Delay in registration of – Deceased was none other than son of PW1 – There were serious factions between group led by PW1 and group of appellants-accused – Time lag of at least two and half hours after PW1 and his group came to know about murder of deceased – Was sufficient for them to confabulate and plan false implication before Ex.P1 Report was formally given to police.	Batchu Ranga Rao and others v. State of Andhra Pradesh – 2019 (1) ALD (Crl.) 385 – C.V. Nagarjuna Reddy and T.Amarnath Goud, JJ
Sec.154	FIR – Omission to mention names of eyewitnesses – Should be examined in situation in which PW2, who remained in police station to lodge complaint, was placed – His brother having been critically injured, he must have been in a disturbed mind – And must have been in hurry to rush to hospital to save his brother – Furthermore, FIR is not an encyclopaedia which should contain all details of incident – It may be sufficient if broad facts of prosecution case about occurrence appear – Omission as to names of assailants or witnesses may not at all times be fatal to	Motiram Padu Joshi and others v. State of Maharashtra – 2019 (1) ALD (Crl.) 369 (SC)

	prosecution, if FIR is lodged without delay.	
Sec.154	FIR – Delay in registration of – Murderous assault on deceased during night causing his death – PW1 deposed to have informed police next morning at about 8 a.m. - But PW7 deposed that information given at police station by PW1 at about 12 p.m. - And General Diary entry made in police station at about 12.20 p.m. - And FIR registered at 7.45 p.m. - These are suspicious circumstances which leave enough time for planning after thinking for manner in which allegations were to be made for deflecting that occurrence taken place in a manner other than what may have happened actually.	Reena Hazarika v. State of Assam – 2019 (1) ALD (Crl.) 289 (SC)
Sec.154	FIR – Delay of 5 hours in registration of – All family members of PW1 killed and her son away from village – It cannot be expected from PW1, a seventy years old rural woman to leave dead bodies of family members at spot and go to police station situated at a distance of ten kilometres to lodge complaint – Delay in registration of FIR, as rightly pointed out by trial court, properly explained – And, therefore, not a ground to doubt prosecution case and not fatal to prosecution case.	State of Madhya Pradesh v. Chhaakki Lal and another – 2019 (1) ALD (Crl.) 276 (SC) = AIR 2019 SC 381

DYING DECLARATIONS

Dying declaration – Recording of-, by Police after one recorded by Magistrate and when time lag between the two is just one hour and 15 minutes – Propriety – When a dying declaration was already	Kothala Srinu v. State of Andhra Pradesh – 2016
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recorded by Magistrate, ordinarily there would be no need for Police to record another dying declaration – As held by Supreme Court in Laxman v. State of Maharashtra – 2002 (2) ALD (CrL.) 505 (SC), in case of contradictory dying declarations, unless there are serious suspicious circumstances, dying declaration recorded by Magistrate needs to be believed – Magistrate being a disinterested witness and a responsible officer, dying declaration recorded by him is not liable to be doubted.	(2) ALD (CrL.) 413 – C.V. Nagarjuna Reddy and M.S.K. Jaiswal, JJ
Dying declaration – Reliability; duty of Court – Courts have to be extremely careful when they deal with dying declaration as maker thereof is not available – A mechanical approach in relying upon dying declaration just because it is there, is extremely dangerous – Court, therefore, has to examine dying declaration scrupulously with microscopic eye – And weigh all attendant circumstances to find out whether dying declaration is voluntary, truthful, made in a conscious state of mind – And properly recorded without being influenced by relatives present or by Investigating agency who may be interested in success of investigation – And came to independent finding – Once convinced that dying declaration was properly recorded and it was voluntary and truthful, it may be acted upon and made a basis for conviction by Court	State of Gujarat v. Jayrajbhai Punjabhai Varu – 2016 (2) ALD (CrL.) 392 (SC)
A.P. Criminal Rules of Practice and Circular Orders, 1990 – Rule 33 - Dying declaration – Need to record in form of question and answers, scope – Law does not provide that dying declaration should be made in a prescribed manner or in form of questions and answers – However, in face of rule in Criminal Rules of Practice in form of Rule 33, which applies to States of A.P. and Telangana, it is incumbent on person recording dying declaration to put preliminary questions in order to know capability of declarant to make a declaration – In absence of such preliminary questions having been	Pathan Shafi v. State of Andhra Pradesh – 2016 (2) ALD (CrL.) 621 – C.V.Nagarjuna Reddy and M.S.K.Jaiswal, JJ

put to victim, though declaration cannot per se be treated as invalid, it raises a serious suspicion on its genuineness.	
Dying declarations – Three dying declarations, first one exculpating while subsequent two inculcating accused, effect of – Ordinarily dying declaration recorded by a superior officer has higher evidentiary value – And earliest version given out by victim deserves more credence – In instant case, earliest version recorded by Judicial Magistrate – However, same Magistrate recorded another dying declaration after one recorded by Asst. Sub-Inspector – There being conflicting dying declarations, statement given out in dying declaration which is more consistent with circumstances and evidence on record deserves acceptance.	Mohd. Osman Ali @ Ajju and others v. State of Andhra Pradesh – 2016 (2) ALD (Crl.) 593 – C.V.Nagarjuna Reddy and M.S.K.Jaiswal, JJ
Dying declaration – Reliability – Dying declaration allegedly recorded by SDM – Doctor who first examined deceased at hospital categorically stated in his statement that he was unconscious when brought to hospital – It is hard to believe that deceased who was unconscious in noon regained consciousness in front of SDM – And that too in absence of certificate of duty doctor that patient was fit to make a statement – In view of such infirmities in dying declaration, dying declaration, cannot be acted upon without corroborative evidence.	Pankaj v. State of Rajasthan – 2016 (2) ALD (Crl.) 753 (SC)
Dying declaration – Conviction solely on basis of, validity – Dying declaration can form sole basis for conviction if it is found thoroughly reliable and free from blemish – And person making it had opportunity of identifying person implicated – Percentage of burns suffered by deceased, is not a determinative factor to affect credibility of dying declaration – Much depends upon nature of burn, part of body affected by burn and other relevant factors.	Ramesh and others v. State of Haryana – 2017 (1) ALD (Crl.) 387 (SC)
Dying declaration – Person competent to record – It is immaterial to	

