2026:AHC-LKO:54575-DB

**Neutral Citation No. - 2026:AHC-LKO:54575-DB**

**Reserved on 21.07.2026**
**Delivered on 07.08.2026**

**A.F.R.**

**HIGH COURT OF JUDICATURE AT ALLAHABAD**
**LUCKNOW**

**CRIMINAL APPEAL No. - 1594 of 2018**

Sandeep Singh Hora

…..Appellant(s)

Versus

State of U.P.

…..Respondent(s)

| | | |
|---|---|---|
| Counsel for Appellant(s) | : | Kapil Misra, Aishwarya Mishra, Arnnav Prakash Tikku, Rishad Murtaza, Shamshad Ahmad Khan |
| Counsel for Respondent(s) | : | Govt. Advocate, Amrendra Singh Somvanshi, Arun Saxena |

**Court No. - 11**

**HON'BLE ABDUL MOIN, J.**
**HON'BLE PRAMOD KUMAR SRIVASTAVA, J.**

1. The present appeal under Section 374 (2) of the Criminal Procedure Code has been preferred by the appellant-Sandeep Singh Hora against the judgment and order dated 23.07.2018 passed by the Additional District/Sessions Judge/Special Judge, (E.C. Act), Lucknow

in Sessions Trial No. 1385 of 2010: State Vs. Sandeep Singh Hora and others,-arising out of Case Crime No. 480/2010, under Sections 304-B, 498-A, 406 I.P.C. and Section ¾ Dowry Prohibition Act, Police Station Talkatora, District Lucknow, whereby accused-appellant Sundeep Singh Hora has been convicted under Section 304B I.P.C. for Life Imprisonment, under section 498A I.P.C. for three years simple Imprisonment with a fine of Rs. 10,000/- and in default of fine further undergo for the period of six months imprisonment, under Section 406 I.P.C. for three year simple imprisonment with a fine of Rs. 5,000/- and in default of fine further undergo for the period of two months imprisonment, under Section 3 of Dowry Prohibition Act for five years Simple Imprisonment with a fine of Rs. 15,000/- and in default of fine further undergo for the period of three months imprisonment and under Section 4 of Dowry Prohibition Act for one year Simple Imprisonment with a fine of Rs. 5,000/- and in default of fine further undergo for the period of three months imprisonment. All the sentences were directed to run concurrently.

2. Brief facts of the case is that informant Preet Pal Singh had solemnized marriage of his daughter Navpreet Kaur on 12.12.2009 with Sandeep Singh. At that time of marriage, the informant had given dowry according to his capacity, but after marriage husband of the deceased and other in-laws were not happy with that. They used to torture her and pressurized to bring more dowry. The informant always consoled him deceased daughter. It is also alleged that whenever informant's deceased daughter wanted to call, accused persons always resisted her. The informant made endeavor to settle the demand raised by the in-laws, but they did not agree. On 24.08.2010 informant's deceased daughter made several calls to informant and told him that accused persons are harassing her. The deceased also told that atrocities caused by in-laws and husband has increased. On this the informant consoled his deceased

daughter and stated that on next day he will come to her in-laws house and take her along with him. On 24/25.08.2010 at about 12.15 in the night Balveer Singh had informed the informant that deceased has died. The informant tried to confirm the said news, but no one picked his call.

3. On the basis of written Tahrir, FIR against the appellant-accused along with other co-accused has been lodged under Sections 498A, 304B, 406 and 411 of the IPC and Sections 3 and 4 of the Dowry Prohibition Act

4. After investigation into the case, the Investigating Officer submitted a charge-sheet under Sections 498A, 304B, 406, 411 I.P.C. and Section ¾ Dowry Prohibition Act against the appellant, his father Balvir Singh, his mother Manjeet Kaur and his sister Sonia @ Disha Chhugani.

5. After submission of charge-sheet before the Court of learned Magistrate the said case was committed to the Court of Session, wherein it was registered as S.T. No. 1385 of 2010. After committal, the trial Court framed charges against the accused persons under Sections 498A, 304 B and 406 of IPC and Sections 3 and 4 of the Dowry Prohibition Act and alternatively Section 302 of IPC from which the accused persons pleaded not guilty and claimed to be tried. Learned trial Court did not find sufficient material to frame the charge under Section 411 of the I.P.C.

6. In order to prove its case, the prosecution has adduced ocular evidence of the complainant PW-1 Preetpal Singh, PW-2 Smt. Rajendra Pal, PW-3 Shivendra Kumar Singh, PW-4 Head Constable Anil Kumar Awasthi, PW-5 Dr. Pramod Kumar, PW-6 Circle Officer B.S. Garviyal, PW-7 Veerendra Kumar, PW-8 Aleem Azahar.

