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CASE COMMENT:- JAYAMMA VS STATE OF KARNATAKA (2021)¹

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1. FACTS

The case originated when a young, newly married woman, Lakshmiddevamma, supposedly committed suicide as a result of being assaulted and abused by her mother-in-law, Jayamma, and husband, Shivaraj. The deceased woman had been married to Shivaraj through an arranged marriage in 2013. She had brought a hefty dowry at the time of her wedding.

The prosecution alleged that her in-laws subjected her to more domestic pressure and assault for additional dowry inclusive of 50,000 cash and a television set. The deceased woman's family was witnesses to these allegations. The purported assault and abuse worsened with time. Lakshmiddevamma's family made efforts to fulfill their demands to the fullest. There was no police report or First Information Report filed when Lakshmiddevamma was alive.

Lakshmiddevamma was discovered to be comatose state in her own marital home on 27 October 2016. By the time she reached the hospital, she had passed away due to poison consumption, which was even confirmed in the post-mortem report. This called for a thorough inquiry. Her in-laws were thereby accused under S. 304B² of the Indian Penal Code (dowry death) with the presumption under Section 113B³ of the Indian Evidence Act being invoked. The woman died within 7 years of her marriage. It was suspected that Lakshmiddevamma was subjected to dowry-related cruelty just before her death.

¹ JAYAMMA V. STATE OF KARNATAKA, (2021) 6 SCC 213.

² INDIAN PENAL CODE, 1860, §.304 B, No. 45, ACTS OF PARLIAMENT, 1860 (INDIA).

³ INDIAN EVIDENCE ACT, 1872, §.113 B, No. 1, ACTS OF PARLIAMENT, 1872 (INDIA).

2. ISSUES RAISED

The issues raised in the case before the court are as follows:-

- a. Was the presumption under Section 113B⁴ of the Indian Evidence Act invoked appropriately by the trial and appellate courts due to the absence of any concrete evidence of abuse and harassment related to the dowry "soon before the death"?
- b. Could the appellant be convicted based upon the dying declaration made to her brother under S.32 (1)⁵ of the Indian Evidence? Could it be considered as a reliable, valid, appropriate evidence?
- c. Whether prosecution had adequately established the crucial elements of S. 304 B of the Indian Penal Code? Was the element of cruelty or harassment "soon before death" sufficient to shift the burden of proof to the accused?
- d. Whether the allegations made under S. 498A⁶ and S.304B⁷ of the Indian Penal Code and S.3⁸ & S.4⁹ of the Dowry Prohibition Act, 1961, made against Jayamma were legally sustainable?

3. CONTENTION

➤ Arguments by Appellant

- a. Absence of Particular Acts of Harassment "Soon Before Death"

Jayamma contended that the prosecution had failed to provide any credible or reliable evidence, which was one of the main essentials under S.304 B¹⁰ of IPC, 1860. The evidence from witness testimonies could not be directly linked to dowry demand or abuse, or any kind of harassment of the deceased.

- b. Declarations from interested witnesses, at times were, unsupported and unreliable

The counsel pointed out that these statements had been made by the deceased's family members, especially her father and mother. There could be a possibility that the statements made by these witnesses were emotionally involved without any knowledge of Jayamma's actions. These claims remained unsupported by independent or fair sources.

⁴ *Id.*

⁵ INDIAN EVIDENCE ACT, 1872, §.32, CL.1, NO. 1, ACTS OF PARLIAMENT, 1872 (INDIA).

⁶ INDIAN PENAL CODE, 1860, §.498 A, NO. 45, ACTS OF PARLIAMENT, 1860 (INDIA).

⁷ *SUPRA* NOTE 2.

⁸ DOWRY PROHIBITION ACT, 1961, §.3, NO. 28, ACTS OF PARLIAMENT, 1961 (INDIA).

⁹ DOWRY PROHIBITION ACT, 1961, §.4, NO. 28, ACTS OF PARLIAMENT, 1961 (INDIA).

¹⁰ *SUPRA* NOTE 2.

c. Oral Dying Declaration was Disputable

The oral dying declaration made by the deceased woman to her brother was highly disputable and could not be treated as concrete evidence. It was not even recorded in the presence of any police inspector, magistrate, or medical officer.

d. Presumption under Section 113B¹¹ of the Indian Evidence Act was improperly applied. It was claimed that the presumption under Section 113B¹² IEA, 1872 was erroneously invoked, with no substantial evidence to prove it. It could not be proved that the deceased woman was subjected to abuse "soon before her death."

e. Presumption of innocence was infringed

The principle of "in dubio pro reo"—that the benefit of doubt must go to the accused was infringed. There was an absence of crucial and concrete evidence that violated the appellant's right to have a fair trial.

➤ **Arguments by Respondent**

a. Presumption Legally Invoked

The State contended that all essentials under S.304 B IPC¹³ were fully satisfied. There was an unnatural death within 7 years of marriage, coupled with evidence of abuse and harassment regarding dowry. Hence, trial and High Court had invoked the presumption under Section 113B¹⁴ of the Indian Evidence Act. In the case of *State of Punjab v. Iqbal Singh*¹⁵ the presumption under S.113B¹⁶ IEA, 1872 is rebuttable and was not conclusive hence could be challenged in the court

b. Persistent abuse and harassment

¹¹ *SUPRA* NOTE 3.

