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

+ CRL.REV.P. 1/2023 & CRL.M.A. 11/2023 (*stay*)

SHEELA DEVI & ORS. Petitioner

Through: Mr. Deepak Kumar
Agarwal, Advocates

versus

STATE (GOVT. OF NCT DELHI)
& ANR.

..... Respondents

Through: Mr. Pradeep Gahalot, APP
for the State with Insp.
Harnam Singh, PS Prem
Nagar, Rohini.

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER
02.02.2024

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1. The learned counsel for the petitioner submits that there is only a vague allegation that soon before the date of the alleged incident there was a demand of dowry. He submits that unless it is alleged or shown that that the victim was subjected to cruelty or harrasment soon before her death in connection with demand for dowry, no presumption in terms of Section 304B of the Indian Penal Code, 1860 ('**IPC**') can be attracted.
2. He submits that the diary recorded in the handwriting of the deceased, which is part of the chargesheet, also reveals that the victim used to allege that the husband was having an extra-marital affair, which could have been the reason of committing suicide. The same, however, by no stretch of imagination can be termed as a 'dowry death'.
3. The learned Additional Public Prosecutor for the State



relies upon the decision of the Hon'ble Apex Court in ***Rajinder Singh vs. State of Punjab*** (2015) 6 SCC 477, and submits that the demand for dowry does not necessarily has to be soon before the date of the incident.

4. He submits that even if there are allegations of demand for dowry prior in time, if the victim was subjected to cruelty or harassment soon before the death, the provisions of Section 304B of the IPC, are attracted.

5. List for further consideration on 18.03.2024.

6. The parties are at liberty to file short submissions alongwith copies of the authorities they wish to rely upon.

AMIT MAHAJAN, J

FEBRUARY 2, 2024
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