7. In addition to the ocular evidence, the following documentary evidence was also adduced by the prosecution:

Exhibit Ka-1: Written Complaint / Application (Tehreer)

Exhibit Ka-2: Inquest Report (Panchnama)

Exhibit Ka-3: Details of expenses from engagement to farewell (Vidai)

Exhibit Ka-4: Wedding Card

Exhibit Ka-4A: Recovery Memo (Fard Kabja) of the deceased's dupatta, rakhi, etc.

Exhibit Ka-5: Wedding Card

Exhibit Ka-6: Post-Mortem Report

Exhibit Ka-7: Site Plan (Naksha-Nazri)

Exhibit Ka-8: Charge-Sheet

Exhibit Ka-9: Letter sent by the Field Unit to the Circle Officer dated 06.09.2010

Exhibit Ka-10: Chik FIR

Exhibit Ka-11: Specimen Seal (Namuna Mohar)

8. After the conclusion of the prosecution evidence, the statement of the accused/appellant was recorded under Section 313 of the Cr.P.C. The trial Court explained the incriminating evidence and circumstances to the appellant to which he denied and suggested that the deceased victim had wanted to marry some other boy, but had been compelled by her parents to marry the appellant and that she frequently used to talk with and exchange messages with that boy.

9. At the stage of defence, six witnesses were examined on behalf of the accused-appellant as DW-1 K.K. Pandey, DW-2 Madhu Balusu, DW-3 Prashant Mishra, DW-4 Lajwanti Chhugani, DW-5 Bhagwan Das Chhugani and DW-6 Jagmeer Singh.

10. Learned trial Court after hearing learned counsel for both the parties and appreciating the entire evidence oral as well as documentary, found the accused/appellant and two others guilty for the offence under Sections 304-B, 498-A, 406 I.P.C. and Section ¾ Dowry Prohibition Act and consequently they were punished accordingly, but they were acquitted from the alternative charge of Section 302 of I.P.C.

11. Feeling aggrieved and dissatisfied with the impugned judgment and order of conviction, the appellant has preferred the present appeal before this Court.

12. After arguing at some length, learned counsel appearing for the appellant submits that he does not intend to press this appeal on merits with regard to the conviction. He only wishes to press the appeal in respect of the quantum of sentence.

13. Learned counsel for the appellant further submits that for an offence under Section 304-B of the IPC, the minimum sentence provided is seven years, while the maximum sentence may extend to imprisonment for life; however, the extreme penalty of life imprisonment should not be awarded without assigning cogent reasons. He contends that in the impugned judgment and order dated 23.07.2018, the learned trial court did not assign a single reason for awarding a sentence of life imprisonment to the appellant. He next submits that the appellant has served the actual period of sentence 6 years 4 months and 19 days and with remission 7 years 5 months and 21 days. Within this interval and after passing of the judgment no adverse report regarding his antecedent/behaviour and conduct has been produced before the Court. Learned counsel for the appellant urged that the appellant has no previous criminal antecedent, therefore, considering the mitigating

circumstances and also considering the age of the appellant, aged about 40 years, he may be released on the ground of undergone sentence.

14. Learned counsel for the appellant has placed reliance on the judgment of Hon'ble Supreme Court passed in **Criminal Appeal No. 160 of 2006: G.V. Siddaramesh Vs. State of Karnataka** decided on 05.02.2010 **reported in (2010) 3 SCC 152**, **Hem Chand Vs. State of Haryana passed in Criminal Appeal No. 690 of 1994 decided on 06.10.1994 reported in 1994 (6) SCC 565.**

15. Per contra, learned counsel for the complainant and learned A.G.A. for the State vehemently argued that in the present case, a woman who was recently married was hanged within five to six months of her marriage. They further submit that the death of the deceased was caused by the appellant and other convicts due to the non-fulfillment of a demand for dowry, and the prosecution has adduced sufficient evidence to prove cruelty in connection with the demand for dowry, which continued until soon before her death. They further submit that this is a social evil where dowry death cases are increasing in number. The appellant is the husband of the deceased, who was primarily responsible for taking care of and looking after his wife, but unfortunately, he himself indulged in the commission of the offence. They also argued that the death of the deceased was unnatural and no plausible explanation has been offered by the appellant. They further submit that the trial court, after considering the entire facts, evidence, circumstances, and status of the accused as well as the victim's family, awarded the sentence of life imprisonment to the appellant, which is neither beyond jurisdiction nor against the law.

