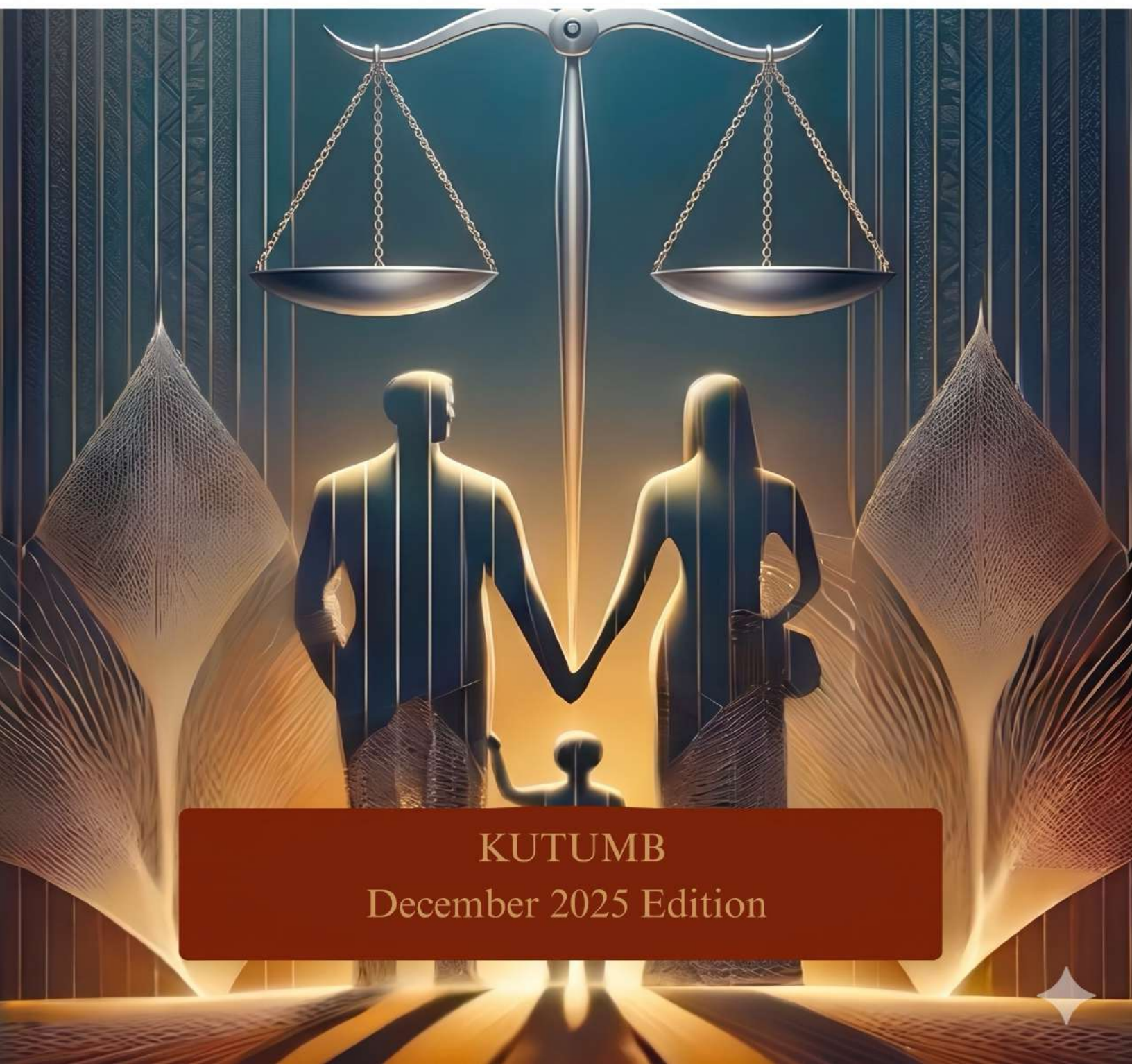


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DELHI



KUTUMB
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DIVORCE



Divorce

1. Shiksha Kumari V. Santosh Kumar, 2025 SCC OnLine Del 9207

Court: Delhi High Court

Coram: Navin Chawla, A.J Bhambhani and Renu Bhatnagar, JJ.

