

Apex Court On How To Interpret Section 304B Indian Penal Code, 1860

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In the recent Case Of Satbir Singh V. State Of Haryana [LL 2021 SC 260], division bench of Hon'ble Supreme Court Of India enumerated few guidelines to deal with S.304B IPC cases. Few Of them are:

- Section 304B IPC vis-à-vis Section 113B Indian Evidence Act: The Prosecution must at first establish the existence of the necessary ingredients for constituting an offence under section 304B IPC , once these ingredients are satisfied, then the rebuttable presumption provided u/s 113B of Indian Evidence Act operates against the accused.
- The Interpretation Of Phrase 'Soon Before' in Section 304B IPC: The Phrase 'Soon Before' as appearing in Section 304B IPC cannot be construed to mean 'immediately before'. 'Soon Before' is a relative term which is required to be considered under specific circumstances of each case. In relation to dowry deaths, the existence of cruelty or harassment to the deceased are not restricted to a particular instance but normally refer to a course of conduct. Such

Conduct may be spread over a period of time. Proximate and Live Link between the effect of cruelty based on dowry demand and the consequential death is required to be proved by the prosecution.

- Right Of Accused: The Court said that the usage of rebuttable presumption of causality u/s 113B Indian Evidence Act creates a greater responsibility on judges, defense and prosecution. They need to be extra careful during conducting trials relating to section 304B IPC. It ought to be noted that the examination of an accused u/s 313 CrPc cannot be treated as a mere procedural formality, as it is based on the fundamental principle of Fairness and it enables the accused to offer an explanation for the incriminating material appearing against him. The court must put incriminating circumstances before the accused and seek his response.

Hence, among the other few guidelines the Apex Court in the above case passed the above mentioned guidelines which impact the prosecution of Section 304B Cases.