



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

Date of reserving Judgment: 9<sup>th</sup> October, 2025

Date of decision: 6<sup>th</sup> February, 2026

**IN THE MATTER OF:**

+ CRL.A. 131/2002

STATE NCT OF DELHI

.....Appellant

Through: Mr. Aashneet Singh, APP for the  
State.

versus

SANJEEV TANEJA & ANR

.....Respondents

Through: Mr. Puneet Ahluwalia, Advocate.

**CORAM:**

**HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD**

**HON'BLE MR. JUSTICE VIMAL KUMAR YADAV**

**JUDGMENT**

**VIMAL KUMAR YADAV, J.**

1. “Where words are scarce, they are seldom spent in vain,  
For they breathe truth that breathe their words in pain.”

William Shakeshpere.

2. Keeping that dictum in forefront, the prosecution assails the judgement, handed down by the Trial Court, claiming that it suffers from illegality since proper attention was not given to the tongue of the dying lady, namely, Jyoti Taneja. Torture and grief, suffered by her at the hands of her husband and sister-in-law, portrayed in the suicide note Ex. PW8/B, led her to end her life. Her versions could not draw attention of the Trial Court



and miscarriage of justice took place, claims the prosecution, in the appeal under consideration.

3. Shorn of unnecessary details, the facts of the controversy are that on 09<sup>th</sup> December, 1990, Jyoti Taneja was taken to Mool Chand Hospital, where she was declared brought dead. There was a ligature mark around her neck. The MLC was prepared and police was informed. Shri Jagdish Chander Vohra, the father of the deceased lodged a report with police of Police Station Lajpat Nagar, which culminated into an FIR for offences punishable under Section 498-A and 304-B of the Indian Penal Code (hereinafter referred to as the Code). Investigation was taken up. During the course of investigation, a suicide note of the deceased was recovered from her matrimonial home, besides a Diary. Investigation resulted into a charge sheet against her husband, namely, Sanjeev Taneja and sister-in-law, namely, Chand Bala.

4. On case being committed, a charge for offences punishable under Section 498-A and 304-B of the Code was framed by the Trial Court, which was denied by the Respondents, herein the appeal. To bring guilt home, prosecution examined 17 witnesses in the case. Versha Vohra (PW-4), Satish Kumar Vohra (PW-5), Sudershan Vohra (PW-7), Jagdish Chander Vohra (PW-12) and Rajni Mathania (PW-8) were examined to prove facts. Dr. Manoj (PW-3) prepared MLC and Dr. D.N. Bhardwaj (PW-2) proved report of post-mortem, conducted on the dead body. Shri N.K. Aggarwal (PW-16) proved his opinion on questioned document. Sunanda Sahni (PW-1) and Rajni Kapoor (PW-6) were examined on formal facts. ASI M.A. Khan (PW-10), Ct. Narinder Kumar (PW-11), HC Jagat Singh (PW-13), HC Raj Singh (PW-14) remained associated in the investigation



and proved those facts. Insp. Mange Ram (PW-15), Insp. Devender Singh (PW-9) prepared rough as well as scaled site plan of the scene of the crime and L/ASI Kinkara (PW-17) conducted investigation of the case and proved those facts.

5. When opportunity was given to the Respondents to explain circumstances appearing in the evidence against them, they denied all the allegations. It was claimed that suicide note was not in the hand writing of the deceased. Aspersions were cast on her character. It was not explained as to why she committed suicide.

6. Anil Kumar (DW-1) was examined to prove illness of Respondent, Chand Bala, as well as the fact that the deceased used to stroll with various persons, which conduct was objected to by her husband.

7. On hearing the parties, the Respondents were acquitted of the charges framed against them in Sessions Case No. 36/1997, in respect of case FIR No. 463/90 registered at Police Station Lajpat Nagar, vide judgement dated 11-06-1998, which has been assailed in the present appeal.

8. Parties were heard over the matter. A claim has been made on behalf of the State that the Trial Court failed to appreciate testimonies of PW-4, PW-7 and PW-12, who unfolded the events of harassment by the Respondents perpetuated against the deceased, since dowry in her marriage was not given to their satisfaction. Though there was ample evidence of dowry death being committed by the Respondents, the Trial Court discarded the same in an inappropriate manner and pronounced an order of acquittal. The Respondents attempted to dispel the submissions, so made, and stood by the findings, recorded by the Trial Court.



9. In order to establish an offence of dowry death, the prosecution is under an obligation to establish following ingredients:

- i. Death of a woman.
- ii. Death occurred within seven years from the date of her marriage.
- iii. Death was caused by any burn or bodily injury or it occurred otherwise than under normal circumstances.
- iv. It was shown that soon before her death she was subjected to cruelty or harassment by her husband or any of his relative.
- v. Such harassment was in connection with any dowry demand.

10. Whether these ingredients were established in the case? To ascertain it, facts are required to be scanned. Versha Vohra (PW-4) unfolds that Jyoti met her death, after about six-seven months of her marriage. Sudershan Vohra (PW-7) deposes that Jyoti expired on 9<sup>th</sup> December. Rajni Mathania (PW-8) testified that Jyoti expired in the year 1990. Jagdish Chander Vohra (PW-12) announced that on 09.12.1990, they reached Mool Chand Hospital, on an information given by Police and came to know that Jyoti was brought dead in the hospital. Dr. Manoj (PW-3) declares that on 09.12.1990 Jyoti was brought dead in the hospital. Dr. D.N. Bhardwaj (PW-2) proved autopsy report as Ex. PW2/A, conducted on the dead body on 10.12.1990. In report Ex. PW2/A name of the deceased has been mentioned as Jayanti Taneja wife of Sanjeev Taneja. It seems that inadvertently name of the deceased was mentioned as Jayanti instead of Jyoti. This slip, in recoding the name of the deceased, no where brings any infirmity, since Dr. Manoj, who handled her in Mool Chand Hospital, records her correct name as Jyoti Taneja wife of Sanjeev.