Date: 17 December, 2025

📌 **Relevance:** A Full Bench of the Delhi High Court authoritatively held that the one-year separation period under Section 13B(1) HMA is directory and not mandatory, and may be waived by the Family Court or the High Court by invoking the proviso to Section 14(1) HMA in cases of exceptional hardship or exceptional depravity. The Hon'ble Court further held that such waiver does not stand in the way of also waiving the six-month cooling-off period under Section 13B(2) HMA, and that a divorce decree so granted may take effect forthwith, without any deferral. No statutory framework may compel unwilling parties to remain bound in a matrimonial relationship that has irretrievably broken down.

Facts:

The matter came before the Full Bench by way of a reference arising from a judgment dated 22 April 2025, rendered by a Division Bench of the Delhi High Court. The Division Bench, while considering the timelines prescribed for presenting a petition for divorce by mutual consent under Section 13B(1) of the Hindu Marriage Act, 1955, found itself unable to fully agree with the interpretation laid down by an earlier Division Bench of the same Court in *Sankalp Singh v. Prarthana Chandra* (2013 SCC OnLine Del 855). Sensing the need for an

authoritative pronouncement, the Division Bench formulated specific questions of law and requested the Chief Justice to place the matter before a Full Bench.

The background of the case is that - a marriage couple found their marriage unsustainable. They wished to part ways by mutual consent and sought to present their petition before completing one full year of separation. The question that arose was whether the court was empowered to entertain such a petition at all, and if so, whether it could also dispense with the subsequent six-month waiting period before the second motion could be filed and the decree of divorce granted.

Issues:

1. Whether a petition under Section 13B(1) HMA can be presented by the parties before completing the prescribed period of one year of separation?
2. If yes, whether the six-month cooling-off period between the first motion under Section 13B(1) and the second motion under Section 13B(2) HMA can also be waived by the court, even where the parties have not been living separately for more than one year on the date such waiver is sought?

Ratio Decidendi

The Full Bench undertook a careful and detailed view of the evolving landscape of matrimonial law in India. Having considered the full arc of judicial thinking on the subject, the Full Bench observed:

1. **On the nature of the one-year period:** The Full Bench held that the one-year waiting period under Section 13B(1) HMA is a rule of procedure and not a condition touching the inherent jurisdiction of the court. It does not deprive the court of its power to entertain a petition where immediate judicial intervention is made necessary by extreme circumstances. Since Section

13B(1) HMA opens with the phrase "Subject to the provisions of this Act," the Legislature itself has made that provision yield to other provisions of the HMA, including Section 14(1) and its proviso. Section 14 applies to all petitions for divorce, and the Legislature did not explicitly exclude mutual consent petitions from the reach of the proviso. The Full Bench affirmed the view in *Sankalp Singh* that the proviso to Section 14(1) HMA can be pressed into service in proceedings under Section 13B(1), and several Single Bench decisions of the Delhi High Court that had treated Section 13B as a complete and self-contained code were expressly overruled.

2. **On the six-month cooling-off period:** Drawing on the reasoning in *Amardeep Singh* and *Shilpa Sailesh*, the Full Bench observed that the one-year waiting period under Section 13B(1) and the six-month cooling-off period under Section 13B(2) serve the same underlying purpose of exploring the possibility of reconciliation, and neither can be permitted to operate as an instrument for prolonging the suffering of parties whose marriage has already and irretrievably broken down. Waiver of the one-year period under Section 13B(1) and waiver of the six-month period under Section 13B(2) are two separate and independent considerations, and the court retains full discretion in relation to each. Where both waivers are granted, the divorce decree may be made effective forthwith.
3. **Partial overruling of *Sankalp Singh*:** While affirming *Sankalp Singh* on the question that the first motion can be entertained before one year of separation is complete, the Full Bench disagreed with its further direction that the divorce decree could only take effect after the one-year separation period had elapsed.

That qualified position in *Sankalp Singh* had been a product of the legal landscape of 2013, when waiver of even the six-month period was impermissible. The progressive rulings in *Amardeep Singh* and *Amit Kumar* had since transformed the jurisprudential landscape, and the Full Bench held that the law must keep pace with those developments.