whom declaration is made – It may be made to a Magistrate, to a Police Officer, a public servant or a private person – It may be made before a doctor – And indeed, he would be the best person to opine about fitness of dying man to make statement and to record statement – Where he found that life was fast ebbing out of dying man and there was no time to call Police or Magistrate, he would be justified, rather duty bound, to record dying declaration of the dying man.	
Dying declaration – Reliability – Dying declaration recorded by judicial officer, PW14 meticulously following prescribed procedure as per Rule 33 of Criminal Rules of Practice and Circular Orders 1990 – Further, PW14 faithfully recorded statement of deceased in Telugu verbatim – On being asked as to what had happened to her and how it had happened, she stated in Telugu to the effect that in her house, her husband had poured kerosene over her and burnt her and that her mother-in-law was present – And that he fought with her every day asking her to bring Rs.1,00,000/- and a vehicle – Questions put to deceased by PW14 to ascertain her mental fitness were sufficient for him to form opinion in that regard – Merely because he did not specifically ask her as to whether she was mentally capable of making a declaration, dying declaration is not rendered unreliable – Moreover, this minor irregularity is not of such magnitude as to warrant discarding dying declaration – All the more so when Duty Doctor certified at beginning during course of recording of statement – And at end of recording of statement, that patient was conscious and coherent – Deceased had suffered up to 95% burns and brought to hospital shortly thereafter – Hence, mere fact that deceased could not state as to how she had come to hospital, not enough to infer that she was not a fit state of mind – Evidence of doctor who certified mental fitness of deceased before, during and after recording of her statement remained unshaken –	A.Rajesh Goud v. State of Andhra Pradesh – 2017 (1) ALD (Crl.) 460 – P.V.Sanjay Kumar and M.Seetharama Murti, JJ

Dying declaration completely trustworthy and reliable.	
Dying declaration – Reliability – Valid dying declaration may be made without obtaining a certificate of fitness of declarant by a Medical Officer – Declaration found to be mentally fit to give his statement regarding occurrence at time of recording his statement by Head Constable – Evidence of Head Constable recording dying declaration is trustworthy – No infirmities with statements made by deceased and recorded by Head Constable – Dying declaration is reliable.	Gulzari Lal v. State of Haryana – AIR 2016 SC 795
Dying declaration – Multiple contradictory dying declarations – Which is to be relied – In her earlier dying declaration/Ex.P4 recorded by Magistrate, deceased stated that her husband was responsible for burn injuries suffered by her – In second dying declaration/Ex.P10 recorded by Head Constable, which is more elaborate than Ex.P4, basic version mentioned in Ex.P4 is reiterated by deceased as cause of burns suffered by her – However, a completely different version reflected in Ex.P6, which is again recorded by Magistrate at request of deceased – Taking a complete ‘U’ turn, deceased stated in Ex.P6 to have poured kerosene and lit fire to herself as she was disgusted because children were not heeding to her – Such complete volte face in version of deceased was evidently a result of tutoring as deceased, being in contemplation of death, must have been made to realize that conviction of her husband may be detrimental to interests of her two daughters – If husband of deceased was not responsible for burn injuries, there was no reason for her to falsely implicate him – Ex.P4, therefore, reflects true version of deceased – And same version was further reiterated in Ex.P10 – Moreover, said version as reflected in Ex.P4 and Ex.P10 stands corroborated by evidence of Pws 1 to 4 – Hence, no merit in submission on behalf of appellant-	Lalam Ramu v. State of Andhra Pradesh – 2017 (2) ALD (Crl.) 173 – C.V. Nagarjuna Reddy and M.S.K. Jaiswal, JJ

husband that Ex.P6 may be preferred to Ex.P4 and P10.	
Dying declaration – Validity/reliability – Deceased committing suicide by pouring kerosene and setting herself ablaze – Head Constable had recorded what deceased had spoken and thereafter deceased had herself written that accused alone was responsible for her condition – Dying declaration recorded by Head Constable as narrated by deceased, eloquently states about constant teasing of victim by accused – Doctor, in whose presence dying declaration was recorded by Head Constable – And who had appended his signature to dying declaration, stood firm in his testimony that victim was in a fit condition to speak – His testimony cannot be disregarded on ground of absence of certificate of fitness – A certificate of fitness is not the requirement of law – No absolute rule that person suffering 80% burn injuries cannot give dying declaration – Dying declaration of deceased also received support from testimony of other witnesses – Dying declaration valid.	Pawan Kumar v. State of H.P. - 2017 (2) ALD (Crl.) 231 (SC)
Dying declaration – Scope – It is substantial piece of evidence, if not tainted with malice and not made in unfit mental state – Tests laid down for ascertaining credibility of dying declaration.	Mukesh v. State for NCT of Delhi – AIR 2017 SC 2161
Dying declaration – Recording of – On basis of gestures and writings – Is not only admissible but possess evidentiary value.	
Dying declaration – Videography of – Is only measure of caution – In absence of videography, dying declaration would not be fatal to case and cannot be discarded.	
Dying declaration – Reliability – Evidence of Magistrate recording dying declaration of deceased that before recording her statement, he put preliminary questions to her to ascertain her ability to give statement – And that duty doctor present then certified that victim	Md.Farooq v. State of Andhra Pradesh – 2017 (2) ALD (Crl.)

