

Indian Penal Code, 1860 (45 of 1860), Section 304-B - “soon before” - The phrase “soon before” as appearing in Section 304-B, IPC cannot be construed to mean ‘immediately before’. The prosecution must establish existence of “proximate and live link” between the dowry death and cruelty or harassment for dowry demand by the husband or his relatives - Being a criminal statute, generally it is to be interpreted strictly - However, where strict interpretation leads to absurdity or goes against the spirit of legislation, the courts may in appropriate cases place reliance upon the genuine import of the words, taken in their usual sense to resolve such ambiguities - Considering the significance of such a legislation, a strict interpretation would defeat the very object for which it was enacted - Therefore, it is safe to deduce that when the legislature used the words, “soon before” they did not mean “immediately before” - Rather, they left its determination in the hands of the courts - The factum of cruelty or harassment differs from case to case. Even the spectrum of cruelty is quite varied, as it can range from physical, verbal or even emotional - This list is certainly not exhaustive - No straitjacket formulae can therefore be laid down by this Court to define what exacts the phrase “soon before” entails - Interpretation of statutes - Courts should use their discretion to determine if the period between the cruelty or harassment and the death of the victim would come within the term “soon before”. What is pivotal to the above determination, is the establishment of a “proximate and live link” between the cruelty and the consequential death of the victim - When the prosecution shows that ‘soon before her death such woman has been subjected by such person to cruelty or harassment for, or in connection with, any demand for dowry’, a presumption of causation arises against the accused under Section 113-B of the Evidence Act - Evidence Act , Section 113-B. *Kans Raj v. State of Punjab, (2000) 5 SCC 207, relied.*

[Satbir Singh v. State of Haryana - 2021 SCeJ 900](#)