



CRIMINAL

When The Fire Never Goes Out: Shankar V. State Of Rajasthan And The Conscience Of A Nation

<p>A dying woman's five answers. Fourteen years of litigation. One devastating question the Supreme Court left for us to answer. She was twenty years old. She had been married for barely a month. When the police officer arrived at the burn ward of MBSH Hospital, Kota, on October 15, 2012, Sugna Bai lay in Bed No. 3 [...]</p>

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A dying woman's five answers. Fourteen years of litigation. One devastating question the Supreme Court left for us to answer.

She was twenty years old. She had been married for barely a month. When the police officer arrived at the burn ward of MBSH Hospital, Kota, on October 15, 2012, Sugna Bai lay in Bed No. 3 with blisters across her face, hands, and entire body, the skin, she said, had torn away. She answered five questions. Then she pressed her thumb to the page. Four days later, she was dead.

On April 2, 2026, the Supreme Court of India dismissed the appeal of her husband Shankar, confirming his conviction for murder under Section 302 of the Indian Penal Code and his sentence of life imprisonment. The judgment is in its legal reasoning a careful and correct application of settled law. But it is in its postscript, a remarkable, rare judicial cry of anguish, that the case becomes something far larger than itself.

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I. The Five Questions That Convicted a Man

India's law of dying declarations rests on a venerable, and philosophically serious, premise: that a person standing at the threshold of death has no reason left to lie. The Supreme Court has long held that a dying declaration, if found consistent, believable, and untainted by coaching, can alone be sufficient to sustain a conviction. In *Shankar v. State of Rajasthan*, it was precisely this principle that sealed the appellant's fate.

The dying declaration, Exhibit P.20, was recorded by Additional Civil Judge Ajay Kumar Sharma in a question-and-answer format, after the duty doctor certified Sugna Bai's competence to speak. Its entirety reads as follows:

Dying Declaration, Exhibit P.20, recorded 15.10.2012, MBS Hospital, Kota

Question 1: Who did this to you? — My husband poured kerosene on me and set me on fire.

Question 2: When did you get burnt? — I was burnt in my rented room at 12 noon. Then my husband ran away.

Question 3: What was it about? — My husband drinks alcohol and suspects me. If I look at anyone else, he fights.

Question 4: Who came to save? — There is a tenant near our house, his wife saved me. I don't know the name.

Question 5: Who lives in the room? — My husband and I live here.

— Thumb impression of Sugna Bai, Exhibit P.20

The defence challenged this declaration on multiple fronts: the magistrate had not separately noted the deceased's mental fitness, the certification was on a "blank paper," and the parents had allegedly tutored her. The Supreme Court demolished each ground with measured precision. The magistrate's testimony never suggested the deceased was incapable of speaking. The doctor had examined her before certifying her condition. And the tutoring allegation was, in the Court's assessment, nothing but a bald assertion.

Two eyewitnesses had turned hostile, a fact that ordinarily might benefit the accused. But the Court observed that the consistency of the medical evidence with the dying declaration rendered their vacillation insignificant. The post-mortem and treating physicians both confirmed: she died of septicaemia from burns. The facts were not in doubt. Only the identity of the man who lit the match ever was, and Sugna Bai had answered that question from her hospital bed, skin peeling, dying.

Key Figures

~20 days of marriage before abuse began	14 years from offence to Supreme Court ruling	4.48 lakh+ crimes against women in India, 2023 (NCRB)
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II. A Timeline of Violence and the Law

- **September 2012:** Sugna Bai, 20, marries Shankar in a love marriage with parental consent.
- **15 October 2012, 12:30 pm:** Shankar, drunk, beats and strangles Sugna Bai, locks their room, pours kerosene and sets her alight. Neighbours extinguish the fire. Her parents call an ambulance.
- **15 October 2012, 5:20 pm:** FIR recorded in the burn ward under Sections 323 and 307 IPC. Sugna Bai gives her dying declaration the same evening, five questions, a thumbprint.
- **19 October 2012:** Sugna Bai dies of septicaemia from burns at MBSH Hospital, Kota. She was twenty years old.
- **10 December 2014:** Sessions Judge, Bundi convicts Shankar under Sections 302 and 342 IPC. Life imprisonment imposed.
- **20 August 2019:** Rajasthan High Court dismisses Criminal Appeal No. 65 of 2015. Conviction confirmed.
- **2 April 2026:** Supreme Court dismisses SLP (Crl.) No. 13899 of 2025. Shankar's concurrent conviction finally, irrevocably upheld.

III. The Postscript: A Court That Could Not Stay Silent

What makes this judgment extraordinary is not the conviction itself, that outcome was legally correct and, frankly, inevitable. What is extraordinary is what the Court did next.

Before parting with the matter, the Court paused. It surveyed sixty-four years of constitutional promise and legislative effort: the Dowry Prohibition Act of 1961, Section 498A IPC, the Protection of Women from Domestic Violence Act of 2005, the POSH Act of 2013, and the Vishaka guidelines. It recalled landmark decisions, *Shayara Bano* striking down triple talaq, *Joseph Shine* dismantling the adultery law, *Babita Puniya* opening permanent commission to women in the Indian Army, *Vineeta Sharma* recognising daughters as equal coparceners. And then, after all of that, the Court looked at the data.