16. Learned A.G.A. has placed reliance on the judgment of Hon'ble Supreme Court passed in C**riminal Appeal Nos. 1381-1382 of 2017:**

**Madan Vs. State of U.P. decided on 09.11.2023 reported in (2023) 15 SCC 701.**

17. We have heard learned counsel for the parties and given the anxious consideration to the contentions advanced by both counsels.

18. Since this criminal appeal is pressed only on the aspect of quantum of sentence pertaining to the present appellant, hence we confine ourselves to considering only quantum of sentence awarded to the appellant-convict.

19. In so far as the quantum of sentence is concerned, on perusal of judgment and order dated 19.07.2018, it reveals that after having held guilty the appellant convict and two others, learned trial Court fixed the date of 21.07.2018 for hearing on the point of sentence, but learned trial Court heard learned counsels for both the parties on 23.07.2018 in respect of quantum of sentence, wherein learned counsel for the convict had submitted that convicted persons had given full cooperation during trial and they never fled from justice and they are the person who had given information to the family members of the deceased parents and two others convicts who are not the party of this present appeal are the senior citizens. On these grounds learned counsel urged to award them minimum punishment.

20. From the prosecution side it had been submitted that the complainant's daughter was killed by the appellant along with other convicts in her matrimonial home and the circumstances were entirely within the control of the convicts and they had committed a heinous offence, therefore, they should be awarded with maximum punishment.

21. Having heard the submissions of learned counsel for the parties, learned trial Court passed the sentences accordingly.

22. Since present appeal pertains only for the convict appellant-Sandeep Singh Hora, therefore, his order of punishment is quoted herein-below:

> "under section 498A I.P.C. for three years simple Imprisonment with a fine of Rs. 10,000/- and in default of fine further undergo for the period of six months imprisonment, under Section 406 I.P.C. for three year simple imprisonment with a fine of Rs. 5,000/- and in default of fine further undergo for the period of two months imprisonment, under Section 3 of Dowry Prohibition Act for five years Simple Imprisonment with a fine of Rs. 15,000/- and in default of fine further undergo for the period of three months imprisonment and under Section 4 of Dowry Prohibition Act for one year Simple Imprisonment with a fine of Rs. 5,000/- and in default of fine further undergo for the period of three months imprisonment "

23. Contention is raised by the learned counsel for the appellant that extreme penalty cannot awarded without assigning any reason for the offence under Section 304-B of the IPC.

24. We have moved ahead to consider the sentence awarded in the prospect of law envisaged in this regard. The provision given under Section 304-B of the I.P.C. reads as under:

> *"304B. Dowry death. -- (1) Where the death of a woman is caused by any burns or bodily injury or*

*occurs otherwise than under normal circumstances within seven years of her marriage and it is shown that soon before her death she was subjected to cruelty or harassment by her husband or any relative of her husband for, or in connection with, any demand for dowry, such death shall be called "dowry death", and such husband or relative shall be deemed to have caused her death.*

*Explanation. For the purposes of this sub-section, "dowry" shall have the same meaning as in section 2 of the Dowry Prohibition Act, 1961 (28 of 1961).*

*(2) Whoever commits dowry death shall be punished with imprisonment for a term which shall not be less than seven years but which may extend to imprisonment for life."*

25. In this regard Hon'ble Apex Court has held in **Madan Vs. State of U.P. (supra)** that for consideration of quantum of punishment, aggravating and mitigating circumstances must be taken. The relevant excerpt is as follows:

***Aggravating circumstances***

*(1) The offences relating to the commission of heinous crimes like murder, rape, armed dacoity, kidnapping, etc. by the accused with a prior record of conviction for capital felony or offences committed by the person having a substantial history of serious assaults and criminal convictions.*

*(2) The offence was committed while the offender was engaged in the commission of another serious offence.*

*(3) The offence was committed with the intention to create a fear psychosis in the public at large and was committed in a public place by a weapon or device which clearly could be hazardous to the life of more than one person.*

*(4) The offence of murder was committed for ransom or like offences to receive money or monetary benefits.*

*(5) Hired killings.*

*(6) The offence was committed outrageously for want only while involving inhumane treatment and torture to the victim.*

*(7) The offence was committed by a person while in lawful custody.*

*(8) The murder or the offence was committed to prevent a person lawfully carrying out his duty like arrest or custody in a place of lawful confinement of himself or another. For instance, murder is of a person who had acted in lawful discharge of his duty under Section 43CrPC.*

*(9) When the crime is enormous in proportion like making an attempt of murder of the entire family or members of a particular community.*

*(10) When the victim is innocent, helpless or a person relies upon the trust of relationship and social norms, like a child, helpless woman, a daughter or a niece staying with a father/uncle and is inflicted with the crime by such a trusted person.*