11. From the facts testified by aforesaid witnesses, it came over the record that Jyoti Taneja met her death on 09.12.1990. L/ASI Kinkara brings it to the light that when she reached the mortuary, she was left there by SI Shiv Narayan (since deceased) to safeguard dead body of Jyoti. Thus, facts testified by L/ASI give corroboration to the facts deposed by the above witnesses. Even otherwise in their statements, recorded under section 313 of the Code of Criminal Procedure, 1973, (in short Cr.P.C.) the Respondents nowhere dispute the death of Jyoti, occurred on 09.12.1990. Thus, it is crystal clear that Jyoti met her death on 09.12.1990.

12. Versha Vohra (PW-4) deposed that Jyoti was married to Sanjeev Taneja on 03.04.1990 and expired after about six-seven months of her marriage on 09.12.1990. Satish Kumar Vohra (PW-5) testified that Jyoti was married to Sanjeev Kumar about 6-7 years ago (the witness came to depose on 22.05.1997). Thus, it is evident that the marriage between the deceased Jyoti Taneja with Appellant Sanjeev Taneja took place on 03.04.1990 as deposed by Versha Vohra (PW-4). Sudershan Vohra (PW-7) gives confirmation to the facts deposed by Versha Vohra (PW-4), relating to date of marriage of Jyoti. Testimonies of Versha Vohra, Rajni Mathania and Jagdish Chander Vohra support, supplement and corroborate each other's testimony qua the date of marriage and death of the victim Jyoti Taneja. Thus, from the facts, deposed by the above witnesses, it came to light that Jyoti was married to Sanjeev Taneja on 03.04.1990 and met with her death on 09.12.1990. These facts were, incidentally, not disputed by the Respondents in their statements recorded under section 313 Cr.P.C. Hence it is concluded that prosecution could prove that Jyoti died within a period of seven years from the date of her marriage.



13. Dr. Manoj examined Jyoti Taneja in Mool Chand Hospital at 09:45 a.m. on 09.12.1990. He deposed that ligature mark two inch wide and approximate six inch long, extending from right side to left side of neck, was there on her body. The MLC Ex. PW3/A was prepared by him detailing that her pupils were dilated and not reacting. No respiratory movement was there. She was brought dead in the hospital. He advised that body be packed and sent to mortuary for post-mortem examination.

14. Dr. D.N. Bhardwaj proved autopsy report Ex. PW2/A, wherein it is mentioned that ligature mark of diameter of 31 cm, incomplete on back, was found on the dead body. He opined that the death was caused by asphyxia, as a result of hanging. Out of the facts, testified by these two Doctors/witnesses, it emerges that Jyoti Taneja committed suicide by hanging herself. Her death occurred otherwise than normal circumstances.

15. Before we proceed to find out as to whether other ingredients of dowry death have been brought over the record, the findings recorded by the Trial Court stare at us. It would be expedient to deal with those findings and to find out as to whether the claim made by the prosecution, in this appeal, is real one. The first and foremost conclusion drawn by the Trial Court is that the statements made by Versha Vohra, Satish Kumar Vohra, Sudershan Vohra and Jagdish Chander Vohra are vague and general in nature and contradictory to each other, hence it would be unsafe to rely over them.

16. To record that finding the Trial Court opines that in ordinary course of nature one would always try to bring the incident of harassment of his daughter by her in laws to the notice of the relatives or shall lodge a complaint with the police. To his utter dismay, neither a complaint was lodged nor anyone from the neighbourhood was brought in the witness box.



This opinion, however, is required to be tested and evaluated on the scale of ordinary human behaviour. When a newly-wed daughter of someone is harassed by her husband and in laws for dowry, the parents try to meet the dowry demand to make life of their daughter easy and comfortable at her matrimonial home. By lodging a report with the police, possibility of ruining the relations cannot be ruled out. All efforts are made to soothe the emotions of husband and in laws, to settle the newly-wed daughter in her matrimonial home amicably. For a considerable time, such situations are kept within the confines of the four walls of the home and four valves of the heart, to avoid being ridiculed in the society. Relations are only informed when situation goes out of control. At a first blush, such situations are concealed from even the near and dear ones.

17. Any harassment to a newly-wed daughter-in-law for dowry is kept inside the four walls of the house. A high pitch of voice is avoided and neighbours are kept at a bay from such situations. In civic society of this metropolis city, wear and tear in the relations are out of bounds for the neighbourhood. The opinion of the Trial Court, to the effect that the neighbours were the best person to depose about harassment and cruelty meted out to Jyoti Taneja, is farther from truth. We find his opinion in this regard too far away from the ground reality.

18. Trial Court noted down a few of discrepancies in the deposition of parents and sister-in-law (Bhabhi) of the deceased and concluded that their depositions are unworthy of credence. It is noted that Versha Vohra admits that the deceased had not complained to her about the behaviour of her husband and sister-in-law, albeit she visited her parental home barely one week prior to her death, but did not divulge any fact about the dowry



demand raised. She further deposed that two days after the visit of Jyoti, her mother-in-law had informed that Jyoti asked her as to whether VCR and Sofa has been arranged.