4. **Safeguards against misuse:** The Full Bench was careful to caution that waiver is not to be granted for the mere asking. The court must be satisfied that circumstances of exceptional hardship or exceptional depravity exist, as contemplated in the proviso to Section 14(1) HMA. Additionally, the court must test the matter against the indicative considerations laid down in *Pooja Gupta and Anr. v. Nil* (2003 SCC OnLine Del 1197), namely the maturity and comprehension of the spouses, the absence of coercion or undue influence, the duration of the matrimonial union, the absence of any realistic prospect of reconciliation, the lack of frivolity, the absence of misrepresentation or concealment, and the effect of continuing a hollow matrimonial relationship on the future prospects of the parties. Where waiver was obtained by misrepresentation or concealment, the court retains the discretion to defer the effect of the decree or to dismiss the petition entirely. Both the Family Court and the High Court are empowered to grant such waiver, testing each case on the anvil of individual hardship.
5. **The heart of the matter:** The Full Bench observed, with sensitivity, that no statutory framework may operate as a straightjacket compelling unwilling parties to remain united in a matrimonial abyss when their marriage has irretrievably broken down. The essential ingredient of Section 13B HMA is

the free and deliberated consent of the parties, and not the timelines written into it. Compelling two consenting adults to remain legally united in a matrimonial relationship that has already faded away from their lives would be an affront to their dignity, autonomy, and privacy as cherished under Article 21 of the Constitution of India.

Conclusion

The Full Bench answered the reference by holding that the one-year separation period under Section 13B(1) HMA is directory and not mandatory, and can be waived by invoking the proviso to Section 14(1) HMA; that such waiver does not bar the court from also waiving the six-month cooling-off period under Section 13B(2) HMA, both being independently assessable; that where both waivers are granted, the divorce decree may be made operative forthwith without deferral; that waiver must be grounded in exceptional hardship or exceptional depravity and tested against the considerations in Pooja Gupta; and that where leave was obtained by misrepresentation, the court retains the discretion to defer the decree or dismiss the petition. The contrary views of the earlier Single Benches of the Delhi High Court were expressly overruled, and Sankalp Singh was partially set aside to the extent it required the divorce decree to await completion of the one-year separation period.

2. Nayan Bhowmick v. Aparna Chakraborty, 2025 SCC OnLine SC 2798

Court: Supreme Court of India

Coram: Manmohan and Joymalya Bagchi, JJ.

Date: 15 December, 2025

✦ **Relevance:** The Supreme Court held that a separation of twenty-four years without any possibility of reconciliation amounts to cruelty to both parties and constitutes sufficient ground for dissolving the matrimonial bond. The Court reaffirmed that where spouses hold strongly differing views on matrimonial life and have persistently refused to accommodate each other over a prolonged period, their mutual conduct amounts to mental cruelty to one another. Invoking its power to do complete justice under Article 142(1) of the Constitution of India, the Supreme Court dissolved the marriage on the ground of irretrievable breakdown.

Facts:

The parties had come together in the sacred bond of matrimony on 4 August 2000 at Shillong, according to Hindu rites and rituals. They had known each other well before their union, having worked together since 1992 as Development Officers with the Life Insurance Corporation of India. However, what had begun as a relationship built on familiarity and shared professional life soon encountered deep and irreconcilable difficulties.

The respondent-wife contended that even before the marriage was solemnized, the appellant-husband was fully aware of the nature of her professional duties and responsibilities. Despite this, the appellant and his family members persistently

pressured her to give up her employment, disregarding the fact that she carried the financial responsibility of supporting her aged and ailing mother, her brother, and other dependents. Unable to bear the continuous ill-treatment at the hands of the appellant and his family, the respondent-wife was compelled to leave the matrimonial home in 2001, barely a year after the parties had been united in matrimony.

In 2003, the appellant-husband instituted a suit for divorce on the ground of desertion, which was dismissed as premature. An appeal against that dismissal was subsequently withdrawn with liberty to file a fresh suit. A fresh suit was accordingly instituted in 2007, and the Additional Deputy Commissioner, Shillong, by a judgment dated 9 March 2010, dissolved the marriage on the ground of desertion by the respondent-wife. The respondent-wife carried the matter in appeal to the Gauhati High Court, which, by its judgment dated 13 April 2011, allowed the appeal and set aside the decree of divorce, finding that there was no intention on the part of the respondent-wife to permanently forsake and abandon the appellant-husband. The appellant-husband then approached the Supreme Court, challenging the High Court's judgment.

By the time the matter came up for final hearing before the Supreme Court, the parties had been living separately for twenty-four years. The parties continued to work as colleagues in the same branch of the Life Insurance Corporation of India but did not interact with each other. No child had been blessed to the union. Mediation, attempted at the admission stage in 2012, had proved unsuccessful, and no further efforts at reconciliation had been made by either party since then.