*(11) When murder is committed for a motive which evidences total depravity and meanness.*

*(12) When there is a cold-blooded murder without provocation.*

*(13) The crime is committed so brutally that it pricks or shocks not only the judicial conscience but even the conscience of the society.*

***Mitigating circumstances***

*(1) The manner and circumstances in and under which the offence was committed, for example, extreme mental or emotional disturbance or extreme provocation in contradistinction to all these situations in normal course.*
*(2) The age of the accused is a relevant consideration but not a determinative factor by itself.*
*(3) The chances of the accused of not indulging in commission of the crime again and the probability of the accused being reformed and rehabilitated.*
*(4) The condition of the accused shows that he was mentally defective and the defect impaired his capacity to appreciate the circumstances of his criminal conduct.*
*(5) The circumstances which, in normal course of life, would render such a behaviour possible and could have the effect of giving rise to mental imbalance in that given situation like persistent harassment or, in fact, leading to such a peak of human behaviour that, in the facts and circumstances of the case, the accused believed that he was morally justified in committing the offence.*
*(6) Where the court upon proper appreciation of evidence is of the view that the crime was not committed in a preordained manner and that the death resulted in the course of commission of another crime and that there was a possibility of it being construed as consequences to the commission of the primary crime.*

> *(7) Where it is absolutely unsafe to rely upon the testimony of a sole eyewitness though the prosecution has brought home the guilt of the accused.*

26. In view of the principle laid down by Hon'ble Apex Court and on perusal of the impugned judgment, we find that learned trial Court did not manage to strike any balance between aggravating and mitigating circumstances and those circumstances are not discussed in substantive manner.

27. In this regard in the case of **Hem Chand (supra)** Hon'ble Apex Court has laid down that

> *"7. Now coming to the question of sentence, it can be seen that Section 304-B I.P.C. lays down that*
>
> *"Whoever commits dowry death shall be punished with imprisonment for a term which shall not be less than seven years but which may extend to imprisonment for life."*
>
> *The point for consideration is whether the extreme punishment of imprisonment for life is warranted in the instant case, A reading of Section 304-B L.P.C, would show that when a question arises whether a person has committed the offence of dowry death of a woman that all that is necessary is it should be shown that soon before her unnatural death, which took place within seven years of the marriage, the deceased had been subjected, by such person, to cruelty or harassment for or in connection with demand for dowry. If that is shown then the court shall presume that such a person has caused the dowry death. It can therefore be seen that irrespective of the fact whether such person is directly responsible for the death of the deceased or not by virtue of the presumption, he is deemed to have committed the dowry death if there were such cruelty or harassment and that if*

*the unnatural death has occurred within seven years from the date of marriage. Likewise there is a presumption under Section 113-B of the Evidence Act as to the dowry death. It lays down that the court shall presume that the person who has subjected the deceased wife to cruelty before her death shall presume to have caused the dowry death if it is shown that before her death, such woman had been subjected, by the accused, to cruelty or harassment in connection with any demand for dowry. Practically this is the presumption that has been incorporated in Section 304-B I.P.C. also. It can therefore be seen that irrespective of the fact whether the accused has any direct connection With the death or not, he shall be presumed to have committed the dowry death provided the other requirements men-tioned above are satisfied. In the instant case no doubt the prosecution has proved that the deceased died an unnatural death namely due to strangulation, but there is no direct evidence connecting the accused. It is also important to note in this context that there is no charge under Section 302 I.P.C. The trial court also noted that there were two sets of medical evidence on the file in respect of the death of the deceased. Dr. Usha Rani, P.W. 6 and Dr. Indu Latit, P.W. 7 gave one opinion. According to them no injury was found on the dead body and that the same was highly decom-posed. On the other hand, Dr. Dalbir Singh, P.W. 13 who also examined the dead body and gave his opinion, deposed that he noticed some injuries at the time of re-post mortem examination. Therefore at the most it can be said that the prosecution proved that it was an unnatural death in which case also Section 304-B I.P.C. would be attracted. But this aspect has certainly to be taken into consideration in balancing the sentence to be*

*awarded to the accused. As a matter of fact, the trial court only found that the death was unnatural and the aspect of cruelty has been established and therefore the offences punishable under Sections 304-B and 201 1.P.C. have been established. The High Court in a very short judgment concluded that it was fully proved that the death of the deceased in her matrimonial home was a dowry death otherwise than in normal circumstances as a result of cruelty meted out to her and therefore an offence under Section 304-B I.P.C. was made out. Coming to the sentence the High Court pointed out that the accused-appellant was a police employee and instead of checking the crime he himself indulged therein and precipitated in it and that bride killing cases are on the increase and therefore a serious view has to be taken. As mentioned above Section 304-B I.P.C. only raises presumption and lays down that minimum sentence should be seven years but it may extend to imprisonment for life. Therefore awarding extreme punishment of imprisonment for life should be in rare cases and not in every case."*