was in conscious, coherent and fit state of mind to give statement – Also, before closing statement duty doctor who was present throughout, again certified that patient was conscious and coherent throughout her statement – And then Magistrate read over contents of statement to declarant and she admitted it to be true and correct – And he obtained impression of her left toe as fingers of her both hands were burnt completely – Magistrate further stated that while recording statement, except himself and duty doctor none others were present beside declarant.	999 – Suresh Kumar Kait and U.Durga Prasad Rao, JJ
Dying declaration – Reliance on-, when victim suffered 90% burns – Magistrate recording dying declaration of deceased deponent that duty doctor informed him that no sedative had been given to declarant – Further postmortem doctor stated that in case of burn injuries patient will speak until a few minutes or few hours before death – Above all, dying declaration showing that duty doctor certified that declarant was conscious, coherent and in a fit state of mind to give statement both before and after recording of statement – In light of such strong evidence, there can be no demur about fitness of declarant to give statement – Reliance on dying declaration to convict accused, proper.	
Dying declaration – Reliance on-, to record conviction – As per dying declaration, accused forcibly administered poison to deceased when deceased was at his field, as accused suspected that deceased had practiced sorcery against him – And due to that, accused became impotent and his wife left his company – Medical Officer categorically deposed that deceased was conscious, coherent and that it is in his presence that Assistant Sub-Inspector of Police had recorded statement of deceased – Deceased had also informed incident to his villagers on same day – Conviction based on dying	Manchala Balaiah v. State of Andhra Pradesh – 2017 (2) ALD (CrI.) 970 – Suresh Kumar Kait and U.Durga Prasad

declaration held, proper.	Rao, JJ
Dying declarations – Oral dying declarations and dying declaration recorded by Tahsildar – Inconsistent versions – Reliance on oral dying declarations but not on one recorded by Tahsildar – Validity – Benefit of doubt.	Pallapu Veerabhadram v. State of Andhra Pradesh – 2018 (1) ALD (Crl.) 422 – C.Praveen Kumar and A.V. Sesha Sai, JJ
Dying declaration – Admissibility, rule of – Dying declaration is an exception to rule against admissibility of hearsay evidence.	Madan alias Madhu Patekar v. State of Maharashtra – 2018 (1) ALD (Crl.) 1014 (SC)
Dying declaration – An exception to hearsay evidence – Philosophy behind this is that no person in contemplation of death would like to meet his Master with a lie on his lips – Hence, unless statement of victim appears unnatural or same comes into conflict with ocular or circumstantial evidence, its credibility is generally accepted.	Chippa Mallesh v. State of Andhra Pradesh – 2018 (1) ALD (Crl.) 1051 – C.V. Nagarjuna Reddy and Gudiseva Shyam Prasad, JJ

Dying declaration – More than one – Appreciation of evidence – On mere ground that there are multiple declarations, declaration, which is reliable, cannot be discarded.	Iytha Sarangapani v. State of Andhra Pradesh – 2018 (2) ALD (CrL.) 48 – P.V. Sanjay Kumar and M. Seetharama Murthi, JJ
Dying declaration – Recording of-, by Magistrate even before crime had been registered – Can be accepted if it is otherwise reliable in view of decision in State of Punjab v. Amarjit Singh (1988 (Supp) SCC 704)	
Statement by victim – Admissibility of-, as dying declaration – Statement of victim under Section 161 of Code of Criminal Procedure, though he died three months after recording thereof, is relevant and admissible as dying declaration, because it is regarding his cause of death and how he was injured.	Pradeep Bisoi alias Ranjit Bisoi v. State of Odisha – 2018 (2) ALD (CrL.) 928 (SC)
Dying declaration – Conviction can be recorded solely on basis of-, if found veracious and voluntary by Court – Caution given by Apex Court and guidelines laid down in assessing whether dying declaration was absolutely credible to constitute sole basis to record conviction, discussed.	V.Narasimha @ Alugadda Narsimha @ Jahangiri v. State of A.P. - 2019 (1) ALD (CrL.) 300 – A.Ramalingeswara Rao and A.Shankar Narayana, JJ
Dying declaration – Imminent death – Absence of-, effect – At time of making statement, deceased was not labouring under his	Gargi v. State of Haryana – 2020

imminent death – And he was not recounting circumstances of transaction relating to his death – Such statement cannot be taken as dying declaration – And cannot be directly acted upon without concrete corroboration – More so when making of such statement by deceased appears to be doubtful.		(1) ALD (Crl.) 48 (SC)
Circumstantial evidence Five golden principles Stated: (1) The circumstances from which the conclusion of guilt is to be drawn should be fully established. It may be noted here that this Court indicated that the circumstances concerned 'must or should' and not 'may be' established. 'Certainly, it is a primary principle that the accused must be and not merely may be guilty before a court can convict and the mental distance between 'may be' and 'must be' is long and divides vague conjectures from sure conclusions.' (2) The facts so established should be consistent only with the hypothesis of the guilt of the accused, that is to say, they should not be explainable on any other hypothesis except that the accused is guilty. (3) The circumstances should be of a conclusive nature and tendency. (4) They should exclude every possible hypothesis except the one to be proved, and (5) There must be a chain of evidence so complete as not to leave any reasonable ground for the conclusion consistent with the innocence of the accused and must show that in all human probability the act must have been done by the accused.		Nanhar & others v. State of Haryana 2010 (2) LS 105 (SC)
Secs.3 and 65-B	Information Technology Act, 2000 – Section 2(1)(t) – Document – Contents of memory-card/pen-drive would be a “matter” and memory card itself would be a “substance” - Hence, contents of memory-card would be a “document”.	P.Gopalkrishnan v. State of Kerala – AIR 2020 SC 1
Sec.27	Confessional statement – Would not be relevance	Madhu v. State

