

IN THE HIGH COURT OF DELHI AT NEW DELHI

+ Judgment delivered on January 15, 2010

CRL. A. No.76/2001

Smt. Har Devi and Ors. Appellants

Through : Mr. Anupam S. Sharma, Adv.

Versus

State of Delhi Respondent

Through : Mr. Lovkesh Sawhney, Adv.

CRL. A. No.87/2001

Ravinder Rana Appellant

Through : Mr. Anupam S. Sharma, Adv.

Versus

State of Delhi Respondent

Through : Mr. Lovkesh Sawhney, Adv.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

1. Whether reporters of local papers may be allowed to see the Judgment ? **YES**
2. To be referred to the Reporter or not? **YES**
3. Whether the Judgment should be reported in the Digest? **YES**

G.S. SISTANI, J.

1. Both the appeals have been filed under section 374 of the Code of Criminal Procedure, 1973 against the Judgment dated 30.01.2001 and Order on Sentence dated 31.01.2001, passed by the learned Additional Sessions Judge, Delhi in Session's case No. 22/1999, FIR No. 444/97, sections 498-A/304-B/34, Police Station Rohini of the Indian Penal Code, 1860 (hereinafter referred to as, the "IPC"). Both the appeals were heard together and are accordingly, being disposed of by this common judgment.
2. Vide Order on Sentence dated 31.01.2001 passed by the trial court, Ravinder Rana (appellant in CRL. A. No.87/2001) was sentenced to seven years R.I. under section 304-B IPC. Har Devi, Kuldeep Singh and Jagjeet Singh (appellants in CRL. A. No.76/2001) as well as Ravinder Rana were sentenced to two years of imprisonment under section 498-A IPC. A fine of Rs.1,000/- was also imposed upon each of them. In case of default in the payment of fine, appellants were directed to undergo simple imprisonment for a period of one month. In case of Ravinder Rana, the sentence was directed to run concurrently.
3. Brief facts of the case as noticed by the learned Sessions Judge are that Smt. Suman was married to Sh. Ravinder Rana on 08.07.1992. On 13/14.08.1997, Smt. Suman was found hanging with a ceiling fan and *chunni* was tied around her neck. When Sh. Hukam Chand Verma, (father of Smt. Suman) reached her house and found her to be dead, he dialed number 100 and informed the police officials. On such information, police arrived at the spot. Investigation was conducted and *challan* was filed against four persons namely Ravinder Rana (husband of Suman), Har Devi (mother-in-law), Jagjit Singh and Kuldeep Singh (brothers-in-law of Suman). Post-trial, all the four appellants were convicted by the learned trial court.
4. In support of its case, prosecution examined fourteen (14) witnesses. Statement of all the four appellants was recorded under section 313, Cr.P.C wherein they denied the allegations leveled against them.

Appellant, Ravinder Rana also got himself examined as a defence witness. It would be appropriate to analyse the evidence of the material witnesses.

5. Sh. Anupam Sharma, learned counsel for the appellants while impugning the judgment and order on conviction passed against the appellants submits that the judgment passed by the learned trial court is based on surmises and conjectures and that the trial court has failed to appreciate the facts of the case in light of the settled position of law.
6. Learned counsel for the appellants submits that the case of the prosecution cannot be believed inasmuch as, there was gross delay in lodging of the FIR (Ex. PW-7/B). He submits that it is the case of the prosecution that Hukum Chand Verma (PW-1) reached the spot at around 7:15 am and it was after about 15-20 minutes that the police arrived at the spot. Learned counsel submits that however, the statement of PW-1 was not recorded at that time and it was only after the post-mortem of the deceased, that the statement of PW-1 was recorded. It is submitted by learned counsel that it is the case of the prosecution that statement of PW1 was recorded at 1:00 p.m. and the FIR (Ex. PW-7/B) was registered at 4:30 p.m. Counsel submits that however no justifiable reason has been given for the delay of three and half hours in recording the FIR or statement and if in case the statement was recorded at 1:00 p.m., there was no reason to delay lodging of FIR. Further the corresponding entry i.e. DD no. 8A, vide which the FIR was registered, has not been proved nor any evidence has been produced by the prosecution regarding sending of the copy of FIR to senior officers including the concerned Magistrate.
7. Learned counsel for the appellants submits that in order to establish its case, the prosecution has examined Sh. Hukum Chand Verma (PW-1), Smt. Kamlesh (PW-2), Sh. Shamsheer Singh (PW-3) and Smt. Chander Kala (PW-4). However, they cannot be believed in view of the fact that a note (Ex. PW1/DA) written and signed by the deceased was found

wherein it was clearly stated that “nobody is responsible for my death”. The said note was opined by the Forensic Science Laboratory (FSL) to be in the handwriting of Suman (deceased) vide report Ex. PW14/A. Learned counsel for the appellants submits that the trial Court has convicted appellant, Ravinder Rana under section 304-B, IPC as well as 498-A, IPC. He submits that to bring a case within the fold of section 304-B IPC, the prosecution has to prove the following ingredients:

- i. that the death of a woman was caused by burn or bodily injury or otherwise than under natural circumstances.
- ii. that the death has taken place within 7 years of her marriage.
- iii. that the woman was subjected to cruelty or harassment by her husband or any relative of her husband in connection with any demand of dowry.
- iv. that the said cruelty and demand of dowry was meted out to her, soon before her death.

8. Learned counsel contends that, had the appellants tortured, harassed or maltreated the deceased, she would not have exonerated them and would have definitely mentioned the torture meted (if any) out to her, in the suicide note. Learned counsel submits that the deceased (Suman) had further mentioned in her suicide note that a loan of Rs.3,00,000/- (Rs. three lacs only) taken from her father as well as the jewellery, be returned to her father. Learned counsel submits that by no stretch of imagination, can a loan be equated with a demand of dowry. It is submitted by him that even if it is assumed that some money was taken by Ravinder Rana from his in-laws, so as to purchase a property, such a loan cannot be said to be covered under the provisions of section 2 of the Dowry Prohibition Act. In support of his contention, learned counsel relies upon the case of **Baskar Ramappa Madan & Ors. Vs. State of Karnataka** reported at 2009 (3) JCC 1622 (SC) and **Satbir Singh Vs. State of Punjab** reported at 2004 (2) JCC 274 (SC).
9. Learned counsel for the appellants further submits that the case of the prosecution with regard to demand of a car is baseless and without any foundation. The letters written by Suman dated 20.09.1993 (Ex.

PW1/C); dated 10.01.1994 (Ex. PW1/D) and her reply to the Deputy Commissioner of Police (DCP) dated 05.04.1994 (Ex. PW1/F) do not mention anything regarding the demand of a car, as alleged by the prosecution. It is submitted that the story of the demand of car was cooked up by the prosecution witnesses only with an ulterior motive to falsely implicate the appellants. Learned counsel submits that no complaint whatsoever, has ever been made by the deceased regarding any harassment or torture meted out to her by the in-laws, either to the police or any other authority.

10. Learned counsel for the appellants further contends that the statements of prosecution witnesses namely, Kamlesh (PW2) and Shamsheer Singh (PW3) were recorded on 19.08.1997, which is after a delay of 5 days. The statement of Chander Kala (PW4) was recorded after a delay of 32 days, although these witnesses met the police at the spot on the day of the incident and also the SDM at the mortuary. Learned counsel submits that the recording of the statements of prosecution witnesses was deliberately delayed so as to give time to the prosecution to fabricate a false case against the appellants. He submits that the prosecution witnesses are totally unreliable in view of the fact that their statement was recorded after undue and un-explained delay of days together. Learned counsel submits that since PW-2 and PW-4 had nothing against appellant Ravinder Rana, thus did not give any statement immediately after the incident and any statement made subsequently is nothing but a result of fabrication and due deliberations. It is submitted by the counsel that the statement of PW4 was only recorded after his bail application had been heard on 10.09.1999 and apparently the same was done so as to fill the lacunae in the case of the prosecution.

11. Learned counsel for appellant, Ravinder Rana submits that there are material discrepancies as well as improvements in the evidence led by prosecution witnesses and which go to the root of the matter. Learned counsel points out that Smt. Kamlesh (PW2) and Smt. Chander Kala

(PW4) have deposed before the Court that they became unconscious at the house of the deceased and did not go to the mortuary. However, Bhag Singh, SI (PW10) and Phulwari Singh, SI (PW12) have categorically stated that the mother, brother as well as the sisters of the deceased also accompanied the dead body to the mortuary. Even as per the brief facts (Ex. PW8/DA) recorded by the SDM at the mortuary, it is clearly established that parents of the deceased were present. Learned counsel also points out that Shamsheer Singh (PW3) in his statement before the SDM had said nothing about the demand of dowry or car and in his evidence before the Court he stated that SDM had asked him to restrict himself to the incident of 14.08.1997, which fact was categorically denied by Sh. Vinay Bhushan, SDM (PW8). Even otherwise it does not seem probable that the SDM would restrict the statement of PW-3. Learned counsel submits that the allegations of the prosecution witnesses that on the next date of marriage, Suman disclosed that a car was demanded and that she was taunted by her in-laws is apparently not true as neither this fact was mentioned in the FIR nor in the statement of any other witness. All the witnesses were confronted with the said contradiction. Further while PW-1 stated that this fact was told to him by Suman herself, PW-2 stated that Suman had instructed them not to disclose this fact to their father (PW-1). Furthermore, none of the prosecution witnesses have alleged that there was any demand of dowry at the time of marriage. The next allegation of PW-1 and PW-2 that after a few days, Suman came to her parental house as she had been harassed and beaten by the appellants, was not only confronted to the witnesses but PW-3 and PW-4 have not alleged any such incident against the appellants.