19. Whether non-disclosure of dowry demands before Versha Vohra on her last visit, by deceased can be treated as any abnormality in the behaviour of Jyoti Taneja? Answer lies in negative. Versha Vohra has deposed in bold words that besides sofa, a VCR too was demanded by her sister-in-law, as disclosed by Jyoti Vohra. She also announces that these demands were raised 3-4 times by the Respondents. Thus, through the deposition of Versha Vohra, it has been brought over the record that various items in dowry were demanded by the Respondent time and again from Jyoti Taneja. She made a complaint about those facts to her sister-in-law. When such facts were divulged many a times before Versha Vohra, therefore, in such circumstances non-narration of those very demands, before her, no where makes the conduct of Jyoti Taneja abnormal. Furthermore, newly-wed daughters normally confide in their mothers instead of their sisters-in-law (Bhabhi).

20. Sudershan Vohra speaks on that aspect, saying that instead of her father Jyoti used to share facts with her. Deposition of Versha Vohra to the effect that two days after last visit of Jyoti, Sudershan Vohra, the mother of the deceased, told Versha Vohra, the sisters-in-law (Bhabhi) that Jyoti enquired as to whether VCR and sofa has been arranged. If such a conversation took place between Sudershan Vohra and her daughter, neither a discrepancy can be noted out of it nor such fact goes out of context nor it takes away the depositions away from truth. The Trial Court has gone wrong when he termed such facts discrepant to each other.





21. Satish Vohra, the brother of deceased, does not have ability to estimate time intervals, when he speaks that Jyoti Taneja lived well at her matrimonial home for a period of one year. It is an admitted fact that she met her death after about 08 months of her marriage. In such a situation his deposition on the above fact make us to comment that this witness has no time perception relating to the time intervals between the two important aspects of life. Even otherwise, this witness could not speak anything about the complaints made by Jyoti Taneja in respect of dowry demands raised by the Respondents. His testimony nowhere leads the prosecution to its destination and was rightly discarded from consideration by the Trial Court.

22. The other discrepancy noted by the Trial Court is relating to the amount of Rs. 5,000/- demanded in cash by the Respondents. The Trial Court records that on this count Sudershan Vohra deposes that an amount of Rs. 5,000/- was demanded by the Respondents in lieu of VCR, whereas Jagdish Chander Vohra claims that Sanjeev Taneja demanded cash for sofa. The Trial Court also takes note of the fact that Sudershan Vohra deposed that on 02.12.1990, the deceased came and demanded a sum of Rs. 20,000/-. Trial Court was much baffled by the fact that no other witness speaks about the demand of money, referred above. Demand in cash, raised by the Respondents, as complained by Jyoti Taneja nowhere contradicts the fact when Sanjeev Taneja makes a demand of cash before his father-in-law. Furthermore, demand of Rs. 20,000/- by Jyoti Taneja one week prior to her death nowhere discards the factum of demands, so raised at other occasions. We could not comprehend as to how it was a case of discrepancy in the testimony, as noted down by the Trial Court.



23. Factum of Jyoti Taneja and Sanjeev Taneja were dating each other, prior to the marriage, has no relevance to the present controversy. It does not make any difference that Jagdish Chander Vohra was not aware of such an intimacy between them, while other witnesses candidly speak of it. This fact cannot espouse the cause of the either party, prosecution or the defence.

24. Emphasis was laid by the Trial Court on the improvement made by Versha Vohra from the facts stated by her before the police in statement Ex.PW4/DA, recorded under section 161 Cr.P.C. He finds that in her statement Ex. PW4/DA, Versha nowhere speaks about the demand of VCR raised by Chand Bala, while before the Court she testified that such a demand was made by her. Question for consideration would be as to whether role of Chand Bala in commission of crime has been improved upon? In statement before the Court, she testified that as and when Jyoti visited her parental home, she complained about the harassment meted out to her by her husband and sister-in-law. Thus, role of Chand Bala in commission of crime has been crystalised by the witness in the above testimony, which is without any embellishment or improvement. Above improvement, as highlighted by the Trial Court seems to have come over the record on account of cognitive function of the mind of the witness. As we are aware, a witness perceives the facts, which he recollects and thereafter articulates the same into words, when called upon to testify about those facts. Unconscious motives may enter into process of perception. Marshall, J. (Law and Psychology in Conflict. Indianapolis; Bobbs Merrill, 1966 at Pp. 227) concludes that the witnesses' memories were a function of the circumstances of the interrogation as well as their personal characteristics. When a witness is called upon to recollect fact than his/her sense of justice



makes him/her to convert certain event into facts, which according to him/her are the justice of the case. This human process brings into a few discrepancies in the deposition of a witness. A discrepancy, which is on mere matters of details, is to be discarded. Since the discrepancy, highlighted by the Trial Court, relates to the role of Respondent Chand Bala, which has already been crystalised in her testimony, happens to be on mere matter of details. No weight can be given to this discrepancy, which may tilt the scale of justice in favour of the Respondents.