	unless fresh facts discovered on basis thereof – Statement made by accused cannot be said to have resulted in discovery of some new fact – Fact that stolen articles would be recovered from premises of accused was known to witnesses before accused were brought to recovery site – Confessional statement cannot be said to have led to recovery of stolen ornaments – Confessional statement, held, cannot be proved against accused, to the detriment of the accused.	of Kerala – 2012 (1) ALD (Crl.) 999 (SC) = AIR 2012 SC 664
Sec.27	Showing of dead body of deceased and material objects by accused – Admissibility and proof of – Accused surrendered before Investigating Officer (I.O.), led him along with mediators to his house and showed dead body of his wife with bleeding injuries – In pursuance of his statement earlier made to I.O., sickle, the weapon of offence, blood stained bed sheet and blood stained shirt recovered by I.O., in presence of mediators – Evidence relating to showing of dead body of deceased and material objects, held, relevant and admissible against accused – Prosecution, held, proved recovery aspect against accused.	Puvvula Siddaiah v. State of Andhra Pradesh – 2012 (1) ALD (Crl.) 917 (AP) – A.Gopal Reddy and R.Kantha Rao, JJ
Sec.27	Recovery made on disclosure of accused – Admissibility of-, scope – Confessional statement leading to recovery of kerosene bottle, moped etc. - Kerosene or its smell neither found on body nor belongings of deceased in post mortem and forensic reports – It creates doubt as to whether recovered items were at all and actually used in commission of crime – Recovery evidence, held, cannot be relied upon.	Sahadevan and another v. State of Tamil Nadu – 2012 (2) ALD (Crl.) 397 (SC)
Secs.27, 25 and 26	Confessional statement leading to recovery of stolen articles – Admissibility of-, scope – Alleged	Public Prosecutor, High

	confessional statement of accused contained in mediators report is hit by Sections 25 and 26 – Portion of statement of accused contained in mediators report leading to accused handing over stolen articles is saved by Section 27 of the Act.	Court of A.P. v. Avu Venkataramana – 2012 (2) ALD (CrI.) 478 (AP) – Justice Samudrala Govindarajulu
Sec.27	Confessional statement leading to recovery of dead body – Admissibility of-, scope – Statement of accused leading to recovery of dead body – Made while accused was in custody and the same was in presence of police officers, though, at that time some other persons were also present in police station – Recovery of dead body, therefore, is a fact which is admissible in evidence under Section 27.	Chunda Murmu v. State of West Bengal – 2012 (2) ALD (CrI.) 734 (SC)
Sec.27	Discovery evidence – Articles of tractor discovered were easily available in market – There was nothing special about them – Belated discovery of these articles raised a question about their intrinsic evidentiary value – Contended by prosecution, accused wanted to sell parts of tractor, it was difficult to believe that they would preserve them till date of discovery evidence relating to discovery of these articles must, therefore, be rejected.	Pancho v. State of Haryana – AIR 2012 SC 523
Sec.27	Disclosure statement – Leading to discovery of weapons of offence – Factum of recovery – Admissible in evidence.	Rumi Bora Dutta v. State of Assam – 2014 (1) ALD (CrI.) 67 (SC)
Sec.27	Recovery evidence – Confessional statement leading to	Battala

	recovery of incriminating material objects, reliability – Prosecution case that after killing deceased, accused cleaned blood stain marks around the place, changed his own clothes, removed other blood stained clothes and dumped them in a gunny bag and threw it in compound wall of Government General Hospital – By any standard that is not a place where incriminating material objects will be concealed – It is also stated that after having thrown weapon used by him in commission of crime in compound wall of Hospital, accused again came and slept in house of deceased – Recovery evidence, held, not reliable as being improbable.	Manjunath v. State of Andhra Pradesh – 2014 (1) ALD (Crl.) 736 (AP) – L.Narasimha Reddy and M.S.K.Jaiswal, JJ
Sec.27	Disclosure statement – Made by accused while in police custody in different matter leading to discovery of contraband – Factum of recovery – Relevancy and admissibility – Emphasis in Section 27 is on receipt of information from a person accused of any offence – It does not restrict that accused must be arrested in connection with same offence – Recovery proved to the hilt – And trial Judge as well as High Court, by cogent and coherent reasons, accepted recovery – Nothing on record to differ with factum of recovery of contraband article – Plea that recovery was not made in connection with same offence, rejected as being unsustainable.	Mohan Lal v. State of Rajasthan – 2015 (2) ALD (Crl.) 185 (SC)
Sec.27	Evidence as to recovery – Bloodstained clothes allegedly recovered from box lying in house of accused – And knife from field at instance of accused – Sent to FSL and human blood detected – However, as material was disintegrated – And extra-judicial confession made	Vijay Shankar v. State of Haryana – 2016 (1) ALD (Crl.) 7 (SC)