12. Learned counsel for the appellants further submits that when Suman had left the matrimonial home on two different occasions, it was Ravinder Rana who had filed applications (Ex. DW4/A dated 06.10.1993 and Ex. DW4/F dated 01.03.1994) before the DCP, seeking her return to

the matrimonial home. He submits that infact, on 17.09.1993, Ravinder Rana had been transferred to Vijaywada and Suman was taken away by PW1 on 26.09.1993 only to pressurize Ravinder Rana to live in AzadPur and to not go to Vijaywada. It was done at a time when the mother of Ravinder Rana was admitted in hospital for operation on 11.09.1993. It is argued that to pressurize Ravinder Rana further, PW1, admittedly got Suman transferred to a school in Ashok Vihar and it was only after Ravinder Rana had resigned from his job of Executive Officer in the 'Food and Vegetable Project', Mother Dairy and he started living separately from his parents, did Suman rejoin his company. Ravinder Rana as DW-4 has also proved the order (EX. DW-4/B) dated 17.09.1993 regarding his transfer to Vljaywada, his resignation letter (Ex. DW-4/D) and acceptance thereof. Ravinder Rana had thereafter filed application, Ex. DW4/A dated 06.10.1993 to the DCP and upon his advice Suman returned to the matrimonial home on 18.10.1993. Learned counsel for the appellants submits that in fact PW1 and PW2 denied any knowledge regarding the transfer or resignation by Ravinder Rana or that his mother was admitted in hospital. Sh. Anupam Sharma, counsel submits that it is very much apparent that the said witnesses were deliberately hiding these material facts, although the letter (Ex. PW1/C) allegedly written by Suman, clearly mentions this fact. Learned counsel for the appellants submits that there is very likelihood that letters Ex. PW1/C and Ex. PW1/D were infact fabricated subsequently only to create some evidence which the prosecution witnesses could only in case of need, and the same is evident from the fact that the friend to whom letter Ex. PW1/C was addressed by Suman, was not listed as a prosecution witness nor any verification of the genuineness of the seal affixed on letter, Ex. PW1/D was carried out. Learned counsel submits that if these letters were actually sent on the dates alleged, then there was no reason why their reference was not given at the time when Suman gave her reply (Ex. PW-1/f) dated 05.04.1994 to the application (Ex. PW-1/f) of

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Ravinder Rana to DCP, Ashok Vihar. Learned counsel for the appellants further submits that even if the letters examined by prosecution and allegedly written by deceased are admitted at their face value, the same do not advance the cause of the prosecution inasmuch as, the allegations levelled therein, do not make out a case against appellant, Ravinder Rana under section 498A, IPC. Even otherwise, the allegations were deemed to have been condoned by Suman when she joined the matrimonial home post conciliation.

13. It is next submitted that Suman had left her matrimonial home for the second time on 11.02.1994 along with her father as appellant, Ravinder Rana had not shifted to Azad Pur. However, it is PW1's own version that Ravinder Rana had brought Suman back to the matrimonial home. Ravinder Rana had also moved an application (Ex. DW-4/F) to DCP on 01.03.1994 and he had stated the actual reason as to why Suman had left the matrimonial home. The prosecution did not suggest to Ravinder Rana (DW4) that the averments made in Ex. PW1/E or Ex. PW4/F were wrong. Learned counsel for the appellants has also relied upon reply (Ex. PW1/F) dated 05.04.1994 filed by Suman, to the application of Ravinder Rana, and submits that it is nowhere stated that any car was ever demanded by the appellants or she was harassed in regard to the same. Learned counsel submits that the said reply clearly brings out that Suman was never harassed by her in-laws. Learned counsel further points out that it was appellant, Ravinder Rana who had filed an application (Ex. PW2/DJ) before the Legal Aid Cell for re-conciliation. Thus it is apparent that Ravinder Rana had tried his best to reconcile the matrimonial disputes.

14. Learned counsel for the appellants submits that the allegation levelled against appellant, Ravinder Rana that in March 1997, he had requested PW1 for arranging an accommodation near the school for which the entire payment of Rs. 3.25 lacs was made by PW1, was false and appellant, Ravinder Rana (DW4) has proved agreement to sell (Ex.

DW4/H), pertaining to the said property to which PW1 was a witness and showed that the flat was purchased not for Rs. 3.25 lacs but for Rs. 6.45 lacs. Ravinder Rana also proved documents Ex. PW4/J and Ex. PW4/L *inter alia* showing that all the money regarding the said flat was arranged by Ravinder Rana from his own sources. Learned counsel submits that prosecution has alleged that on 13.08.1997 (in the morning of 14.08.1997 Suman was found hanging) at around 8:30 p.m., Suman had made a telephone call to PW-1 and informed him that she had been beaten on that day as well and that her in-laws were demanding a car. It is submitted that it is an unnatural conduct on the part of PW-1, to not go to the house of his daughter, Suman immediately and to tell her that he would visit her the next day.

15. Counsel for the appellant submits that in view of the apparent and major contradictions in the statement of prosecution witnesses, no presumption can be drawn against appellant, Ravinder Rana under section 113-B of the Indian Evidence Act. He submits that the prosecution has been unable to prove that Suman was subjected to cruelty or harassment by her husband or any relative of her husband in connection with any demand of dowry, leave alone that the said cruelty and demand of dowry was meted out to her, soon before her death. Learned counsel submits that infact Ravinder Rana has stood up and narrated true facts before the Court. He has withstood incisive cross-examination and the prosecution was unable to dent his credibility. Ravinder Rana as DW-4 has categorically narrated the sequence of events immediately before the death of Suman, and as per which on 13.08.1997 Ravinder Rana had prepared khichri for Suman which she vomited and asked Ravinder to sleep in the drawing room. In the morning, when Ravinder Rana went to wake her up, he found her hanging with the ceiling fan. Therafter, Ravinder gave a telephonic call to his in-laws, who reached the spot. Counsel contended that appellant, Ravinder Rana had tried his level best to make Suman adjust to the

village atmosphere, and photographs Ex. PW-2/D, E, F, G and H with her husband and other relations are testimony to the fact that she was happy in her matrimonial home. However, all went in vain due to the constant interference of her parents. Learned counsel for the appellant submits that the prosecution has failed to prove the ingredients of section 498A, IPC and no case is made out against appellant, Ravinder Rana under section 498A, IPC much less under section 304B, IPC.

16. Sh. Anupam Sharma, while arguing on behalf of appellants Kuldeep Singh and Jagjeet Singh (appellants in CRL. A. No.76/2001; appellants are real brothers of Ravinder Rana, husband of the deceased) submits that while these two appellants were convicted under section 498A, IPC, no case is made out against them also. Learned counsel submits that the learned trial court failed to consider the fact that the deceased was residing with her husband in a joint family house, which was very large. He contends that one of the appellants (Sh. Kuldeep Singh) never jointly resided with the deceased and her husband inasmuch as, he was residing 15 kilometers away at Rani Bagh. Appellant, Sh. Jagjit Singh, although was residing in the same house, had a separate kitchen. It is also submitted that since brothers-in-law were staying separately, no benefit from the dowry could have been derived by them, they had no role to play in the day to day affairs of the house and they have thus been falsely implicated in this matter.
17. While relying upon the arguments advanced for and on behalf of appellant Ravinder Rana, Sh. Anupam Sharma (counsel) submits that there are no allegations of any demand of dowry or harassment meted out to the deceased by the appellants Kuldeep Singh and Jagjeet Singh, in the FIR (Ex. PW-1/A) or the brief facts (Ex. PW8/A) recorded by the SDM on the date of occurrence of the incident. Counsel points out that even in the statement (Ex. PW3/A) of Shamsheer Singh (PW-3) recorded after a delay of 5 days and Chander Kala (PW-4; Ex. PW4/A) recorded

after a delay of 32 days, no allegations have been levelled against the two appellants, Kuldeep Singh and Jagjeet Singh.