25. Events relating to recovery of diary Ex. P5 were found to be unbelievable by the Trial Court, since Const. Narender Kumar deposes that diary Ex. P5 and letter Ex. PW8/A were recovered in his presence. The reasons for the conclusion are that this witness claims to have joined the investigation on 10.12.1990 while the diary Ex. P5 was seized vide memo Ex. PW12/B on 09.12.1990. Furthermore, the Trial Court took note of the fact that Jagdish Chander Vohra claims to have witnessed the recovery of diary Ex. P5, at the instance of Respondent Sanjeev Taneja from his house on 09.12.1990. Suicide note Ex. PW8/B, recorded in that diary, was recovered on 09.12.1990 at the instance of Sanjeev Taneja, while his disclosure statement Ex. PW11/C was recorded on 10.12.1990. The Trial Court concluded that when suicide note was recovered on 09.12.1990, it remained unexplained as to why Sanjeev Taneja was not arrested on that date.

26. To ascertain as to whether diary Ex. P5 was recovered in the presence of Const. Narender Kumar, we have scanned his testimony, contents of seizure memo Ex. PW11/C, testimony of Jagdish Chander Vohra, Rajni Mathania and L/ASI Kinkara. As testified by L/ASI Kinkara, Shiv Narayan



has left for his heavenly abode and she identified his signatures on seizure memo Ex. PW11/C. Ex. PW11/C portrays that one Dau (offensive equipment), two pieces of clothes checkered, one piece of dupatta of white colour, one other piece of dupatta of white colour, having three knots, besides borders cut and one plastic chair were seized on 10.12.1990. This document has been witnessed by Const. Narender Kumar and Const. Jai Pal Singh. There is no mention of seizure of diary Ex. P5 and suicide note Ex. PW8/B in this document. Const. Narender Kumar deposes that on 10.12.1990 he went to house No. C-51, Lajpat Nagar, along with SI Shiv Narayan. Accused Sanjeev Taneja made a disclosure statement Ex. PW11/A which bears his signature at point A. He pointed out towards the place where he kept Dau and pieces of dupatta, memo in respect of that fact was prepared which is Ex. PW11/B. The said memo also bears his signatures. Ex. PW11/A and Ex. PW11/B purported to have been prepared on 10.12.1990. Thus, facts testified by this witness bring it over the record that he joined investigation on 10.12.1990 and on that very date memos Ex. PW11/A, Ex. PW11/B and Ex. PW11/C were prepared by SI Shiv Narayan, whose signatures have been identified on these documents by L/ASI Kinkara. Out of the facts, narrated above, it emerges that Const. Narender Kumar has witnessed recovery of articles mentioned in Ex. PW11/C.

27. Jagdish Chander Vohra testified that on 09.12.1990 police seized diary Ex. P5, containing suicide note Ex. PW8/B, vide memo Ex. PW12/B, which bears his signature at point-A. L/ASI Kinkara reaffirms these facts when she identified diary Ex. P5 to be the same, seized vide memo Ex. PW12/B, which bears her signature at point-B. She declares that Ex. PW12/B is written in the hand of SI Shiv Narayan. When scanned Ex.



PW12/B highlights that it was recorded on 09.12.1990 by SI Shiv Narayan and witnessed by Jagdish Chander Vohra and L/ASI Kinkara. Contents of this document bring it to light that an old diary of the year 1989 was recovered from the bed, lying underneath the pillow from house No. C-51, Lajpat Nagar, New Delhi. Pages of that diary were given serial No. 1 to 182. On pages 180-181 suicide note and some beautification notes from page 29 to 38 were written. This document was neither prepared on 10.12.1990 nor witnessed by Const. Narender Kumar. Hence, it stands crystalised that diary Ex. P5 containing the suicide note Ex. PW8/B, was not recovered in presence of Const. Narender Kumar, who joined investigation a day after recovery of the diary and suicide note i.e. on 10.12.1990.

28. Const. Narender Kumar speaks of recovery of diary Ex. P5, along with letter Ex. PW8/A. He nowhere explains as to how diary Ex. P5 was recovered in his presence, along with letter Ex. PW8/A. Rajni Mathania (PW-8) deposed that letter Ex. PW8/A, written in the handwriting of Jyoti, was seized vide memo Ex. PW8/C, which bears her signature. The said letter was handed over to the police by J.C. Vohra in her presence. Ex. PW8/C was prepared by ACP R.D. Mittal, to whom the investigation was handed over at one point of time. He stood expired and HC Jagat Singh identified his signatures and hand writing on Ex. PW8/C. On scrutiny of Ex. PW8/C, it emerged that on 22.01.1991, this document was prepared when one Indian used Inland letter, addressed to Manju Sareen at Hing Ki Mandi, Agra, from J.C. Vohra, A-15, Amrit Puri, New Delhi was seized in the case. Thus, it stands crystalised that letter Ex. PW8/A was seized in the case on 22.01.1991 vide memo Ex. PW8/C. Const. Narender Kumar was not associated with the investigation when seizure memo Ex. PW8/C was



prepared. Surprisingly neither he joined investigation on 09.12.1990 nor on 22.01.1991, but he speaks that diary Ex. P5 and letter Ex. PW8/A are the same, which were recovered in the case. His testimony does not find confirmation from the facts testified by Rajni Mathania, HC Jagat Singh, Jagdish Chander Vohra and L/ASI Kinkara. His testimony, relating to recovery of diary Ex. P5 along with letter Ex. PW8/A, contradicts investigative steps taken in the case and does not confirm to tenets of veracity. Those events nowhere stand the litmus test of truthfulness. Therefore, that part of his testimony is brushed aside, being untrue.