	by accused to member of Gram Panchayat, highly doubtful – Not much weight can be attached to alleged recovery of bloodstained clothes and knife.	
Sec.27	Evidence as to recovery – Reliance on-, scope – Rape and murder – Recovery of bloodstained underwear of deceased – Though allegedly to have been made at instance of accused, from his house, witnesses to seizure memo did not mention as to whom it belonged and place from where it was recovered – Nor did they mention manner in which it was seized – Their evidence therefore raised doubts about recovery of material facts – Furthermore, both underwear of accused and deceased were sent for Serological examination – But blood was found on underwear of accused but no blood found on undergarments of deceased – Blood sample and soil samples though collected from place of incident during investigation, not set for FSL examination which could be useful to establish identity of accused – Serious doubt thus cast on recovery incident and identification test.	Ram Sunder Sen v. Narender alias Bode Singh Patel – 2016 (1) ALD (Crl.) 260 (SC)
Secs.26 and 27	Confessions and recoveries – Reliance on-, scope – Robbery – Committed at dead of night – Court can hardly expect existence of eyewitnesses – Very purpose of choosing deadly night, by robbers and thieves, is just to avoid attention of other persons – Hence, howsoever, loath Courts may be to rest their conclusions upon confessions and recoveries in other cases, a different approach is warranted, when crimes alleged are theft, robbery, and the like – Arrests and consequential confessions of a suspect of crime, if followed by	Poteti Yellaiah v. State of Andhra Pradesh – 2016 (2) ALD (Crl.) 111 – L.Narasimha Reddy and M.S.K.Jaiswal, JJ

	recovery of articles stolen from victims, suspicion develops into one, of proof – If there exists any criminal background for accused, the case becomes still stronger.	
Sec.27	Recovery panchanama – Admissibility in evidence – No statutory provision requiring taking signature of accused on recovery panchanama – Absence of signature of accused on recovery panchanama – Would not make it inadmissible.	Kishore Bhadke v. State of Maharashtra – AIR 2017 SC 279 (FB)
Sec.27	Discovery of fact – Murder – Word 'fact' used in Section 27 not limited to “actual physical material object” - Disclosure made by accused about location where dead body of deceased was dumped by him – Corroborated by fact that dead body of unknown person recovered earlier from same spot by local police – Dead body on subsequent medical examination found to be none other than deceased – Disclosure made by accused is admissible under Section 27.	Charandas Swami v. State of Gujarat – AIR 2017 SC 1761 = 2017 (2) ALD (Crl.) 304 (SC)
Secs.27 and 3	Circumstantial evidence – Murder case – No evidence to connect accused with incident in question – Accused cannot be convicted on sole circumstance of recovery of weapons and other articles.	State of U.P. v. Sunil – AIR 2017 SC 2150
Secs.27 and 3	Recovery and seizure of articles – Made in pursuance of statement by accused – Mere absence of attestation by independent witness – Not a ground to discard seizure evidence under Section 27.	Mukesh v. State for NCT of Delhi – AIR 2017 SC

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Secs.59, 65A, 65B, 63, 65	Electronic records – Admissibility – Secondary evidence of electronic record – Inadmissible unless requirements of Section 65B are satisfied. Use of objectionable songs, announcements and speeches – Petitioner producing CD's prepared by feeding in computer speeches, announcements and songs recorded by other instruments – CD's not certified as required by Section 65B of Evidence Act – Cannot be admitted in evidence – Allegation of corrupt practice liable to be rejected for want of evidence.	Anvar P.V. v. P.K.Basheer – AIR 2015 SC 180 (FB)
Secs.65-B, 114(g)	Scientific and electronic evidence – Non-production, adverse inference – Murder case – Non-production of CCTV footage, non-collection of call records (details) and sim details of mobile phones seized from accused – Not merely instance of faulty investigation but amounts to withholding of best evidence – Fit case to draw adverse inference against prosecution under Section 114(g).	Tomaso Bruno and another v. State of U.P. - 2015 (1) ALD (Crl.) 663 (SC) (FB)
Sec.65-B	Electronic records – Admissibility – Requirement of furnishing certificate under Section 65-B(4) – Not always mandatory – Party who is not in possession of device from which document is produced, cannot be required to produce certificate under Section 65-B(4) – Applicability of requirement of certificate being procedural can be released by Court wherever interest of justice so justifies.	Shafhi Mohammad v. State of Himachal Pradesh – 2018 (1) ALD (Crl.) 606 (SC)
Sec.164 (2)	Evidence Act, 1872, Section 24 Conviction can be based solely on circumstantial evidence but it should be tested by the touchstone of law relating to	Mohd. Azad @ Samin v. State of West Bengal

	circumstantial evidence A confession cannot be used against an accused person unless the Court is satisfied that it was voluntary and at that stage the question whether it is true or false does not arise If the facts and circumstances surrounding the making of a confession appear to cast a doubt on the veracity or voluntariness of the confession, the Court may refuse to act upon the confession, even if it is admissible in evidence An extra judicial confession, if voluntary and true and made in a fit state of mind, can be relied upon by the Court.	2008 (4) APLJ 107 (SC)
Sec.164	Confession Recording of Confessional statement made freely and voluntarily by accused on bail All necessary precautions required under Section 164 (2) have been taken by Magistrate before recording confession Confession cannot be rejected merely because Magistrate has used expression 'evidence' instead of 'confession' while warning accused before recording statement.	M.A.Antony v. State of Kerala AIR 2009 SC 2549
Sec.164	Recording of confession It is necessary in every case to put questions as intended to be asked under Section 164(3).	State of Punjab v. Harjagdev Singh AIR 2009 SC 2693
Sec.164	Statements of witnesses recorded by Judicial Magistrate Can be used to corroborate evidence as required under Section 156 of Evidence Act Mere fact that they were in police custody for about six days prior to their examination in Court, no reason to disbelieve their evidence Their evidence has to be	Public Prosecutor, High Court of A.P. v. Kastala Venkateshwarlu 2010 (1) ALD