18. Sh. Anupam Sharma, arguing on behalf of appellants, Kuldeep Singh and Jagjeet Singh further submits that even in the letters allegedly written by Suman, dated 20.09.1993 (Ex. PW1/C) and dated 10.01.1994 (Ex. PW1/D), there are no allegations against the two appellants that they ever harassed the deceased. No role has been ascribed to them leave alone any specific incident of harassment having been related to them.
19. Learned counsel for the appellants (Ravinder Rana, Kuldeep Singh and Jagjeet Singh) further points out that both PW-1 and PW-2 have admitted in their cross-examination that Suman had received grievous injuries in an accident in March 1996. A tyre of a truck had passed over her and she had suffered multiple fractures. Suman received treatment for accidental injuries till July 1997 and the discharge slip (Ex. PW-1/DZ) from Hindu Rao Hospital is ample testimony to this fact. Learned counsel has relied upon a certified copy of a petition filed before MACT by Suman wherein she had given the correct and true position of the injuries suffered by her and submits that infact the medical papers (Ex. PW-2/DZ) pertaining to Suman were deliberately removed and found in the possession of PW-1. The same was done with an intention to hide the actual reason for the death of Suman. Learned counsel submits that PW-1 has himself admitted in his cross-examination that Suman was suffering from unbearable pain and that she used to have suicidal thoughts. Learned counsel further points out that even as per the post mortem report of the deceased, there were no signs of any beating on her person. Learned counsel submits that Suman had committed suicide as she was tired of her illness and unbearable pain. In view of the arguments advanced, learned counsel for the appellants submits that no case is made out against any of the appellants and that they have been falsely implicated in this case.

20. *Per contra*, learned counsel for the State submits that the prosecution has proved its case against the three appellants on all fronts and there is no anomaly in the judgment rendered by the trial court. Learned counsel submits that immediately on the next day of the marriage, Suman had complained that her in-laws were demanding a car and were taunting her that these days even an LDC brings a car in dowry whereas Ravinder Rana was an officer. In May, 1993, a daughter was born to Suman and Ravinder Rana, however, the parents of Suman were not called to join the celebrations.
21. Learned counsel for the State submits that on 20.3.1993 the deceased had also addressed a letter to her sister Kamlesh, wherein she had specifically stated that she was being subjected to constant torture and harassment by her in-laws and that on 26.9.1993, Suman went back to the house of her parents because of the repeated demands of a car and the constant harassment by her in-laws. On 16.10.1993, Ravinder Rana made a complaint to the Deputy Commissioner of Police and on 18.10.1993 a settlement was arrived at between Ravinder Rana and Suman whereafter the latter came back to the matrimonial home. Learned counsel submits that the fact that Suman had left the matrimonial home at the first instance goes to show that all was not well within the family and that she was not being treated well by her in-laws.
22. Learned counsel for the State submits that the attitude of her in-laws towards her was so negative that on 26.10.1993, the father of the deceased underwent a surgery, however, Suman (deceased) was not allowed to meet her father during that time while he was in the hospital. It is submitted by him that on 11.02.1994, Suman once again left her matrimonial home and rushed to her parents' house wearing bathroom slippers and ordinary clothes and informed her parents that on 11.02.1994 when she had returned from the school, she was beaten by her mother-in-law and brother-in-law. Suman also had injury marks on her person. On seeing the condition of Suman, PW1 asked her to stay in

his home, however, Suman was not allowed by her in-laws to bring her infant-daughter to the house. In the meantime, on 01.03.1994, Ravinder Rana approached the DCP and subsequently approached the legal aid centre. Post conciliation, in March 1995, Suman once again went back to the house of her in-laws. Learned counsel submits that in the complaint (Ex. DW4/F) addressed to the DCP, appellant Ravinder Rana had admitted the incident of 11.02.1994.

23. Learned counsel for the State submits that there was peace for about four months and thereafter problems once again arose when Ravinder Rana and his family members started to tease and harass Suman for dowry. In March 1997, Ravinder Rana got his daughter admitted in a school in Pitampura and asked PW1 to arrange an accommodation near the school, whereafter PW1 purchased a house in Vijeta Vihar. He submits that although it was not mentioned in the statement recorded before the SDM, that money was paid by PW-1 for purchasing a flat, but the same stands corroborated vide the suicide note written by the deceased. Learned counsel for the State submits that the transfer order of the appellant DW-4/C clearly shows that the appellant did not join his new post due to the eye operation of his mother and not because of the problem of his wife, as has been argued by the appellant. Learned counsel further submits that the statement of the SDM clearly shows the reason as to why the statement of PW-1 could not be recorded immediately after the incident, inasmuch as, the SDM had asked the relatives of the deceased to take the body to the mortuary. Learned counsel submits that the prosecution witnesses are reliable and consistent in their deposition against the appellants and there are no material improvements which go to the root of the matter. The witnesses have only given explanatory details and not added anything to the statement made before the SDM. From day one of the marriage, the appellants have harassed the deceased for dowry and the same is clearly borne out from the record. The appellants wanted the

deceased to bring a car from her parents and had also compelled her parents to pay the money for a flat in Vijeta Vihar. Learned counsel further submits that the arguments of the appellant that the FIR is insufficient to bring out the case against the appellant does not have any weight in view of the settled position of law that an FIR is not supposed to be an encyclopedia containing intricate details about the incident. It is merely a first hand account, containing brief description of the incident. Learned counsel for the State submits that this is a crystal clear case and there is no doubt that appellant, Ravinder Rana had subjected Suman (deceased) to harassment for and in connection with dowry, soon before her death and the same is very much apparent from the fact that on 13.8.1997, at around 8:30 p.m., the deceased had given a call to her father (PW-1) categorically stating that on that day she had been beaten by her in-laws on account of the fact that she had been unable to arrange a car from her father. On hearing this, PW-1 had asked her daughter to calm down and told her that he would visit her, the next day. Accordingly, on 14.8.1997, PW-1 reached his daughter's home early in the morning, only to find her hanging from the ceiling fan with a *duppata* tied around her neck. Learned counsel submits that there is no anomaly in the judgment of conviction passed against appellant Ravinder Rana, by the learned trial court under section 304-B IPC and 498-A IPC. He further submits that it is clearly borne out from the record that the two real brothers of Ravinder Rana had also subjected Suman to cruelty and harassment and that they have been justifiably convicted by the trial court under section 498-A, IPC.

24. I have heard learned counsel for the parties at length, and carefully gone through the record of the case. In the present case Har Devi, Kuldeep Singh and Jagjeet Singh (appellants in CRL. A. No.76/2001) were convicted by the trial Court under section 498-A, IPC. Ravinder Rana (appellant in CRL. A. No.87/2001) was convicted under section 304-B, IPC as well as under section 498-A, IPC. While section 498-A, IPC
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deals with cruelty subjected on a woman by her husband or a relative; section 304-B, IPC read along with 113-B, Evidence Act deals with dowry death and presumption as to dowry death.

25. Section 498-A of the IPC reads as under:

498-A. Husband or relative of husband of a woman subjecting her to cruelty.—Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

Explanation.—For the purpose of this section, “cruelty” means—

(a) any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or

(b) harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.

Section 304-B, reads as follows:

“304-B. 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.

26. Furthermore the term ‘dowry’ has been defined in Section 2 of the Dowry Prohibition Act, 1961 as under:

Definition of “dowry”.—In this Act, “dowry” means any property or valuable security given or agreed to be given either directly or indirectly—

(a) by one party to a marriage to the other party to the marriage; or

(b) by the parents of either party to a marriage or by any other person, to either party to the marriage or to any other person,

at or before or any time after the marriage in connection with the marriage of the said parties, but does not include dower or *mahr* in the case of persons to whom the Muslim personal law (*Shariat*) applies.

Explanation I.—For the removal of doubts, it is hereby declared that any presents made at the time of a marriage to either party to the marriage in the form of cash, ornaments, clothes or other articles, shall not be deemed to be dowry within the meaning of this section, unless they are made as consideration for the marriage of the said parties.

Explanation II.—The expression “valuable security” has the same meaning as in Section 30 of the Indian Penal Code

27. The essential ingredients of the offence under section 304-B, IPC are (i) death of a woman must have been caused by burns or bodily injury or otherwise than under normal circumstances; (ii) such death must have occurred within seven years of marriage; (iii) soon before the death, the victim was subjected to cruelty or harassment by her husband or relative of her husband; (iv) such cruelty or harassment must be in connection with the demand of dowry. As and when the aforesaid circumstances are established, a presumption of dowry death shall be drawn against the accused under section 113(B) of the Evidence Act, which reads as under:

113-B. *Presumption as to dowry death.*—When the question is whether a person has committed the dowry death of a woman and it is shown that soon before her death such woman had been subjected by such person to cruelty or harassment for, or in connection with, any demand for dowry, the court shall presume that such person had caused the dowry death.

Explanation.—For the purpose of this section, ‘dowry death’ shall have the same meaning as in Section 304-B of the Indian Penal Code (45 of 1860).