Issue:

1. Whether the High Court was justified in setting aside the Trial Court's decree of divorce on the ground of desertion, given the totality of circumstances and the conduct of both parties?
2. Whether the prolonged separation of twenty-four years, coupled with the complete absence of any possibility of reconciliation, amounts to cruelty to both parties and constitutes sufficient ground for dissolution of the matrimonial bond?
3. Whether the Supreme Court could, in exercise of its power to do complete justice under Article 142(1) of the Constitution of India, dissolve the marriage on the ground of irretrievable breakdown, notwithstanding the opposition of the respondent-wife?

Ratio Decidendi:

The Supreme Court, while upholding the decree of divorce, reasoned as follows.

1. **On the long period of separation and irretrievable breakdown:** The Court noted that matrimonial litigation between the parties had commenced within two years of their coming together in matrimony, and had been pending for twenty-two years by the time the matter was heard. The parties had been living apart for twenty-four years in total, with no child having been blessed to the union and no realistic prospect of reconciliation having emerged despite the Court's own efforts at mediation. The Court observed that where parties have been living separately for nearly the better part of their lives, the marriage subsists only on paper and must be taken to have irretrievably broken down long ago. Such a situation inevitably spells cruelty to both parties.

2. **On strongly held views and mutual cruelty:** The Court made a notable and sensitive observation that in matrimonial matters concerning two individuals, it is not for society or for the court to adjudge whose approach to matrimonial life is correct or superior. What matters is that both parties had held strongly differing views on how their shared life ought to be lived, and had persistently refused to accommodate each other over a prolonged period. This mutual refusal to find common ground, sustained over decades, itself amounts to cruelty to one another, regardless of which party may bear the greater share of responsibility for the breakdown.
3. **On the power under Article 142 and the doctrine of fault:** The Court reaffirmed the authoritative position laid down by the Constitution Bench in *Shilpa Sailesh v. Varun Sreenivasan* (2023) 14 SCC 231 that the power of the Supreme Court to do complete justice under Article 142(1) of the Constitution of India is not fettered by the doctrine of fault and blame that governs petitions for divorce under Section 13(1)(i-a) of the Hindu Marriage Act, 1955. Where the factual position reveals indubitably that a marriage has completely failed and there is no possibility of the parties ever resuming life together, the Court is empowered to dissolve the marriage in exercise of its constitutional power, in the best interests of both parties and of society at large. Keeping parties tied forever to a marriage that has in substance ceased to exist serves no purpose and only perpetuates misery, torment, and prolonged litigation.

Conclusion:

The Supreme Court allowed the appeal and set aside the judgment of the Gauhati High Court. The order of the Additional Deputy Commissioner, Shillong, dissolving

the marriage between the parties was upheld. The Supreme Court, in exercise of its constitutional power under Article 142 of the Constitution of India to do complete justice, dissolved the matrimonial bond between the parties on the ground of irretrievable breakdown, holding that twenty-four years of separation without any hope of reconciliation, the complete absence of any child blessed to the union, and the mutual refusal of the parties to accommodate each other left no sanctity in the marriage.

Maintenance



Maintenance

3. Farha Naz v. State of U.P., 2025 SCC OnLine All 8133

Court: High Court of Judicature at Allahabad

Coram: Harvir Singh, J.

Date: 9 December, 2025

✦ **Relevance:** The Allahabad High Court held that a Family Court cannot reject a wife's claim for maintenance merely on the presumption that she earns some income through social media activity, such as creating reels on YouTube, without first quantifying her actual income through proper documentation. In line with the Supreme Court's directions in *Rajnesh v. Neha*, the income of both parties must be placed on record and assessed in full before any order on maintenance can justly be passed.

Facts:

The revisionist, Farha Naz, had come together in matrimony with opposite party no. 2, who was serving as a Class III employee in the Nagar Palika at Bareilly and drawing a regular and fixed income from that employment. Matrimonial discord arose between the parties and the revisionist, finding herself in need of financial support, filed an application for maintenance before the Additional Principal Judge, Family Court No. 2, Bareilly.

The Family Court dismissed her application, resting its decision on the finding that the revisionist was a self-employed person who was engaged in making reels on YouTube and was therefore capable of supporting herself. Aggrieved by this

rejection, the revisionist approached the Allahabad High Court by way of a criminal revision, contending that her actual income from social media activity had never been assessed or quantified, and that the Family Court had proceeded entirely on presumption rather than evidence.