29. Trial Judge went wrong when he relied on the false fact testified by Const. Narender Kumar, without ascertaining its veracity. The Trial Court also went wrong when he attempted to reconcile the facts testified by Rajni Mathania and Jagdish Chander Vohra with the false facts testified by Const. Narender Kumar. Seizure of letter Ex. PW8/A was effected after 45 days of recovery of diary Ex. P5. Confusion, brought over the record by false facts testified by Const. Narender Kumar, prevailed in the mind of the Trial Court, who tried to seek confirmation of those facts through the witnesses, who spoke on the events relating to recovery of diary Ex. P5 and letter Ex. PW8/A. By scrutinising the evidence, the Trial Court would have come out of the confusion, so created, but seems to have lost in the tinsel of falsehood brought by Const. Narender Kumar. The findings, so recorded, by the Trial Court could not constrain us any longer. The same are brushed aside.

30. Arrest of Sanjeev Taneja on 10.12.1990 was an issue for the Trial Judge. He noted that despite the fact that diary Ex. P-5, containing suicide note Ex. PW8/B, was recovered on 09.12.1990, arrest of Sanjeev Taneja, a day thereafter, was a circumstance, which remained unexplained. Another



aspect relating to disclosure statement Ex. PW11/A, made by Sanjeev Taneja also haunted him a lot. He treated these aspects as precursory to unfold the truth relating to alleged recovery of diary and suicide note on 09.12.1990.

31. As the facts unfold, diary Ex. P-5, containing suicide note Ex. PW8/B, was recovered on 09.12.1990. In diary Ex. P-5 “Home Remedies Notes” were recorded (running into 10 pages). The suicide note Ex. PW8/B also runs into two pages. The Investigating Officer ought to have taken some time to go through “Home Remedies Notes” to form an opinion about the contents written therein. Time taken by the Investigating Officer in taking other investigative steps, coupled with the time spent in reading the contents of the above notes, would have constrained him not to interrogate Sanjeev Taneja on 09.12.1990. When he could spare time, he interrogated Sanjeev Taneja and recorded his disclosure statement on 10.12.1990. Thereafter, he recovered objects described in seizure memo Ex. PW11/C. At that juncture, he could decide to effect his arrest. There is no abnormality in effecting his arrest on 10.12.1990 and recovery of diary Ex. P-5, containing suicide note Ex. PW8/B, on 09.12.1990. Anxiety of the Trial Court, on the above aspects, became an obstacle which impeded him to analyse the facts in the right direction. As such findings on those aspects are discarded.

32. Non-deposit of diary Ex. P-5, in Malkhana, by the Investigating Officer, also haunted the Trial Judge. He takes note of the fact that suicide note was deposited in the Malkhana on 12.12.1990, but the diary was not deposited there. Non-deposit of the diary in Malkhana made him apprehensive about the truth in the story of its recovery on 09.12.1990. An object, recovered or seized in a case, is to be deposited in the Malkhana for



its safe custody and/or its transmission to the FSL Authorities in intact condition. An object, which is not to be sent to the FSL authorities, is normally retained by the Investigating Officer along with the case file. For an example - a disclosure statement, seizure memo, arrest memo, site plan and personal search memo are such documents which are prepared in a case and are kept by the Investigating Officer in his file. In the same manner, diary Ex. P-5, which was not to be sent to FSL Authorities, was not deposited in the Malkhana and kept by the Investigating Officer in his file. By doing so, neither he violated the procedural rule nor acted in prejudicial manner to the defence.

33. Comparison of contents of disputed document - the suicide note Ex. PW8/B with the admitted writing - letter Ex. PW8/A and “Home Remedies Notes” recorded in diary Ex. P-5; by the handwriting expert was frowned upon by the Trial Court claiming that the letter Ex. PW8/A and Ex. PW12/C-1 to Ex. PW12/C-10 were not admitted by the accused person to be in writing of the deceased. He concluded that comparison by the handwriting expert of the contents of the suicide note Ex. PW8/B with the above admitted writings is of no help to the prosecution. He was of the opinion that the contents of “Home Remedies Notes”, proved as Ex. PW12/C-1 to Ex. PW12/C-10 cannot be said to be in the hand-writing of the deceased. He went on to announce that letter Ex. PW8/A was written by Jagdish Chander Vohra himself to his daughter Manju and not by the deceased.

34. For appreciation of above opinion, arrived by the Trial Court, it would be expedient to have a glance on the provisions of section 45 of the Evidence Act, which is reproduced thus:





“45. Opinions of experts - When the Court has to form an opinion upon a point of foreign law or of science, or art, or as to identity of handwriting, or finger impressions, the opinions upon that point of persons specially skilled in such foreign law, science or art, or in questions as to identity of handwriting, or finger impressions are relevant facts.

Such persons are called experts.

#### Illustrations

(a) The question is, whether the death of A was caused by poison. The opinions of experts as to the symptoms produced by the poison by which A is supposed to have died, are relevant.

(b) The question is, whether A, at the time of doing a certain act, was, by reason of unsoundness of mind, incapable of knowing the nature of the act, or that he was doing what was either wrong or contrary to law.

The opinions of experts upon the question whether the symptoms exhibited by A commonly show unsoundness of mind, and whether such unsoundness of mind usually renders persons incapable of knowing the nature of the acts which they do, or of knowing that what they do is either wrong or contrary to law, are relevant.

(c) The question is, whether a certain document was written by A. Another document is produced which is proved or admitted to have been written by A.

The opinions of experts on the question whether the two documents were written by the same person or by different persons, are relevant.