28. In the case of Hira Lal v. State (Govt. of NCT), Delhi reported at (2003) 8 SCC 80, it was held that:

“9. A conjoint reading of Section 113-B of the Evidence Act and Section 304-B IPC shows that there must be material to show that soon before her death the victim was subjected to cruelty or harassment. The prosecution has to rule out the possibility of a natural or accidental death so as to bring it within the purview of “death occurring otherwise than in normal circumstances”. The expression “soon before” is very relevant where Section 113-B of the Evidence Act and Section 304-B IPC are pressed into service. The prosecution is obliged to show that soon before the occurrence there was cruelty or harassment and only in that case presumption operates. Evidence in that regard has to be led by the prosecution. “Soon before” is a relative term and it would depend upon the circumstances of each case and no straitjacket formula can be laid down as to what would constitute a period of soon before the occurrence. It would be hazardous to indicate any fixed period, and that brings in the importance of a proximity test both for the proof of an offence of dowry death as well as for raising a presumption under Section 113-B of the Evidence Act. The expression “soon before her death” used in the substantive Section 304-B IPC and Section 113-B of the Evidence Act is present with the idea of proximity test. No definite period has been indicated and the expression “soon before” is not defined. A reference to the expression “soon before” used in Section 114 Illustration (a) of the Evidence Act is relevant. It lays down that a court may presume that a man who is in the possession of goods “soon after the theft, is either the thief or has received the goods knowing them to be stolen, unless he can account for their possession”. The determination of the period which can come within the term “soon before” is left to be determined by the courts, depending upon facts and circumstances of each case. Suffice, however, to indicate that the expression “soon before” would normally imply that the interval should not be much between the cruelty or harassment concerned and the death in question. There must be existence of a proximate and live link between the effect of cruelty based on dowry demand and the death concerned. If the alleged incident of cruelty is remote in time and has become stale enough not to disturb the mental equilibrium of the woman concerned, it would be of no consequence.”

29. What would constitute a period soon before the incident would depend upon the facts of each case. While there is no one single definition of the expression 'soon before' and neither can there be a straight jacket formula nor a test with regard to this expression,

Courts have interpreted this expression keeping in view the peculiar facts of each case. Thus the first question which arises for my consideration is whether appellant, Ravinder Rana (husband of the deceased) 'demanded dowry' and as to whether he had subjected the deceased to 'harassment' in connection with this demand. The second question which arises is whether 'soon before the death', the deceased had been subjected to harassment in connection with this demand of dowry.

30. Learned counsel for the appellants has submitted that the case of the prosecution cannot be believed in view of the fact that the FIR was deliberately delayed by over three hours. He has submitted that the statement of PW-1 was recorded at around 1:00 p.m. while the FIR was registered at around 4:30 p.m. It would be apt herein to reproduce relevant portion of the decision in the case of ***Ravinder Kumar Vs. State of Punjab reported at (2001) 7 SCC 690***, wherein it was held that:

13. The attack on prosecution cases on the ground of delay in lodging FIR has almost bogged down as a stereotyped redundancy in criminal cases. It is a recurring feature in most of the criminal cases that there would be some delay in furnishing the first information to the police. It has to be remembered that law has not fixed any time for lodging the FIR. Hence a delayed FIR is not illegal. Of course a prompt and immediate lodging of the FIR is the ideal as that would give the prosecution a twin advantage. First is that it affords commencement of the investigation without any time lapse. Second is that it expels the opportunity for any possible concoction of a false version. Barring these two plus points for a promptly lodged FIR the demerits of the delayed FIR cannot operate as fatal to any prosecution case. It cannot be overlooked that even a promptly lodged FIR is not an unreserved guarantee for the genuineness of the version incorporated therein.

14. When there is criticism on the ground that FIR in a case was delayed the court has to look at the reason why there was such a delay. There can be a variety of genuine causes for FIR lodgment to get delayed. Rural people might be ignorant of the need for informing the police of a crime without any lapse of time. This kind of unconversantness is not too uncommon among urban people also. They might not immediately think of

going to the police station. Another possibility is due to lack of adequate transport facilities for the informers to reach the police station. The third, which is a quite common bearing, is that the kith and kin of the deceased might take some appreciable time to regain a certain level of tranquillity of mind or sedativeness of temper for moving to the police station for the purpose of furnishing the requisite information. Yet another cause is, the persons who are supposed to give such information themselves could be so physically impaired that the police had to reach them on getting some nebulous information about the incident.

15. We are not providing an exhaustive catalogue of instances which could cause delay in lodging the FIR. Our effort is to try to point out that the stale demand made in the criminal courts to treat the FIR vitiated merely on the ground of delay in its lodgment cannot be approved as a legal corollary. In any case, where there is delay in making the FIR the court is to look at the causes for it and if such causes are not attributable to any effort to concoct a version no consequence shall be attached to the mere delay in lodging the FIR.

31. Thus it is settled principle of law that delay in lodging of FIR by itself cannot be a ground to doubt the case of the prosecution and it only puts the court on guard to see if the FIR was deliberately delayed or there is any plausible explanation for the delay. However, in the facts of this case, I find there to be no delay on the part of the prosecution in lodging the FIR inasmuch as, it is not expected that the family of the deceased who lost her young daughter would have been in a state of mind to give a statement immediately after the incident. Further it is borne out from the evidence of SDM (PW-8) that he was unable to reach the spot of the incident and had asked the body of the deceased to be taken to the mortuary, where he reached at around 12 noon. Thereafter at around 1:00 noon, PW-8 recorded the statement of PW-1 (father of the deceased) in the mortuary, who signed the same at point A in token of its correctness, and ordered registration of the case vide his endorsement, Ex. PW-8/A. Thereafter, Inspector Subhash

Tandon, PW-13 received the statement of PW-1, made an endorsement (Ex. PW-7/A), took *rukka* to the police station and got the FIR registered. I find that the prosecution has clearly explained the time gap of three hours and the lengthy process involved. I find no merit in the contention of counsel for the appellants that the FIR was belatedly lodged by the prosecution.

32. Learned counsel for the appellants has further submitted that in order to establish its case, the prosecution has examined Sh. Hukum Chand Verma (PW-1), Smt. Kamlesh (PW-2), Sh. Shamsheer Singh (PW-3) and Smt. Chander Kala (PW-4) and the allegation levelled against the appellants that immediately on the next day of the marriage, appellants demanded dowry from Suman, in the form of a car and harassed her for the same, is false and without any merit. Learned counsel submits that the trial Court has erred in believing the version of the prosecution. I have carefully gone through the evidence of PW-1; PW-2; PW-3 and PW-4.
33. PW-1, father of the deceased, has deposed in his examination-in-chief that on the next day of the marriage of appellant, Ravinder Rana with his daughter, Suman, his (PW-1's) son Shamsheer Singh, daughters – Kamlesh and Nirjala, went to the house of the in-laws of Suman so as to bring her back to the parental house, as per the custom. On seeing them, Suman became sad and when she was brought to the parental house, Suman informed PW-1 that her mother-in-law; husband; and the two brothers-in-law were taunting her that even an LDC brings a car in the marriage, whereas appellant, Ravinder Rana, was an officer, and a car should have certainly been given in dowry. Although PW-2, sister of the deceased has deposed in her examination-in-chief before

the Court that on the next day of the marriage, when Suman was brought back to the parental house, she had informed about the demand of a car by her in-laws, however, at the same time I find that PW-2 had stated that this fact was only told by Suman to her (i.e. PW-2); PW-3 and their sister, Nirjala. PW-2 further deposed that she had been instructed by Suman to not tell this fact to their father, who was a heart patient. The anomaly between the version of PW-1 and PW-2 is very much apparent as PW-1 has stated that he was told by Suman herself about the demand for a car. PW-3, in his examination-in-chief, added another twist and deposed that on the next day of the marriage of Suman, when she was brought back to the parental house, Suman had informed them that Har Devi (mother-in-law of the deceased) had beaten Suman on the ground that she had not brought the car. Uptill now, no witness had alleged any beating given to Suman immediately on the next day of marriage. A careful reading of the statement (Ex. PW3/A) made by PW-3, Shamsheer Singh before the SDM would further reveal that in Ex. PW3/A, he has stated nothing about any demand of dowry or car by the appellants. When PW-3 was confronted with this contradiction in his cross-examination, PW-3 offered an explanation that the SDM had asked him to restrict specifically to the incident of 14.08.1997, which however, was categorically denied by Sh. Vinay Bhushan, SDM (PW-8). PW-4 has stated nothing insofar as any demand of car is concerned by the appellants, immediately on the next day of the marriage of Suman and has only made bald and vague allegations that whenever Suman used to meet her, she used to complain that appellants were demanding a car. Thus there is no merit in this contention of

learned counsel that a car was demanded immediately on the next day of marriage. Even otherwise, any demand for a car immediately on the next day of the marriage which took place on 08.07.1992 is too remote in time to be said to have a live link with the death of Suman which occurred on 13/14.08.1997.