Issues:

1. Whether the Family Court was justified in rejecting the wife's application for maintenance solely on the ground that she was engaged in making reels on YouTube, without quantifying the actual income being generated from such activity?
2. Whether the income of both parties must be properly placed on record and assessed before a Family Court can pass an order on maintenance, in accordance with the directions of the Supreme Court in *Rajnish v. Neha*?

Ratio Decidendi:

The High Court found merit in the revisionist's contentions and reasoned as follows.

1. The Court acknowledged that the Family Court had indeed arrived at a finding that the revisionist was self-employed and capable of maintaining herself. However, it noted with concern that this finding had been reached without any proper quantification of the revisionist's income from her social media activity. The mere fact that a person creates reels on YouTube and may be earning something through that activity does not, without more, establish that she is earning a sufficient and sustainable income to meet her needs. The amount being earned, the regularity of such earnings, and the true financial position of the revisionist remained entirely unascertained.

2. Placing reliance on the binding directions issued by the Supreme Court in *Rajnesh v. Neha* (2020 SCC Online SC 903), the Court reaffirmed that before a family court can correctly assess and decide a claim for maintenance, the total income of both parties must be brought on record through proper documentation, such as income tax returns, pay slips, or any other reliable evidence of earnings. Only upon such a complete and fair assessment of the financial position of both the husband and the wife can an appropriate and just order on maintenance be passed. In the present case, the Family Court had taken note of the opposite party's employment with the Nagar Palika, but had left the revisionist's income entirely unquantified, rendering the order unsustainable in law.
3. The Court also took note of the broader principle that a husband who is gainfully employed and draws a regular income carries a duty to provide for his wife, and that matrimonial discord between the parties does not by itself extinguish or dilute that obligation. The revisionist had not claimed in her petition that she was incapable of earning at all, but the absence of such a specific averment could not become a reason to deny her a fair hearing on the question of maintenance without a proper inquiry into the financial circumstances of both sides.

Conclusion:

The High Court allowed the revision and set aside the order dated 10 March 2025 passed by the Additional Principal Judge, Family Court No. 2, Bareilly. The matter was remitted back to the Family Court with a clear direction to pass a fresh order on the maintenance application in accordance with law, after properly placing on record

and duly assessing the income of both parties, in keeping with the directions laid down by the Supreme Court in *Rajnish v. Neha*.

4. Dhruv Kapoor v. Alka Yadav, 2025 SCC OnLine Del 9239

Court: High Court of Delhi

Coram: Dr. Swarana Kanta Sharma, J.

Date: 10 December 2025

📌 **Relevance:** The Delhi High Court held that stridhan, inherited property, and gifts received by a wife from her parents or relatives cannot be treated as a source of income so as to defeat her claim for maintenance. A wife's educational qualifications or notional earning potential does not, by itself, disentitle her from seeking interim maintenance under the Protection of Women from Domestic Violence Act, 2005. What is relevant is her actual earning capacity and ability to sustain herself in a manner commensurate with the standard of living she enjoyed during the subsistence of her marriage. The financial position of a wife's natal family is entirely immaterial to the determination of maintenance.

Facts:

The parties had been united in matrimony on 3 December 2018 at the Grand Hotel, Vasant Kunj, New Delhi, in accordance with Hindu rites and ceremonies. After a few days of coming together in matrimony, disputes began to arise between them. The respondent-wife alleged that throughout the course of their matrimonial life she was subjected to continuous physical, verbal, emotional, sexual, and economic mistreatment at the hands of the petitioner-husband and his family members. She further alleged that the petitioner, who was given to alcohol, had repeatedly assaulted her and had even attempted to set her hand on fire, leaving a permanent scar.

Jewellery worth approximately Rs. 20 lakhs belonging to her was taken away by him and remained unlawfully withheld. The parties had initially resided in a high-end farmhouse at a monthly rent of Rs. 1,25,000 and subsequently in premium residential accommodation at Vasant Kunj.

The respondent-wife filed a complaint under Section 12 of the Protection of Women from Domestic Violence Act, 2005 before the Mahila Court, Patiala House Courts, Delhi. The Trial Court, by an order dated 20 July 2024, awarded interim maintenance of Rs. 50,000 per month to the respondent-wife under Section 23 of the PWDV Act, recording that the petitioner-husband had concealed his income from the court and that his plea of having nil income was not plausible, given the financial transactions evident from his bank statements and his own income tax returns for the assessment year 2019-20 reflecting a gross income of Rs. 9,12,586. An appeal preferred by the petitioner-husband before the Sessions Court was dismissed by an order dated 8 January 2025. Aggrieved, the petitioner-husband approached the Delhi High Court by way of a criminal revision petition, contending that the respondent-wife was herself financially well-placed and was not entitled to any maintenance.