	examined with reference to probability factor, their presence, enmity, if any, and the possibility of seeing incident.	(Crl.) 202 (AP) Justice K.C.Bhanu
Sec.164	Statement of witness recorded by Magistrate Non-furnishing of, to accused, when of no consequence Held, such omission would assume importance only when it is shown that prejudice has occasioned to accused.	Kallukunta Deva and others v. State of Andhra Pradesh 2010 (1) ALD (Crl.) 537 (AP) D.S.R. Varma and R.Kantha Rao, JJ
Sec.164	A statement recorded under Section 164 Cr.P.C., is not substantive evidence and can be utilised only to corroborate or contradict the witness vis-a-vis statement made in Court.	Baij Nath Sah v. State of Bihar 2010 (3) UPLJ 14 (SC)
Sec.164	Confessional statement Sec.164 provides guidelines to be followed for taking statement of accused as a confession One essential condition is that it must be made voluntarily and not under threat or coercion If confession appears to Court to have been caused by inducement, threat or promise such as is mentioned in Section 24 of Evidence Act, it must be excluded and rejected brevi manu Court should carefully examine confession and compare it with rest of evidence, in light of surrounding circumstances and probability of case Statement has neither been recorded by judicial Magistrate nor has it fulfilled procedural requirements, including that of certificate	S.Arul Raja v. State of Tamil Nadu 2010 (3) LS 1 (SC)

	to be appended by Magistrate Hence statement is not admissible against accused as confession under Section 164.	
Sec.164	FIR Evidentiary value FIR is not substantive evidence Can only be used to corroborate its maker.	C.Magesh v. State of Karnataka AIR 2010 SC 2768
Sec.164	Confession – Recording of – Magistrate repeatedly told accused that he was not bound to make statement as it can be read against him – Provisions of Sec.164 stand complied with.	Surendra Koli v. State of U.P. - AIR 2011 SC 970
Sec.164	Confessional statement – Reliance on, which requirement in terms of Section 164 not adhered to, scope – In certificate given as required under Section 164, no specific reference about nature of custody from which accused was produced nor about assurance that he would not be remanded to police custody if he declined to give confession – Accused not informed that if he confessed, such confession may be used in evidence against him and on that basis there was possibility of his being sentenced to death or life imprisonment – Failure to observe safeguards as contemplated under sub-sections (2) to (4) of Section 164 – Not only evidentiary value of confession is impaired, but it also casts a doubt on nature and voluntariness of confession on which no reliance can be placed.	Rabindra Kumar Pal @ Dara Singh v. Republic of India – 2011 (1) ALD (CrL.) 925 (SC)
	Confessional statement – Voluntariness of, question	

	of – Accused refusing to make confessional statement – Remanding of, to police custody – Not justified, as possibility of coercion, threat or inducement to accused to make confession cannot be ruled out.	
Sec.164	Statement of witness recorded under – Minor omission in-, not sufficient to disbelieve his evidence before Court – Statement of a witness under Section 164 is not a substantive piece of evidence – What all witness states before Court in course of trial is substantive evidence – Therefore, merely because there are some minor omissions in statement of witness recorded under Section 164 by Magistrate, his evidence before Court cannot be disbelieved on that score alone.	Ch. Viswesham v. State – 2012 (2) ALD (Crl.) 921 (AP) – Justice R.Kantha Rao
Secs.161, 162, 163 and 164	Evidence Act, 1872 – Sections 27 and 32 – Section 164 of Cr.P.C., is to be read along with Section 26 of Evidence Act, which provides that no confession made by any person whilst he is in the custody of a police officer, unless it be made in the immediate presence of Magistrate shall be proved against such person.	Mohammed Ajmal Mohammad Amir Kasab @ Abu Mujahid v. State of Maharashtra – 2013 (1) ALT (Crl.) 63 (SC)
Sec.164	Recording of statement of witness – Duty of Magistrate – Object behind recording – In a case where the Magistrate has to perform the duty of recording a statement under Section 164 Cr.P.C., he	R.Shaji v. State of Kerala – AIR 2013 SC 651

	is under an obligation to elicit all informations which the witness wishes to disclose, as a witness who may be an illiterate, rustic villager may not be aware of the purpose for which he has been brought, and what he must disclose in his statements under Section 164 Cr.P.C. Hence, the Magistrate should ask the witness explanatory questions and obtain all possible information in relation to the said case.	
	So far as the statement of witnesses recorded under Section 164 is concerned, the object is two fold; in the first place, to deter the witness from changing his stand by denying the contents of his previously recorded statement, and secondly, to tide over immunity from prosecution by the witness under Section 164. Statement recorded under Section 164 Cr.P.C., can be relied upon for the purpose of corroboration of statement made by witnesses in the Committal Court or even to contradict the same.	
Sec.164	The statement recorded by the Magistrate under Section 164 is a public document – It is not necessary to summon the Magistrate to prove the said statement – Statement under Section 164 is not a substantive evidence and it cannot be marked as exhibit – It can only be used for the purpose of contradiction.	P.Raj Kumar and others v. State of Andhra Pradesh – 1999 (2) ALD (Cr1.) 696 (AP) – Ramesh Madhav Bapat and Ghulam Mohammed, JJ
Sec.164	Statement recorded under Section 164 by the	Bashapaka Laxmaiah v.