35. As the law presents, opinion of an expert on the question whether the questioned document was written by “A” and the other one, which is proved or admitted to have been written by “A” were written by the same person or by different persons, are relevant. The Trial Court was oblivious of the proposition that a document, produced and proved to be in the writing of the deceased, could be taken as the standard writing for comparison of the questioned document viz. the suicide note. He belaboured under mis-belief that answer sheets of Jyoti Taneja, available with the college authorities, were only her admitted writings, which can be used for comparison of the contents of the suicide note. Answer sheets, available with the college authorities, are the admitted writings, but cannot be said to be the sole writings, which may be used for comparison with the questioned document.

36. Rajni Mathania entered the witness box and testified that she is well conversant with the handwriting of the deceased, since she was her classmate in school. She deposed that letter Ex. PW8/A, Ex. PW8/B and copy Ex. X-1 are in the handwriting of Jyoti. She explains that letter Ex. PW8/B is at pages No. 180-181 of Ex. X-1. Ex. X-1 was inadvertently exhibited as Ex. P-5 in the testimony of Const. Narender Kumar and thereafter, it has been referred to as Ex. P-5 only. Jagdish Chander Vohra announces that writings in diary Ex. P-5 are in handwriting of his daughter. Suicide note Ex. PW8/B is written in diary Ex. P-5. He identifies her writing since he has seen her writing and signing. He narrates that writings Ex. PW12/C-1 to Ex. PW12/C-10, in diary Ex. P-5, are also in the handwriting of his daughter. Letter Ex. PW8/A is also in the handwriting of Jyoti, which letter was addressed by her to her sister Manju.



37. Ex. PW8/A is the letter addressed to Ms. Manju Sarin at house No. 6/214, Punjabi Gali, Hing Ki Mandi, Agra. Sender's name has been projected as J C Vohra resident of A-15, Amrit Puri, New Delhi. This letter bears the stamp of post-office at Agra, projecting that it was out for delivery on 08<sup>th</sup> July (08-07). It is an Inland letter. In the address "My dear sister Manju" has been mentioned. The Trial Judge opines that it was written by Jagdish Chander Vohra to his daughter. The Trial Court was not bothered to look into the contents of this letter. The contents of the letter reflect that, the sender details about their well-being and hopes that the receiver would be well along with her family. Contents of the letter are suggestive that the receiver was unwell and it was hoped that she had gained health. Mother remains apprehensive about the well-being of the receiver, it has been so mentioned therein. The sender addresses herself as Jyoti Vohra and sends her greeting to her brother-in-law (Jija) and other members of the family. Greetings were also sent on behalf of Versha (Bhabhi) and Sunita (Bhabhi). Had it been written by Jagdish Chander Vohra, why he would address his daughter as his sister? Why he would send greetings to his son-in-law addressing him as JiJa Ji (brother-in-law)? There was no point to refer Versha and Sunita as Bhabhi, had Jagdish Chander Vohra been the writer of this document. Contents of Ex. PW 8/A speak volumes about the gender of the writer. The writer was a lady and not a gentleman. Since the Trial Judge was in a hurry, he formed an opinion that this letter was written by J C Vohra only looking at the column where sender's address was mentioned. It is not unlikely that an unmarried daughter may mention the name of the sender, who happens to be the head of the family. Even otherwise, the recipient's as well as the sender's address are written by a person who has



no proper sense of size, width and height of English alphabets. Jagdish Chander Vohra was in the service of Central Government and is not expected of writing the recipient's and sender's address in such a shabby manner, as written on Ex. PW8/A. All these factors are suggestive that Ex. PW8/A was not written by Jagdish Chander Vohra, as opined by the Trial Court.

38. Ex. PW8/A was out for delivery on 08<sup>th</sup> July (08-07) from post office Agra. Jyoti was married on 03.04.1990 and died on 09.12.1990. In July 1990, there was no occasion for Jagdish Chander Vohra to write this letter, purporting to have been written by Jyoti to her sister. In case it was written after the death of Jyoti, how date of 08<sup>th</sup> July (08-07) appears in the stamp of the post-office, is incomprehensible.

39. The Trial Judge opted to discard the testimony of Rajni Mathania and Jagdish Chander Vohra, notwithstanding the fact that they were conversant with the writings of Jyoti Vohra, since they have seen her writing and signing. They deposed that letter Ex. PW8/A, suicide note Ex. PW8/B and "Home Remedies Notes" Ex. PW12/C-1 to Ex. PW12/C-10 in diary Ex. P-5 are in the handwriting of Jyoti. This specific and clear testimony of these two witnesses was not even considered by the Trial Court, when he went on to conclude that writing in Ex. PW8/B cannot be compared with the contents of Ex. PW8/A and Ex. PW12/C-1 to Ex. PW12/C-10, since the accused persons have not admitted these documents to be in the handwriting of Jyoti.