34. PW-1 (father of the deceased) has further deposed in his examination-in-chief that after a few days of the marriage, Suman came to the parental house, followed by appellant, Ravinder Rana and his mother and that Suman informed PW-1 that the appellants were beating and teasing her and that she was being subjected to constant harassment by them. As per PW-1, he spoke to appellant, Ravinder Rana, and his mother and asked them to keep his daughter happy. Although, PW-2, Kamlesh, sister of the deceased, has deposed that after about 10-15 days of the marriage, Suman came to the parental house and informed PW-2 that she had been beaten by Ravinder Rana, Har Devi, Daljit and Kuldeep and that Suman used to be dragged in the courtyard by the appellants and given a beating by holding her from her hair. In my considered opinion, the evidence of PW-1 and PW-2 cannot be relied upon in view of the fact that PW-3, Shamsher Singh (brother of the deceased) as well as PW-4, Chander Kala (mother of the deceased) have not even mentioned any such incident. Even otherwise, both PW-1 and PW-2 were confronted in their cross-examination inasmuch as, they had not mentioned about any such incident in their statement before the SDM. In fact, PW-1, has admitted in his cross-examination that he did not state before the SDM that after a few days Suman had come to his house complaining that she was being beaten and teased by the appellants. Thus there are contradictions not only inter-witnesses but also intra-witnesses.

35. Further, I find that while PW-1 has only mentioned that in May, 1993, Suman gave birth to a daughter, however, PW-2 went on to accuse that

after the birth of the child, when they had gone to the house of the appellants, Suman, told them that the appellant, Ravinder Rana, had beaten her just one week after the delivery of the child on the ground that she had not yet brought a car. PW-2 further alleged that the jewellery of Suman had been removed and she found injury marks on her person. However PW-2, was confronted in her cross-examination that she had not stated before the SDM regarding these material facts. Even otherwise, as per PW-2, she had narrated the entire incident to her mother (PW-4), however, PW-4 has not alleged any such thing. PW-1; PW-3; and PW-4 have failed to corroborate the evidence of PW-2 on this account. Thus this portion of the evidence of PW-2 is also unreliable.

36. Learned counsel for appellant has further submitted that no justifiable reason has been given for the delay in recording the statement of material witnesses and that PWs have even lied about their presence at the mortuary. Further I find that Smt. Kamlesh (PW-2) has deposed in her cross-examination that *"I could not visit the mortuary on the death of Suman, as I became unconscious on hearing the news of her death. However, my husband had visited the mortuary. It is incorrect that I am giving false explanation."* Similarly, Smt. Chander Kala (PW4) deposed before the Court *"We reached the house of Suman on the day of death at about 8:00 a.m. The police had already arrived there. ... I did not go to the mortuary also. My daughter also did not go to the mortuary. It is incorrect to suggest that I had gone to the mortuary on the day of occurrence and met the SDM."* However, contrary to these statements, there is clear cut evidence on record which suggests that they both were present at the mortuary inasmuch as, Bhag Singh, SI (PW-10) has categorically stated that the father, mother, brother as well as the sisters of the deceased accompanied the dead body to the mortuary. Merely because, Bhag Singh, SI is a police witness, that does not imply that his version is to be disregarded. Further, no plausible explanation has been offered by the prosecution as to why the statement of PW-3

was recorded on 19.8.1997 i.e after a delay of five days when in fact he was present at the mortuary and even identified the dead body before the SDM vide identification memo, Ex.PW-3/DA. PW-8 (SDM) has deposed that PW-3 had told him that he would make a statement later on. The prosecution has also failed to explain the delay of 32 days in recording the statement of Chander Kala, PW-4,

37. On a careful analysis of the evidence of PWs-1-4, I am of the considered opinion that the version of these witnesses bristles with discrepancies and material inconsistencies which go to the root of the matter. However, it is settled position of law that merely because there are some inconsistencies in the evidence of a witness, it does not imply that the entire evidence of such witness be held as otiose. In the case of ***Mohd. Iqbal M. Shaikh Vs. State of Maharashtra, (1998) 4 SCC 494*** it was held that:

“19. We are quite aware of the principle that in a country like India where it is difficult to find a witness who has not made any embellishment or exaggeration, and therefore, in such case court would be justified in separating the chaff from the grain and then act upon the grain.”

38. In the case of ***Gurpreet Singh Vs. State of Haryana*** reported at ***(2002) 8 SCC 18***, the Apex Court observed as under:

“19. Incidentally, it is now well settled that in the event of a portion of evidence not being consistent with the statements given under Section 161 and the witness stands declared hostile, that does not, however, mean and imply total rejection of the evidence. The portion which stands in favour of the prosecution or the accused may be accepted but the same shall be subjected to close scrutiny.”

39. The task of the Court is to sever the truth from the false hood and separate chaff from the grain, subjecting the evidence to careful scrutiny, and if the Court finds a portion thereof to be reliable, then the Court may place reliance on it.

40. PW-1 has deposed in his examination-in-chief that he had produced two letters (Ex. PW-1/C and Ex. PW-1/D) written by Suman to Kamlesh (PW-2) and further identified the writing of those letters to be that of her daughter Suman. PW-1 was cross-examined on this point, however he was firm in his stand that the letters were indeed written by Suman. Kamlesh (PW-2), has also affirmed that on 21.09.1993, she had received a letter, Ex.PW-1/C, dated 20.09.1993 and subsequently another letter, Ex.PW-1/D dated 10.01.1994, from Suman (deceased). PW-2 also identified the writing of Suman and stated that the letter had been written by Suman. In my considered opinion, there is no doubt that letters (Ex. PW-1/C and Ex. PW-1/D) were written under the hand of Suman (deceased). I find this portion to be completely severable from the rest of the evidence given by PWs- 1,2,3 and 4.
41. Letter (Ex.PW-1/C dated 20.9.1993) written by Suman to Kamlesh PW-2, reads as under:

“DEAR AND RESPECTED SISTER

BAHUT DINO SEY PAREYSHAN THI SAMAJH NAHIAA RAHA THA KYA KAROON? KISI KO APNI PAREYSHANI KEH BHI NAHI SAKTI THI. SAMAJH NAHI AATA KAHAN SEY SHURU KAROON – SAPNEY MAIN BHI NAHI SOCHA THA KI MEREY SAATH YE SAB HOGA. JAB SEY MAI DIMPI KO GHAR LEYKAR AI HOON TABHI SEY MEREY SAATH YE SUB CHAL RAHA HAI..... EXCESS MENTAL OR PHYSICAL TENSION KEY KARAN MAI CHIDCHIDI TO HOHI GAI HOON, US PAR HAR WAQT IN MAA-BETAI KI TOKATAKI. KOI BHI INKEY YAHAN APNA ATMSAMAAN LEYKAR NAHI REH SAKTA. MEREY HAR KAAM MAIN KAMI NIKALNA INKI AADAT BANGAI HAI. KEHTEY HAI TERI MAA TUJHEY SIKHATI HAI. SUCH KAHTI HOON IN JITNEY NANGEY GANDEY AADMI NAHI DEKHEY. INHEY CHAHIYE THA KOI ROBOT JO BINA APNEY DIMAG KEY INKEY ISHARON PAR KAAM KARTA. INKI BEYMATLAB KI LAAT KHAATA. MAI TO AISAI PHAS GAI KI NAA MAI NIKAL SAKTI HOON NA MAI REH SAKTI HOO. MUJHEY LAGTA HAI KI MUJHEY YAHAN UMRKAID.... RAVI UB DUS-PANDRAH DIN MAIN VIJAYVADA JANNEY WALA HAI SHAYAD SAAL-DO-SAAL WALHIN RAHEY. DADY MUMMY KO KUCH MAT BATANA UNHEY DUKH HOGA. JO MEREY NASIB MAI HAI WO MUJHEY TO BHUGATNA HI HAI. KOSHISH KARUNGI KO APNEY KO MAARKEY INKEY ANUSAR APNEY AAPKO DHAAL LOON, BAAKI AGEY BHAGWAN KI MARZI. SOCHA THA OFFICER SEY SHAADI SHADI HO RAHI HAI SOCIAL STATUS BADHEYGA MAGAR MERA SOCIAL STATUS EK TEACHER KA BHI NAHI RAHA.”