"Over 4.48 lakh crimes against women were recorded in 2023. Dowry-related violence continues to claim over 6,000 lives annually, revealing the persistence of practices that have long been outlawed."

Progress, the Court observed, is real but paradoxical. Urban India has shifted, dual-income households are the norm, gender roles are no longer absolute. And yet, in the rural and semi-urban spaces where most Indians live, patriarchal authority within the home endures. A woman may earn a salary and still be expected to have dinner ready before leaving for work and again after returning. The law has changed. The belief system that sustains violence has not.

FROM THE COURT'S POSTSCRIPT — PARAGRAPHS 17–18

"Dowry is outlawed and has been for decades but the social legitimacy that sustains it is yet to be dismantled. Welfare schemes can incentivize education, but cannot alter long-held beliefs about women's roles within marriage and family."

"After decades of laws, schemes, reforms, and judicial recognition of equality across workplaces, homes, personal relationships, and even the armed forces, why does the control over women's bodies, choices, and lives still persist so deeply within society? Perhaps, the answer lies only with 'We, the People of India'."

IV. What the Law Can and Cannot Do

There is a lesson embedded in this judgment that every law student, every legislator, and every citizen ought to sit with: the law is a necessary but insufficient condition for social transformation.

India has, by almost any measure, one of the world's most comprehensive legal architectures for the protection of women. The criminal law addresses dowry, cruelty, domestic violence, workplace harassment, and stalking. Constitutional doctrine has been expanded repeatedly. Yet the National Commission for Women's complaint data for 2023, 2024, and 2025, cited by the Court directly, shows domestic violence as consistently among the most reported grievances. The gap between the law on paper and the reality on the ground is not a failure of drafting. It is a failure of culture.

This is not a new observation. But when it comes from the Supreme Court, in a judgment arising from the killing of a twenty-year-old woman who had been married for one month, it carries a weight that demands attention. Sugna Bai did not die because the law failed to prohibit what Shankar did. She died because a man believed, as millions of men in similar circumstances have believed, that her life was his to control and, if necessary, to destroy.

V. The Evidentiary Architecture: A Note for Practitioners

Beyond the moral dimensions of this case, the judgment restates several important evidentiary principles:

- **First:** the absence of a formal written endorsement on the dying declaration that the declarant was of “sound mind” is not fatal, provided the doctor’s certification exists and the magistrate’s testimony confirms her capacity.
- **Second:** where two independent bodies of evidence, a dying declaration and consistent medical testimony, corroborate each other, the turning hostile of eyewitnesses does not create a reasonable doubt sufficient to overturn conviction.
- **Third:** the scope of appellate interference in concurrent findings of conviction is narrow. This Court will intervene only for manifest error in law, misdirection in appreciating evidence, or complete neglect of crucial material. Where two courts below have independently examined the same evidence and reached the same conclusion, the threshold for the Supreme Court to disturb that finding is high.

VI. The Question Left Unanswered, and Left With Us

The final lines of this judgment are among the most candid ever written by an Indian court. The Bench does not pretend to have resolved the problem it has described. It does not offer a solution. It asks a question, and places the answer with the only constituency that can truly give it: the citizens of India.

Courts can convict. Courts can sentence. Courts can declare laws unconstitutional, expand rights, issue guidelines, and condemn practices. What courts cannot do is change the mind of a man who believes his wife’s life belongs to him. That work belongs to parents, to teachers, to neighbours, to community leaders, to every person who has ever stayed silent when they should have spoken.

Sugna Bai went home to make rotis. She was still cutting ladyfinger when her husband walked in drunk and locked the door. She screamed when he set her on fire. Neighbours came. Her parents called an ambulance. The system, eventually, worked: the FIR was recorded, the case was tried, the conviction was upheld twice before the Supreme Court confirmed it fourteen years later.

But she was still dead at twenty years old. And over six thousand women just like her will die this year, and next year, and the year after that, while the laws that protect them remain inert against the beliefs that kill them.

“After decades of laws, schemes, reforms, and judicial recognition of equality — why does the control over women’s bodies, choices, and lives still persist so deeply within society? Perhaps, the answer lies only with ‘We, the People of India’.”

References

[Shankar v. State of Rajasthan, Criminal Appeal No. \(@ SLP \(Crl.\) No. 13899 of 2025\), 2026 INSC 315. Decided April 2, 2026. Coram: Justice Sanjay Karol and Justice Nongmeikapam Kotiswar Singh.](#)

Provisions considered: Sections 302 and 342 IPC 1860; Section 32 Indian Evidence Act 1872 / Section 26 Bharatiya Sakshya Adhiniyam 2023; Section 313 CrPC 1973.

Cases referenced: Manjunath v. State of Karnataka (2023 SCC OnLine SC 1421); Shayara Bano v. Union of India (2017) 9 SCC 1; Joseph Shine v. Union of India (2018) 2 SCC 189; Babita Puniya (2020) 7 SCC 469; Vineeta Sharma (2020) 9 SCC 1; Arnesh Kumar v. State of Bihar (2014) 8 SCC 273; Shakti Vahini v. Union of India (2018) 7 SCC 192; and Shafin Jahan v. Asokan K.M (2018) 16 SCC 368.

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