Issues:

1. Whether stridhan, inherited property, or gifts received by a wife from her parents or relatives can be treated as a source of income for the purpose of defeating her claim for maintenance?
2. Whether the educational qualifications or notional earning potential of a wife, without evidence of actual and stable employment, is sufficient to disentitle her from claiming interim maintenance?

Ratio Decidendi:

The High Court dismissed the revision petition with the following reasoning.

1. **On stridhan and inherited assets not constituting income:** The Court held unequivocally that stridhan, inherited property, and gifts received by a woman from her parents or relatives cannot be construed as a source of income for the purpose of assessing her claim for maintenance. The petitioner-husband's attempt to rely upon the wife's family background, her inherited assets, and the financial standing of her natal family to contend that she was not entitled to maintenance was found to be legally untenable. Drawing upon the Supreme Court's pronouncement in *Manish Jain v. Akanksha Jain (2017) 15 SCC 801*, the Court reaffirmed that the financial position of the parents of a wife claiming maintenance is entirely immaterial to the determination of the quantum of maintenance. What matters is the wife's present earning capacity and her ability to sustain herself in the standard of living she was accustomed to during her marriage.
2. **On educational qualifications and notional earning capacity:** The Court firmly rejected the petitioner-husband's contention that the respondent-wife, being educated and holding BA, MA, and Bed degrees, was disentitled to maintenance. Relying on the Supreme Court's directions in *Rajnesh v. Neha (2021) 2 SCC 324*, the Court held that the mere fact that a wife is educated or has some source of income does not, by itself, bar her from seeking maintenance. The critical question is whether her actual income, if any, is sufficient to enable her to maintain herself in a manner commensurate with the standard of living she enjoyed in her matrimonial home. A theoretical or

notional capacity to earn cannot serve as a substitute for real financial independence. The Court also reiterated that an able-bodied husband is presumed capable of earning sufficiently to maintain his dependents, and the burden lies on him to place credible material before the court to demonstrate a genuine inability to discharge this obligation.

3. **On the husband's concealment of income:** The Court took a dim view of the petitioner-husband's claim of nil income, finding it wholly implausible in light of the material on record. His bank statements revealed recurring transactions with entities such as ONE97 Communications and Grip Investment Mitcoin. His own income tax return for the assessment year 2019-20 disclosed a gross income of Rs. 9,12,586. Photographs on record depicted him leading a lifestyle of comfort and luxury entirely inconsistent with the financial hardship he claimed. The Court observed that while adjudicating maintenance, the court is entitled to consider not only the husband's declared income but also earnings and profits derived from any family business in which he holds a share or interest, including dividends, profits, and other financial benefits accruing from such enterprises. Drawing support from a coordinate bench decision in *Smt. Sumedha Bhardwaj v. Shri Jagdeep Bhardwaj* (2007), the Court noted that declarations of income in tax records may not always be a fair index of a businessman's actual earnings, and the court is required to take a comprehensive view.
4. **On the standard of maintenance:** The Court reaffirmed that maintenance is not to be determined by arithmetic precision but by ensuring that the dependent spouse can live with reasonable comfort consistent with the status

enjoyed during the marriage. The standard of living enjoyed during matrimony, the social status of the parties, and the paying capacity of the husband are all relevant considerations, while isolated transactions, maturity of fixed deposits, and sale of inherited assets do not establish a regular or recurring source of income on the part of the wife.

Conclusion:

The Delhi High Court dismissed the revision petition and upheld the award of interim maintenance of Rs. 50,000 per month in favour of the respondent-wife, finding the quantum to be reasonable, just, and commensurate with her needs and the petitioner's financial capacity. The Court clarified that the said amount would include any expenses towards the respondent-wife's residence as well. It was further clarified that the observations made in the revision were confined to the interim stage and would not prejudice the merits of the proceedings pending before the Trial Court, which would be decided independently on the basis of evidence led by the parties.

DOWRY DEATH



Dowry Death

5. State of U.P. v. Ajmal Beg, 2025 SCC OnLine SC 2801

Court: Supreme Court of India

Coram: Sanjay Karol and N. Kotishwar Singh, JJ.