42. Letter (Ex. PW-1/D) dated 10.01.1994) addressed to Kamlesh (PW-2), reads as under:

“WAISE TO LETTER LIKHNE KA KOI UDESHYA (purpose) NAHI, PAR JAB MAN PAR BOJH BAHUT JYADA BADH JATA HAI, TO KISI APNE PAR JAHIR KER KE, VO BOHJ HALKA HO JATA HAI. IN DO TEEN MAHEENO MAI ITNEE BATE IKATHI HO CHUKI HAI, KI EK-EK BAAT BATAU TO KAI PAGE BHAR JAYENGE. RAVI AUR ISKEE MAA KI MEAN MENTALITY PER KAI BAAR HAIRANI HOTI HAI. SOCHTI HUN INME AUR JANWARO MAI KYA FARK HAI. SCHOOL SE GHAR JATI HUN, TO PAIR KAMPNE LAG JATE HAIN. ISS AURAT SE AB TO GHYRNA SEE HO GAI HAI. HAR WAQT YE KUTCH NA KUTCH BOLTI RAHTI HAI. ITNEE ABUSING LANGUAGE ISTEMAL KARTI HAI, KI KOI BHI SHARMDAR ADMI, JISNE YE SAB NAHI DEKHA, MAR JANA PASAND KARE

..... MERE HAR KAAM ME NUKTA CHINI NIKALNA, DATNA, DAPTNA CHIRCHARANA USKA (RAVINDER RANA) SWABHAV BAN GAYA HAI. JO HAMARE GHAR KE GAHNE THE, WO BHI USNE ALMARI SE NIKALWAKAR TIJORI ME RAKH DIYE HAIN. JO HAMNE 61 HAZAR BYAZ PAR DIYE THE, USME SA 20 AUR AB TO WO 25 HAZAR JO DADY NE DIYE THE, WO NIKALWANE KE LIYA BOL RAHA HAI. AAJ MAIN AZADPUR JA KAR BANK SE PAISE NIKALWAKAR LAUNGI. PUCHO TO DHANG SE BATATA BHI NAHI, KI UN PASON KA KYA KIYA. USKEE MAA ITNE TUCHHI BATE KAHTI HAI KI SUNI NAHE JATI HAI. SACH PUCHO TO WO HI IN SAB KE LIYE RESPONSIBLE HAI. WO PAHLE AISA NAHI THA. KAI BAR SOCHTI HUN, KI ITNA PADH LIKHNE KE BAD BHI, HAR TARAH KA KAAM MAI KARTI HUN, PHIR BHI USE KISI BAAT KA SATISFACTION NAHI. PURA DIN KAAM KARNE KE BAAD BHI WO KUTCH NA KUTCH BOLTA RAHTA HAI. APNE APKO JAB ITNA NEGLECT PAATI HUN, TO DIL JAL JATA HAI. PATA NAHI KIS TARAH KI GULAMI WO MUJH SE CHAHTA HAI.

ACHA DIDI KAFI HALKA MAHSOOS KAR RAHI HUN.

‘SUMAN’”

43. It would be relevant herein to note that in the case of **Gurucharan Kumar Vs. State of Rajasthan** reported at **(2003) 2 SCC 698** Supreme Court laid considerable emphasis on the letters written by the deceased to her family and friends and observed that, *although a* **CRL. A. No.76/2001 and CRL. A. No.87/2001** **Page 26 of 42**

perusal of the oral evidence on record created an impression that the appellants as well as the husband of the deceased were constantly taunting deceased for the failure of her father to provide them with a car despite his prosperity and status, and ultimately this led her to commit suicide. However, the documentary evidence on record of contemporaneous nature, some of them written by deceased herself, gave quite a different picture. The Apex Court further observed that the letters did indicate that the deceased was unhappy and depressed for some reason, but they also revealed that so far as the appellants were concerned, they treated her with love and affection and there was no complaint in any of the letters against their conduct. There was not even a whisper in any of the letters written by the deceased or anyone else about a demand for a car. The Court observed that, these letters were significant and substantially contemporaneous because they were written at a time when, according to the prosecution, deceased was being subjected to harassment and cruelty and was repeatedly taunted by her husband as well as her father and mother-in-law for the failure of her father to give a car in dowry. These letters, therefore, threw considerable light on the circumstances that prevailed during the period of her stay in her matrimonial home; resulting ultimately in her death. After analyzing several letters, the Apex Court came to the conclusion that the letters did not support the case of the prosecution that deceased was subjected to torture and harassment or was being constantly taunted for not bringing a car in dowry.

44. Coming back to the facts of this case, I find that as per PW-2, when she received letter, Ex.PW-1/C dated 20.09.1993, PW-2 along with her husband immediately went to the house of Suman, only to find that Suman was so terrified that she was not able to speak properly. Suman was also not wearing any gold articles at that time and thus as per PW-2, she gave her own pair of tops (ear) to Suman. Suman was frightened and asked PW-2 to give a car to her in-laws, else there would be a

danger to her life. PW-2 stated that after coming back to her house, she informed her mother on telephone about the danger to the life of Suman and that she should be brought back to their house. However, I find that PW-4 (mother of the deceased) has not even referred to any such telephone call and/or alleged any such fact. Thus in my opinion, this version of PW-2 also falls to the ground. Even otherwise, I find merit in the contention of learned counsel for the appellants that had Suman been tortured and/or harassed by the appellant Ravinder Rana or his family members, on account of or in connection with dowry, she would have had surely mentioned the same in her letters addressed to PW-2. Further PW-1 (father of the deceased) deposed in his examination-in-chief that on 26.09.1993, Suman had come on her own to the parental house. However, in his statement recorded before the SDM, PW-1 had stated that on 26.09.1993 he, himself had brought Suman to the parental house. PW-1 was confronted in his cross-examination, wherein he stated that it had been wrongly mentioned in his statement before the SDM that he had gone to bring Suman. Be that as it may, the fact of the matter is that Suman had left the matrimonial home on 26.09.1993 and which also stands affirmed by the defence taken by the appellants themselves that after Suman had left the matrimonial home, appellant Ravinder Rana had filed an application, Ex. DW4/A dated 06.10.1993 before the DCP.

45. Learned counsel for the appellants has submitted that infact, on 17.09.1993, Ravinder Rana had been transferred to Vijaywada and Suman was taken away by PW-1 on 26.09.1993 only to pressurize appellant Ravinder Rana to live in Azadpur and to not go to Vijaywada. Counsel has also submitted that so as to pressurize appellant, Ravinder Rana further, PW1, got Suman transferred to a school in Ashok Vihar and it was only after Ravinder Rana had resigned from his job of Executive Officer in the 'Food and Vegetable Project', Mother Dairy and he started living separately from his parents, did Suman rejoin his

company on 18.10.1993. I have carefully analysed the evidence of PWs on this aspect and I find that when this question was put to PW-1, he denied having any knowledge about the transfer of appellant, Ravinder Rana to Vijaywada in Andhra Pradesh in the year 1993. It is surprising to note that PW-1 has claimed to have no knowledge about the transfer of appellant Ravinder Rana when infact, a careful reading of letter (Ex. PW1/C) written by Suman, clearly mentions this fact, and which was admittedly, in the possession of PW-1. However, at the same time I don't find any merit in the contention of counsel for the appellants, that PW-1 had taken away Suman on 26.09.1993 only to pressurize Ravinder Rana to live in Azadpur. Rather, letter (Ex. PW1/C) written by Suman clearly brings out the harassment and apathy to which she was being subjected to by her husband and mother-in-law, and I have no doubt lingering in my mind that Suman, tired of the constant harassment, had left her matrimonial home voluntarily on 26.09.1993. I am further fortified in my opinion by the fact that letter (Ex. DW-4/C) dated 06.10.1993, addressed by the 'Department of Mother Dairy' to Ravinder Rana rejecting the latter's request seeking cancellation of his transfer order, categorically states that the reason stated by Ravinder Rana that he had personal problems and his mother having undergone an eye operation, was duly considered by the Dept. before rejecting the same.

46. On 18.10.1993, after a settlement, Suman once again went back to her matrimonial home. However, peace did not last for long and the same is revealed from the fact that Suman addressed yet another letter (Ex. PW1/D; reproduced above), dated 10.01.1994 to her sister Kamlesh (PW-2) pouring her heart out and about her misfortune to have been married to appellant, Ravinder Rana. On 11.02.1994 Suman left her matrimonial home once again. Thereafter Ravinder Rana filed an application, Ex. DW-4/F dated 01.03.1994 before the DCP, Ashok Vihar, Delhi Police and also filed an application, Ex. PW-2/DJ before the Legal Aid Centre. Ex. DW-4/F reads as under:

“MANYAVAR,

MAIN RAVINDER RANA S/O SHRI JASWANT SINGH RANA, NIWASI GAON KHERA GARI, THANA SAMAYPUR BADLI, DELHI, APKO SUCHIT KARTA HOON KI MERI SHAADI AATH JULY, 92 KO SHRI HUKUMCHAND VERMA KI PUTRI SUMAN SEY HUI THI, JO KI D-1/2, JAANIWALA BAGH (MCD FLATS), AZAD PUR MAI REHTAI HAIN. ABHI 11.2.94 KO MERI PATNI SUMAN SCHOOL SEY AAKAR, MERI LAGBHAGH, NAU (9) MAHA KI BETI KO MEREY GHAR PAR CHORKAR JHAGRAKARKEY APNEY PITA KEY GHAR CHALI AI THI, US SAMAI MAI GHAR PAR NAHI THA, KAHIN BAHAR GAYA HUA THA. GHAR PAR MERI MAA OR (un comprehensible). KARAN YE HAI KI MAI GHAR CHORKAR, BAHAR RAHUN OR ISKEY LIYE USKEY MAA-BAAP USKO BHARKATEY HAIN. KAFI INTZAR KARNEY KEY BAAD MAI APKO SUCHIT KAR RAHA HOON.

PRARTHAI

RAVINDER RANA.”

47. In reply to the application filed by the appellant, Ravinder Rana, Suman vide her reply, Ex.PW-1/F, stated the following.