	Magistrate – Public document – Not necessary to call the Magistrate to give evidence – Practice to be stopped.	State of A.P. - 2001 (2) ALT (Crl.) 154 (AP) = 2001 (2) ALD (Crl.) 225 – Ramesh Madhav Bapat and B.Prakash Rao, JJ
Sec.304-B	Dowry Prohibition Act, 1961 Section 2 'Dowry' Definition of, expressions 'or any time after marriage' and 'in connection with the marriage of the said parties', meaning of, scope of Expressions, held, of wide meaning and scope Cannot be given a restricted or a narrower meaning Object being that everything, which is offending at any time i.e., at, before or after the marriage, would be covered under the definition of dowry, but demand of dowry has to be 'in connection with the marriage' and not so customary that it would not attract, on the face of it, provisions of the section Demand of a specific sum from father-in-law and upon the same not being given, husband harassing and torturing the wife, and if after some days she died, such a case would clearly fall within definition of 'dowry'.	Ashok Kumar v. State of Haryana 2010 (2) ALD (Crl.) 548 (SC) = AIR 2010 SC 2839

	Sec.304-B Deeming fiction Scope Concept of deeming fiction, though hardly applicable to criminal jurisprudence, legislature has applied concept of deeming fiction to provisions of Section Offence under Section 304-B shall be deemed to have been committed by fiction of law, once prosecution proves its case with regard to basis ingredients of the section Deeming fiction since introduces a rebuttable presumption, husband and relatives may, by leading their defence and proving that ingredients of section were not satisfied, rebut the same.	
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	Sec.304-B 'Demand for dowry' and 'In connection with the marriage' Construction of, scope of Expression 'demand for dowry' will have to be construed ejusdem generis to words immediately preceding this expression Similarly, 'in connection with the marriage' is an expression which has to be given a wider connotation Expressions should be given appropriate meaning to avoid undue harassment or advantage to either of parties Provisions, though penal, ultimately they being social legislations, intended to control offences relating to society as a whole and so as to ensure that a party to marriage is not harassed or treated with cruelty for satisfaction of demands in consideration and for subsistence of marriage.	
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	Sec.304-B 'Soon before her death' Construction of, scope of Expression cannot be given restricted or narrower meaning, as these are provisions relating to human behaviour Being penal provisions, though must receive strict construction, must be read in conjunction with other relevant provisions and scheme of Act Concept of reasonable time, best criteria to be applied for appreciation and examination of such cases However, there must be existence of proximate link between acts of cruelty along with demand of dowry and death of victim.	
Sec.304-B	“Soon before her death” - Meaning and scope Expression has to be given its due meaning, as no time specified which would be period prior to death, that would attract provisions of Section 304-B Concept of reasonable time would be applicable This would primarily depend upon facts of a given case, conduct of parties and impact of cruelty and harassment inflicted upon deceased in relation to demand of dowry to cause unnatural death of deceased When marriage itself has not survived even for a period of two years, entire period would be a relevant factor in determining such an issue.	Uday Chakraborty and others v. State of West Bengal 2010 (2) ALD (Crl.) 598 (SC)
Secs.304B, 302	Sentence Charge under Section 304-B Court directs all trial Courts to ordinarily add Section 302 to charge of Section 304-B so that death	Rajbir v. State of Haryana AIR 2011 SC 568

	sentence can be imposed in heinous and barbaric crimes against women.	
Sec.304-B	Misuse of Scope of, duty of Court to be careful in evaluating evidence, scope Section 304-B being one of the provisions which is being quite often misused, Court while trying an offence under said provision has to be extremely careful in evaluating evidence Reasons for a woman to commit suicide may be many, and not only cruelty or harassment concerning demand of additional dowry Court to properly assess the real cause of unnatural death of woman on a thorough scrutiny of evidence on record without being swayed by mere fact of unnatural death of the woman.	Vampu Abburamulu and another v. State of Andhra Pradesh 2011 (1) ALD (Crl.) 337 (AP) Justice R.Kantha Rao
Sec.304-B	Evidence Act, 1872 Section 113-B Presumption as to dowry death Word 'shall' used in Section 113B makes it mandatory on part of court to presume that death had been committed by the person who had subjected her to cruelty or harassment in connection with or demand of dowry In case of Section 113-B relatable to Section 304-B IPC, the onus to prove shifts exclusively and heavily on accused.	Bansi Lal v. State of Haryana AIR 2011 SC 691
Sec.304-B	Evidence Act, 1872 Section 113-B – Dowry death – Prosecution story that deceased had been poisoned – However as per FSL report no poisonous substance had been found to be present on analysis of bones and ashes – Mere fact that deceased happened to be a young woman would not lead to inference that she had died an unnatural	Gurdeep Singh v. State of Punjab – AIR 2011 SC 3616

	death – Only evidence of any demand was Rs.25,000/- made one year prior to incident – Clearly fails proximity test – Accused liable to be acquitted.	
Secs.304-B and 498-A	Conviction under – Scope – Harassment of wife for additional dowry – Wife committing suicide – Death of deceased, though proved to be otherwise than in normal circumstances, prosecution failed to establish that deceased died within seven years from date of her marriage with appellant and that soon before the death, deceased was subjected to cruelty in connection with demand for additional dowry – Appellant-husband, held, cannot be convicted for offence under Section 304-B – But since there is evidence that appellant was harassing deceased to bring additional dowry, there is no impediment to convict him for offence under Section 498-A on the same evidence.	Shaik Moulana Saheb v. State of Andhra Pradesh – 2012 (1) ALD (CrL.) 455 (AP) – Justice R.Kantha Rao
Secs.304-B and 498A	Acquittal – Unnatural death of woman within seven years of marriage – Presumption as to dowry death, availability – Fact that demand for dowry made soon before death, not proved – Presumption under Section 113B of Evidence Act, held, not available – Conviction set aside.	Shindo alias Sawinder Kaur and another v. State of Punjab – 2012 (1) ALD (CrL.) 652 (SC)
Sec.304-B	Conviction – Death of deceased within 7 years of marriage caused by burn injuries – Defence that deceased had died because of an accident of stove fire while cooking food – No cooking material found in kitchen – Absence of any cooking	Rajesh Bhatnagar v. State of Uttarakhand – 2012 (2) ALD