28. This judgment was followed in the case of **G.V. Siddaramesh (supra)**, wherein the Hon'ble Apex Court, while allowing the appeal filed by the accused only on the question of sentence, altered the sentence from life term to 10 years on more or less similar facts, and held that in dowry death cases the extreme punishment of imprisonment for life may be awarded only in rare cases. Para 31 of the said judgment is reproduced as under:

*"31. In conclusion, we are satisfied that in the facts and circumstances of the case, the appellant was rightly convicted under section 304-B IPC. However,*

*his sentence of life imprisonment imposed by the courts below appears to us to be excessive. The appellant is a young man and has already undergone 6 years of imprisonment after being convicted by the Additional Sessions Judge and the High Court. We are of the view, in the facts and circumstances of the case, that a sentence of 10 years' rigorous imprisonment would meet the ends of justice. We, accordingly while confirming the conviction of the appellant under section 304-B IPC, reduce the sentence of imprisonment for life to 10 years' rigorous imprisonment. The other conviction and sentence passed against the appellant are confirmed."*

29. Taking note of the above view of the Hon'ble Apex Court with regard to awarding the punishment of extreme penalty, we find that reason for extreme penalty must be given. This is also substantiated by the provision under Section 354 (3) of the Cr.P.C., which is reproduced herein below:

*"354(3). When the conviction is for an offence punishable with death or, in the alternative, with imprisonment for life or imprisonment for a term of years, the judgment shall state the reasons for the sentence awarded, and, in the case of sentence of death, the special reasons for such sentence"*

30. In the case at hand the learned trial Court only found that death was unnatural and the aspect of cruelty has been established and therefore learned trial Court awarded the punishment of life imprisonment, keeping in view that it was a heinous offence. Thus from the above it is apparent that learned trial Court did not give any cogent

reason with regard to awarding a maximum punishment to the husband of the deceased/appellant.

31. Here it is also expedient to mention that although the death of the deceased was caused in the matrimonial home of the appellant, otherwise in normal circumstances as a result of cruelty meted out to her for demand of dowry, but it is notable that there is no direct evidence of the alleged crime to connect the accused. It can, therefore, be seen that irrespective of fact whether the accused has any direct connection with the death or not, he shall be presumed to have committed the dowry death, thus practically, this is a presumption that has been incorporated in Section 304-B of the IPC.

32. It is also noticeable that in the present case accused/appellant is in jail and he has served the actual period of sentence of 6 years 4 months and 19 days and with remission 7 years 5 months and 21 days. Within this interval and after passing of the judgment no adverse report regarding his antecedent/behaviour and conduct has been produced before the Court. Apart from this he is aged about 40 years as stated by learned counsel for the appellant, while the incident took place 16 years back.

33. After taking into account the law propounded by the Hon'ble Apex Court; considering that the present case does not fall in the category of "rare case" as envisaged by Hon'ble Apex Court, so as to award maximum sentence of life imprisonment, in view of the mitigating factors, evidences, circumstances of the case, we are of the opinion that a sentence of ten year's rigorous imprisonment would meet the ends of justice.

34. For the above said reasons, the appeal is **allowed in part.** We, accordingly while confirming the conviction of the accused appellant-Sandeep Singh Hora for offence punishable under Sections 304-B of I.P.C., alter the sentence from imprisonment for life to ten years rigorous imprisonment. Needless to add, the period already undergone by convict appellant shall be adjusted under Section 428 of the Cr.P.C./528 of BNSS, 2023.

35. The other conviction and sentences passed under Sections 498A, 406 of IPC and Section ¾ of Dowry Prohibition Act against the convict appellant-Sandeep Singh Hora are, however, confirmed.

36. Application(s) pending, if any, stands disposed of accordingly.

37. The appellant-convict Sandeep Singh Hora is in jail in the present case. A Copy of the judgment be sent to the trial Court as well as concerned Superintendent of Jail for compliance.

38. The record of trial Court be sent back. The Section shall comply immediately.

**(Pramod Kumar Srivastava,J.) (Abdul Moin,J.)**

**August 07, 2026**
**Arvind**

Digitally signed by :-
ARVIND KUMAR SRIVASTAVA
High Court of Judicature at Allahabad,
Lucknow Bench