40. Ex. PW8/A and Ex. PW12/C-1 to Ex. PW12/C-10 were proved to be in the handwriting of Jyoti by the prosecution. Illustration "c" appended to Section 45 of the Evidence Act, makes it open for the prosecution to prove a document to be in the handwriting of Jyoti and then to be used as a standard



writing by the expert for comparison with the questioned document. Perusal of report Ex. PW16/A, proved by N.K. Aggarwal, project that questioned writings and admitted writings agree in their general writing characteristics such as movement, skill, alignment, slant, relative size, proportion of letters, spacing, position, abbreviation etc. In the report is it also mentioned that questioned and admitted writing also agree in their individual writing characteristics in execution of Hindi letters “Ka”, “Aa”, “Ba”, “Jha”, “La”, “Na”, “He”, “Da”, “Sa”, “Ta”, “Ra”, “Ma”, “Tha”, “Ja”, “Va”, “a”, “Chha” and “Cha” with the formation of its vertical staff, execution of its right body curve, right body continuation to the left body, lower body curve, nature of junction formation, hooked starts etc. in the questioned writing is similarly observed in the admitted writings. Manner of execution of figures “6”, “9”, “8” with the nature of curvature of its upper body and oval formation at the base, with the nature of start and lower body oval formation in anti-clock wise and formation of upper-body curve in clock wise direction with direction of finish as observed in the questioned writings is similarly observed in admitted writings. He found that no fundamental differences, but noted natural variations. Out of report Ex. PW16/A, it stands crystallized that contents of Ex. PW8/B were written by none else than the deceased, namely, Jyoti Taneja.

41. Substantive testimony of Rajni Mathania and Jagdish Chander Vohra, to the effect that Ex. PW8/B was in the handwriting of Jyoti Taneja is corroborated by the opinion evidence in report Ex. PW16/A. To be more precise, we have compared the contents of Ex. PW8/B with the contents of Ex. PW8/A and Ex. PW12/C-1 to Ex. PW12/C-10 and found Ex. PW8/B



was written by the very person who authored Ex. PW8/A and Ex. PW12/C-1 to Ex. PW12/C-10.

42. Versha Vohra, Rajni Kapoor and Sudershan Vohra deposed that Jyoti learned beautician course from Rajni Kapoor. No hue and cry was raised by the defence on this testimony. “Home Remedies Notes” Ex. PW12/C-1 to Ex. PW12/C-10, make it apparent that it contains only the ways and means to look beautiful, which only a beautician will note. Being a beautician, it was Jyoti Taneja and none else who noted these home remedy notes in diary Ex. P-5, recovered from the house, where deceased breathed her last. Therefore, there cannot be two opinions that Ex. PW12/C-1 to Ex. PW12/C-10 were written by Jyoti Taneja, which fact substantiate the opinion arrived at by us, while comparing the questioned document with the admitted one, using powers contained in section 73 of the Evidence Act.

43. The Trial Court finds a discrepancy occurring from the deposition of Jagdish Chander Vohra and L/ASI Kinkara when he reconciled the depositions with the contents of MLC Ex. PW3/A and autopsy report Ex. PW2/A. The discrepancy, as noted by the Trial Court, is that the above witnesses speak that there was an injury mark on the neck of the deceased, while the above documents negate it. Ex. PW3/A mentions injury – (i) ligature mark two inch wide and approximate six inch long, extending from right side to left side of neck, (ii) no other injury seen. Ex. PW2/A mentions antemortem injuries (ligature mark) of diameter of 31 cm, incomplete on back, was found on the dead body. Surprisingly, the Trial Court opted not to go through the contents of these two vital documents and announced that they do not mention any mark of injury on the neck of the deceased. This



opinion, expressed by the Trial Court, is contrary to the contents of the above documents - Ex. PW2/A and Ex. PW3/A.

44. Now we would turn to the facts of the controversy to ascertain as to whether the other ingredients of dowry death have been established or not. Versha Vohra brought it to the notice of the Court that after her marriage Jyoti used to tell that Sanjeev demands a sofa. Jyoti also told that besides sofa, a VCR is demanded. She narrated that her sister-in-law asked her to get a VCR from her parents. They (accused persons) have a colour TV and with the help of VCR, a side job could be done, emphasized her sister-in-law on Jyoti. This demand was made after a few days of the marriage and raised for 3-4 times. Sudershan Vohra claims that her daughter told her that her husband was indebted to an amount of Rs.80,000/-. She further told that her sister-in-law asked her to get a VCR so that they can manage two ends, since colour TV was there in their house. From these facts, it emerges that Jyoti was told that since there was a colour TV in the house and in case a VCR is brought by her than with the help of VCR and colour TV, a side business could be managed to meet two ends. Sudershan Vohra announces that on 2<sup>nd</sup> December, her daughter came and demanded a sum of Rs. 20,000/- from her. This demand was raised, since sister-in-law of Jyoti used to coax and curse her for not bringing dowry according to their status. Factum of demand of VCR and taunting Jyoti for bringing insufficient dowry gets confirmation from the events narrated by Jagdish Chander Vohra, who deposed that Sanjeev Taneja demanded a sofa set from him and in lieu of sofa, demanded cash money.

45. From facts, brought to the light by the aforesaid witnesses, it came over the record that soon after her marriage, Jyoti was taunted for bringing



insufficient dowry in marriage. A sofa set and a VCR were demanded. She went to her parental home and brought those facts to the notice of her mother, as she could confide in her. Above demands were repeated from time to time. Lastly a sum of Rs. 20,000/- was demanded from her.

46. Whether the demands, so raised, created circumstances before the lady to cause grave injury to her limbs or health? Many factors combine together to affect health of an individual. Health of an individual is determined by their circumstances and environment. To a large extent, factors such as where we live, state of our environment, our relations with friends and family have considerable impact on our health. Determinants of health include: (i) social and economic environment, (ii) physical environment, and (iii) person's individual characteristics and behaviour.