Date: 15 December, 2025

✦ **Relevance:** The Supreme Court restored the conviction of the accused under Sections 498-A and 304-B IPC and Sections 3 and 4 of the Dowry Prohibition Act, 1961, setting aside an acquittal by the Allahabad High Court that was founded on fallacious reasoning and an improper appreciation of evidence. The Court held that inconsistencies in witness testimony do not warrant wholesale rejection of evidence, particularly where the core prosecution case regarding dowry demand and harassment remains unshaken. The judgment also issues important systemic directions for the eradication of dowry, including curriculum reform, activation of Dowry Prohibition Officers, sensitisation training for police and judicial officers, and grassroot awareness programmes.

Facts:

A young woman named Nasrin, barely twenty years of age, had come together in matrimony with Ajmal Beg just over a year before the tragic events that robbed her of her life. From the time she entered her matrimonial home, her husband Ajmal, his mother Jamila Beg, and other family members persistently demanded from her and her father, Taslim Beg (PW1), a coloured television set, a motorcycle, and a sum of Rs. 15,000 in cash. Her father, a man of modest means, repeatedly expressed his

inability to fulfil these demands, knowing that he also carried the responsibility of arranging the marriages of his other daughters.

On 4 June 2001, Ajmal visited her parental home and reiterated his demands yet again. The very next day, on 5 June 2001, Nasrin was assaulted by Ajmal, Jamila, and others, who threatened that she would be killed if the demands were not met. When she cried out for help, two persons, including PW2 Khaliq Beg, her maternal uncle, reached the spot, only to find that the accused had already set her ablaze by pouring kerosene oil. By the time help arrived, she could not be saved. One hundred percent of her body surface had been consumed by the flames, and the post-mortem confirmed that she had departed this world on account of asphyxia and shock caused by extreme burns. An FIR was lodged and, upon completion of investigation, the matter was placed for trial.

The Additional Sessions Judge, Bijnor, convicted Ajmal and Jamila under Section 304-B and Section 498-A IPC and Sections 3 and 4 of the Dowry Prohibition Act, 1961, sentencing Ajmal to life imprisonment for the dowry death. The Allahabad High Court, however, set aside this conviction and acquitted both accused, doubting the reliability of the prosecution witnesses and reasoning, among other things, that since the accused were poor, they could not have made such demands as they would have been unable to maintain the articles demanded. The State of Uttar Pradesh carried the matter in appeal before the Supreme Court.

Issues:

1. Whether the High Court was justified in acquitting the accused by doubting the testimony of prosecution witnesses on grounds that were inconsistent, speculative, and contrary to the weight of evidence on record?

2. Whether the essential ingredients of Section 304-B IPC, including the requirement of cruelty or harassment in connection with a demand for dowry "soon before her death," were established on the facts of the case so as to attract the presumption under Section 113-B of the Indian Evidence Act, 1872?
3. Whether minor inconsistencies and contradictions in the testimony of witnesses are sufficient to discard the entire prosecution case, particularly where the core facts remain unshaken?

Ratio Decidendi:

The Supreme Court, speaking through Sanjay Karol J., allowed the State's appeal and restored the conviction with the following reasoning.

1. On the essential ingredients of Section 304-B and the presumption under Section 113-B: The Court reaffirmed the well-settled ingredients of dowry death under Section 304-B IPC, as crystallised in *Pawan Kumar v. State of Haryana* (1998) 3 SCC 309, namely that the passing away of the woman must have been caused by burns or bodily injury or occurred otherwise than under normal circumstances, within seven years of her coming together in matrimony, and that soon before her departure from this world she had been subjected to cruelty or harassment by her husband or his relatives in connection with a demand for dowry. The Court held that all these ingredients were clearly made out on the evidence before it. The demand for the specific articles of dowry had been consistently deposed to by all witnesses and had been reiterated by Ajmal himself just one day before Nasrin's passing away. This squarely satisfied the expression "soon before her death" as explained in

Ashok Kumar v. State of Haryana (2010) 12 SCC 350, which requires a reasonable nexus between the dowry-related cruelty and the passing away of the woman, without restricting the phrase to any narrow or mathematical timeframe. Once this was established, the presumption under Section 113-B of the Indian Evidence Act stood attracted, and since the accused led no evidence whatsoever in rebuttal, the presumption went wholly unrebutted.