	material in kitchen would belie stand taken by defence – Plea that accused-husband of deceased also got injured while trying to save her, belied by absence of any burn injury on his person – Nature of injuries suffered by husband were such that one could suffer only if he was struggling or fighting with another person – Further, conduct of accused prior to and immediately after the occurrence, that is, not informing family members of deceased about incident and absconding after body of deceased was handed over to her relations clearly showed that they were not innocent.	(Crl.) 722 (SC)
	Dowry death – Necessary ingredients to treat death as dowry death and to presume that husband or his relatives caused such death, scope – Deceased dying unnatural death within 7 years of marriage – Evidence showing persistent demand for dowry right from engagement to death of deceased – Deceased not making specific mention of dowry demands in her letters, not sufficient to absolve her in-laws of offence – More so when letters clearly spell out beatings given to her, cruelties inflicted on her and reference to conduct of family – Evidence has to be read in entirety – There is definite ocular, expert and documentary evidence to show that deceased died an unnatural death, she was subjected to cruelty and ill-treatment, there was demand of dowry of specific items and she died within seven years of marriage.	
Sec.304B	Dowry death - “Soon before her death” - Means	Mustafa Shahadal

	interval between cruelty and death should not be much – Live and proximate link between cruelty and death should exist.	Shaikh v. State of Maharashtra – AIR 2013 SC 851
Sec.304B	Dowry death – Ingredients of offence: a) To attract the provisions of Section 304-B, IPC the main ingredient of the offence to be established is that soon before the death of the deceased she was subjected to cruelty and harassment in connection with the demand of dowry. b) The death of the deceased woman was caused by any burn or bodily injury or some other circumstance which was not normal. c) Such death occurs within seven years from the date of her marriage. d) That the victim was subjected to cruelty or harassment by her husband or any relative of her husband. e) Such cruelty or harassment should be for or in connection with demand of dowry. f) It should be established that such cruelty and harassment was made soon before her death.	Kashmir Kaur v. State of Punjab – AIR 2013 SC 1039
Secs.304-B and 498A	Evidence Act, 1872 – Section 113-B – Dowry death and cruelty – Proof – Suicide committed by deceased within 7 years of her marriage by consuming poison – No evidence on record to implicate appellant brother-in-law of deceased both in demands for additional dowry and harassment or cruelty – Mere fact that all members	Bhola Ram v. State of Punjab – AIR 2014 SC 241

	of accused family were living together – Does not lead to conclusion that each one of them was actively involved in crime – Ingredients of Section 304B not established – Presumptions under Section 113-B of Evidence Act cannot be attracted – Conviction of appellant, set aside.	
Secs.304-B, 306	Dowry death and abetment of suicide – Scope – Section 306 is much broader in its application and takes within its fold one aspect of Section 304-B – Both sections are not mutually exclusive.	Bhupendra v. State of Madhya Pradesh – AIR 2014 SC 378 = 2014 (1) ALD (Crl.) 642 (SC)
Sec.304-B	Evidence Act, 1872 – Section 113B – Dowry death – Presumption as to-, under Section 113B of Evidence Act and Section 304-B, IPC – Beneficent provisions aimed at giving relief to a woman subjected to cruelty – Meaning to be applied to each word of these provisions had to be in accord with legislative intent- Interpretation of statutes – Penal provisions – To be construed strictly. Bride burning cases – Non-examination of independent witnesses – No ground to doubt charge – Harassment and cruelty, when meted out to a woman within four walls of matrimonial home, it is difficult to get independent witnesses to depose about it – Only inmates of house and relatives of husband, who cause cruelty, witness it – Their servants, being under their obligation,	Surinder Singh v. State of Haryana – 2014 (1) ALD (Crl.) 687 (SC)

	would never depose against them – Witnesses have a tendency to stay away from courts – This is more so with neighbours – Hence, it is only parents or relatives of deceased who will depose about misery of deceased bride.	
Sec.304-B	Applies where the death of a woman is caused by any burns, bodily injury or occurs otherwise than under normal circumstances, within seven years of her marriage – Cause of death is because the woman was subjected to cruelty or harassment by her husband or her husband's family or relatives and such harassment should be in relation to a demand of dowry – Said section provides the presumption under which husband or relatives had committed the offence of dowry death and render them liable for punishment unless the presumption is rebutted.	A.K.Devaiah v. State of Karnataka – 2015 (1) ALT (CrI.) 15 (SC)
Sec.304-B	Dowry death – Proof – Death of deceased wife within seven years of marriage due to burning i.e., not in normal circumstances – Statement of complainant is general and not specific – Though allegation of demand of dowry was made none of witnesses including complainant stating that deceased was harassed “soon before her death” for or in connection with demand of dowry – Guilt of accused not proved beyond reasonable doubt – Conviction of accused set aside.	Manohar Lal v. State of Haryana – AIR 2014 SC 2555
Sec.304-B	Dowry death – Word “relative of the husband” in Section 304-B – Would mean such persons, who are related by blood, marriage or adoption.	State of Punjab v. Gurmit Singh – AIR 2014 SC 2561
Sec.304-B	Evidence Act, 1872 – Section 113B – Dowry death	Surinder Singh

	– Presumption as to-, under Section 113B of Evidence Act and Section 304-B, IPC – Beneficent provisions aimed at giving relief to a woman subjected to cruelty – Meaning to be applied to each word of these provisions had to be in accord with legislative intent- Interpretation of statutes – Penal provisions – To be construed strictly.	v. State of Haryana – 2014 (1) ALD (Crl.) 687 (SC)
	Bride burning cases – Non-examination of independent witnesses – No ground to doubt charge – Harassment and cruelty, when meted out to a woman within four walls of matrimonial home, it is difficult to get independent witnesses to depose about it – Only inmates of house and relatives of husband, who cause cruelty, witness it – Their servants, being under their obligation, would never depose against them – Witnesses have a tendency to stay away from courts – This is more so with neighbours – Hence, it is only parents or relatives of deceased who will depose about misery of deceased bride.	
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