“SHRIMANJI,

NIVEDAN HAI KI MERI SHADI 8 JULY, 1992, KO SHRI RAVINDER RANA KEY SATH GAON KHERA GARI MAIN HUI THI JINSEY MERI 11 MAHINEY KI LADKI HAI. MERI SAAS CHOTI-CHOTI BAATON KO LEY KAR MAANSIK TANAV DETI HAI OR JUB MAIN APNEY PATI KO KEHTI HOON TO WO YE KEHTAIN HAIN KI TUJHEY TERI MAA SIKHATI HAI. MAIN M.C.D., SWAROOP NAGAR, MAI A/T KEY PAD PAR KAAM KARTI HOON. 11.2.94 KO SCHOOL SEY ANEY KEY PASCHAT, MERI SAAS NEY MUJH SEY JAAN BUJH KAR LADAI KI TATHA MERI BETI KO MUJH SEY CHIN LIYA, TATHA MUJHEY APNEY GHAR JANEY KO KAHA. TUB SEY MAI APNEY MAATA-PITA KEY SAAT REHTI HOON. MAIN CHAHTI HOON MERI BETI MEREY PAAS RAHEY, PAR WOH DENA NAHI CHAHTEY. ISMAI MEREY MAATA-PITA KA KOI KASOOR NAHI HAI.

SUMAN

5.4.94”

48. Learned counsel for the State has submitted that as per the evidence on record it is absolutely clear that Suman had been turned out of the house for the reason that she had not yet brought the car from her parents. Counsel submits that as per PW-1, on 11.02.1994, Suman

suddenly came to the parental house all alone wearing ordinary clothes and bathroom slippers and was having injury marks on her person. PW-1 has further deposed that his daughter Suman had informed him that on 11.02.1994 when she returned from school, she was beaten by her mother-in-law and Daljit Singh. Again said, the brother-in-law was Jagjit Singh and not Daljit Singh. As per PW-2, on 11.02.1994, Suman ran away from the house and came to the house of their father, in bathroom slippers, for the reason that Har Devi (mother-in-law of the deceased) had quarrelled with Suman as to why had she not brought a car despite repeated demands and that she would throw Suman down from the roof of their house. Her jeth-Jagjit, and Har Devi, snatched away the daughter of Suman, and gave Suman a beating. She stayed at the house of her father for more than a year.

49. In my considered opinion, a bare perusal of the reply Ex.PW-1/F, filed by Suman clearly shows that she has not alleged any demand of dowry by the appellants and has only stated about the mental agony inflicted upon her by her mother-in-law for small issues. Further during cross-examination, PW-1 was confronted with his statement (Ex. PW-1/A) given before the SDM wherein he has only mentioned *"PARANTU VEH MERI LADKI KE SAATH MAAR-PEET KARTE RAHE. ISS SABSE TANG AA KAR, KARIB 2 SAAL PEHLE MAIN APNI LADKI KO GHAR LE AAYA THA. MERI LADKI LAGBAGH 1 SAAL MERE PAAS RAHI."* PW-2 was also confronted with her statement given before the SDM. I also find that while Suman had stayed in her parental house for over an year, during this time period, Suman did not file a complaint to the police or any other authority. In fact there is a categorical admission by PW-1 (father of the deceased) in his cross-examination wherein he has stated that in the enquiry held subsequent to the complaint dated 01.03.1994, lodged by appellant, Ravinder Rana, his daughter did not allege anything regarding the demand of dowry by the appellant. PW-1 however voluntarily stated that Suman had alleged with respect to the

harassment meted out to her. Therefore, I find that although Suman had left her matrimonial home on account of the continuous harassment meted out to her by her husband and mother-in-law, but at the same time I find that the harassment cannot be said to have been on account of any demand for dowry. Subsequently, Suman entered conciliation proceedings and re-joined her matrimonial home in March, 1995.

50. It has further been brought to my notice that prosecution witnesses suppressed material facts, did not state in their examination-in-chief about the serious accident of Suman in which she nearly lost her life when the tyre of a truck had passed over her body on 22.03.1996. This fact stands affirmed not only by the admission of PW-1 and PW-2 in their cross-examination, but also stands confirmed by the Discharge Slip issued from Hindu Rao Hospital and application (Ex.DW-4/9) filed by Suman before the Motor Accident Claims Tribunal, seeking compensation. I also find that while PW-4 (Chander Kala), mother of the deceased, has stated that she met Suman four days before her death inasmuch as, that on 10.08.1997 she had gone to Vijeta Vihar where appellant, Ravinder Rana; the deceased; and their daughter were present in the house and that Suman had called her inside the bedroom and informed her (PW-4) that she was being subjected to beatings by appellant, Ravinder Rana, as to why had the car not yet been brought by her and that Suman was being pressurized by appellant, Ravinder Rana, to ask for a car from her parents. Thereafter, PW-4 has deposed that she told Suman that she would talk to her father (i.e. PW-1) regarding this, who was also present in the house at that time. As per PW-4, however, Suman asked PW-4 to not to talk to PW-1 at that time, as the appellant, would not hesitate in assaulting them. Thereafter PW-4 returned to her house and narrated the whole incident to her husband. PW-4 was cross-examined by learned counsel for the appellant, Ravinder Rana, wherein PW-4 was confronted with her statement, Ex.PW-4/DA recorded before the SDM wherein it was not mentioned that

she had gone along with her husband to the house of the appellant at Vijeta Vihar. It was also not recorded in Ex.PW-4/DA that a day before PW-4 went to the house of the appellant, Suman had been beaten by Ravinder Rana. Further, a careful reading of the evidence of PW-1, father of the deceased, shows that in his evidence before the Court, he has stated nothing insofar as the incident of 10.08.97 at the house of Ravinder Rana is concerned.

51. Another anomaly in the evidence of PW-3, Shamsher Singh, (brother of the deceased) is that, according to him, on 03.08.1997, Suman came to their house for the last time before her death and informed them that she was still being beaten by her mother-in-law; Ravinder Rana; and both the jeths, who were also demanding a car. PW-3 further deposed that Suman returned to her residence at Vijeta Vihar in the same evening. However, I find that no other prosecution witness including PW-1 (father of the deceased); PW-4 (mother of the deceased), have corroborated the version of PW-3. PW-1 and PW-4 have not even mentioned the fact that Suman had come to their house on 3.8.1997, leave alone giving any details of 3.8.1997.
52. Learned counsel for the appellants has lastly contended that the allegation levelled against appellant, Ravinder Rana that in March 1997, he had requested PW-1 for arranging an accommodation near the school for which the entire payment was made by PW-1, was not true. Counsel has relied upon certain account statements to show that infact appellant, Ravinder Rana had arranged the money for the flat, out of his own resources. I have carefully gone through the documents relied upon by counsel for the appellants. As per Ex.DW-4/H, an advance payment of Rs.60,000/-, out of the total sale price of Rs.6.45 lakhs was given on behalf of appellant, Ravinder Rana, to one Sh. B.R. Malhotra, for the flat bearing No.A-19/G, Vijeta Vihar, Rohini. Further as per Ex.DW-4/J dated 25.05.1999 a certificate to the effect has been issued by the State Bank of India that a sum of Rs.2.80 lakhs vide cheque No.835606 dated

07.04.1997 was withdrawn in favour of Sh. Ravinder Rana from account No.SB-2065. In my considered opinion, appellant, Ravinder Rana, has been unable to prove before this Court that the entire payment for the purchase of the house was arranged out of his own resources. PW-1 in his examination-in-chief before the Court deposed that in March, 1997, Ravinder Rana had insisted that PW-1 should arrange an accommodation for him. As per PW-1, a sum of Rs.2.50 lakhs was paid by him and a sum of Rs.75,000/- was given by his elder daughter, Kamlesh (PW-2). In his cross-examination, PW-1 was confronted with his statement, Ex.PW-1/A, wherein he had stated that appellant, Ravinder Rana, had pressurized him to purchase a house near DAV School, Pitam Pura, where the daughter of Suman and Ravinder Rana had been admitted and that PW-1 accordingly bought a house in Vijeta Vihar for which he paid the entire amount and thereafter transferred it in the name of appellant, Ravinder Rana. However, PW-1 stayed put in his cross-examination that he had informed the SDM that he had paid Rs.2.5 lakhs and that Kamlesh had paid Rs.75,000/-. PW-2 also affirmed in her deposition that her father (PW-1) had paid a sum of Rs.2.50 lakhs and that Rs.75,000/- had been given by her (PW-2). In my considered opinion, as per the material on record, although it stands established that PW-1 and PW-2 had given money so as to purchase a flat in Vijeta Vihar where appellant Ravinder Rana was last residing along with Suman, however it is not established that the same was not given as a loan but for dowry. In the suicide note (Ex.PW-1/DA) the deceased has categorically stated that a sum of Rs.3.00 lakhs, which had been taken by her (Suman) on loan from her father (PW-1), be returned to her parents including the jewellery. The suicide note Ex.PW-1/DA, reads as under:-

“Nobody is responsible for my death.

MAINEY IS MAKAN KEY LIEY APNEY PITA SEY PAISA (KARIN TEEN LAKH) UDHAR LYA THA. MERA SARA PAISA OR GEHNA, MERAY MAA-BAAP KO LOTA DIYA JAY.