2. On the High Court's errors in appreciating evidence: The Court found the High Court's reasoning to be fundamentally flawed on multiple counts. First, the High Court had disbelieved PW2 on the ground that his account was inconsistent with certain aspects of PW1's testimony. The Supreme Court disagreed, observing that PW2 had at no point claimed to be an eyewitness to the act of setting the deceased ablaze, and the contradiction between his account and PW1's understanding of his role as an eyewitness was not a material contradiction that could displace the core value of his testimony. The High Court had also doubted PW2 because he had shared a particular incident of harassment by Nasrin's matrimonial family with the deceased before her passing away, and this incident had not been mentioned by her parents in their testimonies. The Supreme Court held that PW2's testimony on this point had not been shaken in cross-examination, and it was entirely understandable, in a humane sense, that PW2 might have chosen to withhold that additional piece of information from an already grieving family.
3. Second, the Court strongly disapproved of the High Court's reasoning that because Ajmal and his family were poor, they could not have made such demands since they would have been unable to maintain the articles

demanded. This reasoning, the Court observed, simply did not appeal to reason and had no basis in law or in the reality of how dowry demands operate in society.

4. Third, the High Court had placed undue weight on the single statement of PW6, the deceased's mother, that her daughter lived happily in her matrimonial home. The Supreme Court found that this statement was an outlier on the record, wholly inconsistent with the rest of the evidence, including the mother's own testimony on the demand for dowry. The Court reiterated the principle from *Sohrab v. State of M.P.* (1972) 3 SCC 751 that the doctrine of *falsus in uno falsus in omnibus* is not a sound rule of evidence, and that merely because a witness's testimony contains some inconsistencies does not mean the entire body of that witness's evidence must be discarded. The court must sift the evidence carefully and accept what withstands scrutiny.
5. Fourth, the High Court had reasoned that since there was no demand of dowry prior to the marriage, post-marriage demands were difficult to accept. The Supreme Court rejected this reasoning as legally incorrect, pointing out that Section 2 of the Dowry Prohibition Act, 1961 expressly covers demands made at any time, whether before, at, or after the marriage. The demand for a colour television, a motorcycle, and Rs. 15,000 in cash unquestionably constituted dowry within the meaning of the statute.
6. On humanitarian considerations in sentencing: While restoring the conviction of Jamila, the Court took note of the fact that she was 94 years of age at the time of the hearing. Reflecting on the humanitarian dimensions of sentencing

elderly convicts, the Court observed that incarcerating a person of such advanced age, with severe physical frailty and likely medical dependency, would implicate and compromise the dignity protected under law. Accordingly, while affirming the conviction, the Court refrained from sending her to prison, directed Ajmal to surrender within four weeks to serve the sentence awarded by the Trial Court.

7. On systemic directions for eradication of dowry: The Court took the opportunity to reflect at some length on the deep-rooted and persistent nature of the dowry evil in Indian society, tracing its historical origins, its cross-religious dimensions, and its tension with the constitutional values of equality and dignity. Citing NCRB data, the Court noted that while dowry deaths had shown a modest declining trend between 2019 and 2023, the numbers remained deeply concerning, and the implementation of the Dowry Prohibition Act, 1961 continued to suffer from well-known infirmities. Noting that the present case had taken twenty-four years from the time of the incident to its final resolution, the Court issued five important systemic directions, covering educational curriculum reform to instil values of gender equality among the younger generation, activation and publicising of Dowry Prohibition Officers in every State, periodic sensitisation training for police officials and judicial officers to better appreciate the social and psychological dimensions of dowry cases, a call on High Courts to take stock of the pendency of cases under Sections 304-B and 498-A IPC and ensure their expeditious disposal, and grassroot awareness programmes through District Administration and District Legal Services Authorities in collaboration with

civil society organisations, to reach those who remain outside the formal education system.

Conclusion:

The Supreme Court allowed the State's appeals and set aside the High Court's judgment of acquittal. The conviction of both Ajmal and Jamila by the Trial Court was restored. Ajmal was directed to surrender before the concerned court within four weeks to serve his sentence of life imprisonment under Section 304-B IPC, together with the sentences under Section 498-A IPC and Sections 3 and 4 of the Dowry Prohibition Act, 1961. In view of Jamila's advanced age of 94 years and the humanitarian considerations that such a circumstance attracts, the Court restored her conviction but refrained from directing her incarceration. The judgment also called upon States and the Union Government to take concrete steps towards eradicating the dowry evil through education, enforcement, and sustained grassroots engagement, with a compliance hearing scheduled after four weeks.