¹² *Id.*

¹³ *SUPRA* NOTE 2.

¹⁴ *SUPRA* NOTE 3.

¹⁵ *STATE OF PUNJAB V. IQBAL SINGH*, (1991) 3 SCC 1.

¹⁶ *SUPRA* NOTE 3.

The prosecution claimed that the deceased woman's mother-in-law was constantly a part of harassment and abuse for demands for dowry, especially for 50,000/- cash and a television set. The testimonies given by the family were reliable, valid, and legitimate.

c. Death by poison was unnatural

Lakshmiddevamma's death due to poison consumption in her marital home within 7 years of marriage is quite suspicious. There is evidence that she was being harassed for dowry even after giving a reasonable amount at the time of marriage.

d. Oral Dying Declaration is Valid

It was claimed by the State that even though the declaration was not recorded, it could be used as a legitimate and valid piece of evidence.

4. RATIONALE

The legal framework regarding dowry death was meticulously scrutinized before deciding to acquit Jayamma of all the charges.

a. Essentials under S.304 B IPC¹⁷

The prerequisites reaffirmed by the court are:-

- A woman's death must occur under unnatural circumstances
- Such a death must occur within 7 years of marriage
- A woman must have endured harassment and cruelty
- The cruelty or abuse should be linked to the dowry demand
- The death must have taken place "soon before her death."
- With all the above essentials fulfilled, presumption under Section 113B¹⁸ of the Indian Evidence Act can be invoked. The case of *Kaliyaperumal v. State of Tamil Nadu*¹⁹ highlighted the essentials of S.304 B IPC²⁰ to be satisfied where it must be proved that the woman was harassed and treated with cruelty, 'soon before her death.'

¹⁷ *SUPRA* NOTE 2.

¹⁸ *SUPRA* NOTE 3.

¹⁹ *KALIYAPERUMAL V. STATE OF T.N.*, (2004) 9 SCC 157.

²⁰ *SUPRA* NOTE 2.

b. Absence of Concrete Evidence "Just Before Death"

There was no concrete, reliable source of proof stating that Jayamma was harassing her daughter-in-law over the demand for dowry. The mere co-existence of her at that place and death taking place within 7 years under unnatural circumstances cannot prove this.

c. Oral Dying Declaration Unreliable

The oral dying declaration was given by the deceased woman to her brother. It was not formally recorded by any of the authorities and could not be the sole evidence for convicting the accused. The reliability of this declaration could be contested.

d. Claims were Broad and Unverified

The witness statements did not involve any exact situation of harassment or abuse by Jayamma. Hence, the prosecution could not be completely relied upon.

e. Inability to meet the criteria of proof

The prosecution was unable to discharge the burden of proof upon the defence. It lacked the evidence beyond a reasonable doubt. Hence, the presumption under Section 113B of IEA, 1872 could not be invoked because of lack of evidence.

5. JUDGMENT

The trial court and Karnataka High Court convicted both Jayamma and Shivaraj under S. 498A²¹ (cruelty by husband or any of husband's relatives), S.304B IPC²², and S.3²³ & S.4²⁴ of the Dowry Prohibition Act, 1961. The court sentenced them to seven years rigorous imprisonment. The party therefore filed special leave petition in the Supreme Court.

The Supreme Court reversed the judgments of the High Court and the trial court, thereby acquitting Jayamma of all the charges. It was delivered on 7 May 2021 by a 3-judge bench. The reason for acquittal was that there was lack of evidence to prove that Jayamma had harassed or abused her own daughter-in-law for dowry demands 'soon before her death.'

²¹ *SUPRA* NOTE 6.

²² *SUPRA* NOTE 2.

²³ *SUPRA* NOTE 8.

²⁴ *SUPRA* NOTE 9.

Additionally, during the lifetime of Lakshmiddevamma, there was no First Information Report filed with regards to dowry harassment. The presumption under Section 113B²⁵ of the Indian Evidence Act could not be invoked only based upon the oral dying declaration. There was no concrete evidence to shift the burden of proof beyond a reasonable doubt. Hence, Supreme Court acquitted Jayamma of all the charges. It even held that the presumption under Section 113B²⁶ of the Indian Evidence Act, 1872 had been wrongly invoked.

6. INFERENCE

The fundamental principles of criminal law have been upheld by the Supreme Court. It could not be established by the prosecution that the deceased was undergoing harassment and torture '**soon before her death.**' The **oral dying declaration** presented by the prosecution further questioned the reliability of the statements provided by the prosecution witnesses. The court reiterated the principle of "**in dubio pro reo**,"—when in doubt, the benefit must go to the accused²⁷.

This Supreme Court judgment, has made it explicit that justice must never be compromised on the basis of presumption, particularly in cases where the evidence is ambiguous or non-existent.

²⁵ *SUPRA* NOTE 3.

²⁶ *ID.*

²⁷ YVETTE BORGES, JAYAMMA AND ANR VS. THE STATE OF KARNATAKA – CASE ANALYSIS, JUS CORPUS, (JUN 26, 2025, 1:21 PM), [JAYAMMA AND ANR VS. THE STATE OF KARNATAKA – CASE ANALYSIS - JUS CORPUS](#).