47. As testified by the witnesses, there was extreme poverty in the matrimonial home of Jyoti. Besides that, she was being nagged constantly by her husband and sister-in-law for not bringing sufficient dowry. A nagger would sound like those unbearable construction noise which we don't want to hear, but it still going on in the background and we cannot really do much about it. A constant nagging would not allow a person to think rationally; the information would pass through the part of the brain touching one's emotions. Nagging is a very disturbing activity for the one who is at receiving end. Constant nagging would make a person to develop a feeling of self-doubt, start feeling unworthy and not good enough because of what he/she has been hearing about himself/herself. When a nagger would be around him, he might zone out or find ways to get away from him.

48. Being a social creature, a person needs to be surrounded by people who can appreciate, motivate and respect. When that factor is missing in a





relationship, especially with someone close, that is when the person might start feeling low about himself, leading to self-esteem related issues spreading in different areas of life. Communication gap is amplified because there is no space in the existing pattern of communication to listen and act. The person nagged may feel frustrated, because it looks like a direct attack on him. The one who nags and the other nagged are functioning through their old triggers. It makes the nagged one to lose his/her self-esteem and mental health. It damages relationship, undermine credibility and fosters resentment. Constant nagging trains the nervous system into vicious cycle and may result in obsessive-compulsive disorder.

49. Therefore, it would be in the fitness of things to say that by constant nagging for bringing insufficient dowry and dowry demands, affected mental health of Jyoti. She was harassed with a view to coerce her or her parents to meet unlawful demand of dowry. Unfavourable circumstances, created before Jyoti Taneja not only resulted in her mental harassment, but drove her to commit suicide. These factors are sufficient to say that Jyoti Taneja was subjected to cruelty by her husband and her sister-in-law in connection with the demands of dowry.

50. “Soon before death”, in context of the provisions of Section 304-B of the Code, means a “proximate and live link” between harassment/cruelty and the death, not necessarily immediately before, allowing for a few days, weeks or a continuous chain of event leading to death, requiring a Court to judge proximity pragmatically based on facts of the case. Therefore, “soon before” is not fixed; it can mean immediately or over a period of days/weeks before death, but must show a continuous link between cruelty and death of the victim.



51. Versha Vohra narrates that after her marriage Jyoti used to tell her that Sanjeev was demanding a sofa. Besides sofa, her sister-in-law was asking her to bring a VCR, which demands were raised after a few days of marriage and repeated 3-4 times. Sudershan Vohra gives the other sequence of demand when she testified that the accused persons demanded sofa/VCR and cash in lieu of VCR two months prior to the death of Jyoti. On 2<sup>nd</sup> December, she came and demanded a sum of Rs. 20,000/-, decries Sudershan Vohra. Jagdish Chander Vohra tells the other facet of demand, narrating that his daughter told him that the accused persons had threatened her unless their demands are met they will not keep her in her matrimonial home. These events bring proximate and live link between the dowry demands and death of Jyoti Taneja. We have no hesitation in concluding that the prosecution could establish beyond doubt that Jyoti Taneja was treated with cruelty in connection of dowry demands soon before her death.

52. Suicide note Ex. PW8/B speaks volumes of cruel treatment suffered by the victim at the hands of the Respondents. She narrates therein that one more lady is sacrificed at the altar of dowry. It is declared therein that she was completely fed up with her life. She was taunted daily. She was married on 03<sup>rd</sup> April. Since the date of her marriage, her sister-in-law (Chand Bala) started taunting her. Her husband used to say that in case she would open her mouth, he will leave her at her parental home. She is B.Com and wanted to earn but her husband told her that in case she would step out of the house, he will not allow re-entry for her. One day she talked to Sunanda Aunty from Sanjeevni from phone No. 611918, but she cannot move out of the house alone.



53. Harassment, suffered by the lady, ooze out of Ex. PW8/B. It tells tale of her woe, which drove her to end her life. Adverse circumstances, created by the Respondents, drove Jyoti to commit suicide. It is a matter of common knowledge that truth sits upon the lips of a dying person and makes his/her last utterances worthy of credit. Nothing was brought over the record to suggest that Jyoti Taneja was frustrated with her life and decided to commit suicide and implicate the Respondents. The circumstances, surrounding her death, are sufficient to presume that Jyoti Taneja was abetted by the Respondents to commit suicide and they caused her dowry death, which presumption is available under Section 113-B of the Evidence Act, 1872.

54. The prosecution could prove all ingredients for offences of cruelty, punishable under Section 498A and of dowry death punishable under Section 304B of the Code against the Respondents beyond shadow of reasonable doubt. The judgement of acquittal of the Respondents, recorded by the Trial Court, is hereby set aside. The Respondents are held guilty and convicted for offences punishable under Section 498A and Section 304B of the Code.

55. Considering the age and health status of the Respondents coupled with aggravating factors of the offence, they are sentenced to undergo RI for a period of 2 years each and to pay fine of Rs. 20,000/- each for offence punishable under section 498A of the Code. In default of payment of fine, they shall undergo RI for a period of six months each. They are also sentenced to undergo RI for 10 years each for the offence of dowry death punishable under section 304B of the Code. The substantive sentences, awarded to them shall run concurrently.



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56. Period of detention, if any, undergone by them, during the course of investigation, inquiry or trial shall be set off.
57. The Respondents shall surrender forthwith before the Trial Court to undergo the sentence, awarded to them.
58. The appeal is, accordingly, accepted.
59. Let the copy of this judgment be transmitted to the Trial Court for necessary action.

**SUBRAMONIUM PRASAD, J**

**VIMAL KUMAR YADAV, J**

**FEBRUARY 06, 2026**

*akc/NY*