SUMAN”

53. As per the report (Ex.PW-14/A) of the Forensic Science Laboratory, the said note was written under the hand of the deceased. I find merit in the contention of learned counsel for the appellants that had the appellants pressurized the parents of Suman to purchase them a house as dowry, she would have definitely mentioned this fact in her suicide note. However, Suman has affirmed in her suicide note that it was only a loan, which had been taken from her father. Therefore, it cannot be said that the sum of Rs.2.50 lakhs, was given by the family of Suman (deceased) to appellant, Ravinder Rana as dowry. In the case of **Satvir Singh v. State of Punjab** reported at **(2001) 8 SCC 633** the Supreme Court has categorically held that all amounts paid by the in-laws of the husband of a woman cannot become dowry. The dowry mentioned in Section 304-B should be any property or valuable security given or agreed to be given “in connection with the marriage”. The Apex Court further observed that:

“21. Thus, there are three occasions related to dowry. One is before the marriage, second is at the time of marriage and the third is “at any time” after the marriage. The third occasion may appear to be an unending period. But the crucial words are “in connection with the marriage of the said parties”. This means that giving or agreeing to give any property or valuable security on any of the above three stages should have been in connection with the marriage of the parties. There can be many other instances for payment of money or giving property as between the spouses.”

54. Further in the case of **Appasaheb and Anr. Vs. State of Maharashtra** reported at **AIR 2007 SC 763** it was *inter-alia* held as follows:

In view of the aforesaid definition of the word "dowry" any property or valuable security should be given or agreed to be given either directly or indirectly at or before or any time after the marriage and in connection with the marriage of the said parties. Therefore, the giving or taking of property or valuable security must have some connection with the marriage of the parties and a correlation between the giving or taking of property or valuable security with the marriage of the parties is essential. Being a penal provision it has to be strictly construed. Dowry is a fairly well known social custom or practice in India. A demand for money on account of some financial stringency or for meeting some urgent domestic expenses or for purchasing manure cannot be termed as a demand for dowry as the said word is normally understood. The evidence adduced by the prosecution does not, therefore, show that any demand for "dowry" as defined in Section 2 of the Dowry Prohibition Act was made by the appellants as what was allegedly asked for was some money for meeting domestic expenses and for purchasing manure. Since an essential ingredient of Section 304B IPC viz. demand for dowry is not established, the conviction of the appellants cannot be sustained."

55. Lastly, it has been contended on behalf of the appellants that no telephone call was made by Suman to PW-1, on 13.08.1997 at around 8.30 p.m, *inter alia*, stating that the appellants had beaten Suman and that they were demanding a car. I find that PW-1 has deposed in his examination-in-chief that on 13.08.1997 at about 8.30 p.m. Suman had given him a telephone call and informed him that she had been beaten on that day again and that the appellants were demanding a car. As per PW-1 he had told his daughter that he would visit her in the morning of the next day. PW-1 in his cross-examination was confronted with his statement, Ex.PW-1/A, recorded before the SDM wherein it was only mentioned that he had received a call from his daughter at around 8.30 p.m., and it was not mentioned that Suman had been beaten and that there was a demand of any car. PW-3, Shamsheer Singh (brother of the deceased), has also deposed that at the spot of the incident, his father had informed him that on the previous night a telephone call had been received by PW-1 and that Suman had informed PW-1 that she was

beaten by the appellants. PW-3 in his statement, Ex.PW-3/A, recorded before the SDM, however, has stated that his father had informed him that Suman had given a telephone call in the previous night and asked PW-1 to come in the next morning. Thus, I find that PW-3 has neither stated about any beating given to Suman nor stated about any demand of car, before the SDM. However, while deposing before the Court, PW-3, made a material improvement and stated that Suman had been beaten by the appellants. In his cross-examination PW-3, admitted that he had not told the SDM about any beating given to Suman. Thus I find that although Suman had given a call to her father in the night of 13.08.1997 and that PW-1 had stated that he would visit her the next day, but in view of the contradictions inherent in the statements of PW-1 and PW-3, it is not proved that Suman had alleged about any beating given to her or that the appellants were demanding a car. However, at the same time I find that counsel for the appellants has been unable to explain as to why did appellant Ravinder Rana, not inform the family of Suman about her death. And when PW-1 reached the house of Suman in the morning, as per his conversation with Suman in the previous night, Ravinder Rana still did not tell him that Suman had died and only stated that she might be in the bedroom. Furthermore, I find no merit in the contention of learned counsel for the appellants that the suicide note (Ex.PW-1/DA; reproduced above) has exonerated the appellants. In my considered opinion, what the deceased wanted to convey was that nobody had committed any overt act, causing her death. I am also not convinced by the argument of counsel for the appellants that Suman had committed suicide on account of the pain which she was undergoing because of her accident.

56. Torture and cruelty of a married woman often takes place within the four corners and closed doors of the matrimonial home and consequently there is none available to give evidence in support of the cruelty and torture committed on the girl. In these circumstances,
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letters (if any) written by the deceased, play a pivotal role in determining the psyche of the girl before her death. As already noted above, in the case of **Gurucharan Kumar** (*supra*) the Apex Court had observed in the facts of that case that the letters written by the deceased were significant and substantially contemporaneous because they were written at a time when, according to the prosecution, deceased was being subjected to harassment and cruelty for the failure of her father to give a car in dowry. The letters were, therefore, said to throw considerable light on the circumstances that prevailed during the period of her stay in her matrimonial home; resulting ultimately in her death. Coming back to the facts and circumstances of this case, I find that it is clearly established beyond doubt that Suman had addressed letters Ex. PW-1/C and Ex. PW-1/D to her elder sister, Kamlesh. In letter (Ex. PW-1/C dated 20.9.1993) Suman had written that, “Excess mental or physical tension key karan mai chidchidi to hohi gai hoon, us par har waqt in maa-betai ki tokataki. Koi bhi inkey yahan apna atmsamaan leykar nahi reh sakta. Merey har kaam main kami nikalna inki aadat bangai hai.” In Letter (Ex. PW-1/D dated 10.01.1994), Suman wrote “ravi aur iskee maa ki mean mentality per kai baar hairani hoti hai. sochti hun inme aur janwaro mai kya fark hai. School se ghar jati hun, to pair kampne lag jate hain. Iss aurat se ab to ghyrna see ho gai hai. har waqt ye kutch na kutch bolti rahti hai. Itnee abusing language istemal karti hai, ki koi bhi sharmdar admi, jisne ye sab nahi dekha, mar jana pasand kare” A bare perusal of the letters addressed by Suman to her sister, bring out the untold apathy and harassment suffered by Suman at the hands of her husband and mother-in-law. But as stated above, neither of the two letters mention about any demand of dowry/car or harassment in connection with dowry.

57. In view of the fact that there are serious anomalies in the evidence of prosecution witnesses which go to the root of the matter, I find no merit in the contention of learned counsel for the State that prosecution

witnesses have only explained the sequence of events before the Court and not made material improvements. All the material witnesses PW-1; PW-2; PW-3 and PW-4 were confronted on major portion of their evidence led in Court, with their statements given before the SDM. In my considered opinion, the trial court has committed a manifest error and there is nothing on record to suggest that any dowry was demanded from Suman by the appellants or that she was ever subjected to harassment in connection with the demand of dowry, but there is evidence to show that appellant, Ravinder Rana and his mother (Har Devi) had subjected Suman to cruelty and harassment in terms of section 498A, IPC. Accordingly, while upholding the judgment of conviction passed against appellant Ravinder Rana under section 498A, IPC, I find that no case is made out against him under section 304-B, IPC.

58. As Smt. Har Devi has already expired during the pendency of the matter, the appeal filed by her, stands abated.
59. At this stage it would be useful to reproduce portion of the decision in the case of ***Kans Raj Vs. State of Punjab & Ors.*** reported at ***AIR 2000 SC 2324*** wherein the Apex Court condemned and deprecated the practice of the prosecution in matters concerning 304-B; 498-A, IPC in roping as many relatives of the husband as possible. It was held by the Court as under:

“A tendency has, however, developed for roping in all relations of the in-laws of the deceased-wives in the matters of dowry deaths which, if not discouraged, is likely to affect the case of the prosecution even against the real culprits. In their over enthusiasm and anxiety to seek conviction for maximum people, the parents of the deceased have been found to be making efforts for involving other relations which ultimately weaken the case of the prosecution even against the real accused as appears to have happened in the instant case.”

60. In so far as appellants Kuldeep Singh and Jagjit Singh (brothers-in-law of the deceased) are concerned, I find merit in the contention of learned counsel for the appellants that Kuldeep Singh was not even residing in the same house (in the joint family property), where the deceased and Ravinder Rana were initially residing and that Jagjit Singh, who was residing in the same house, had a separate kitchen, and as such had no role to play in the married life of Suman and Ravinder Rana. In a similar case of **Prem Singh Vs. State of Haryana** reported at **(1998) 8 SCC 70**, the Apex Court gave benefit of doubt to an accused and observed that, *"when A-2 was residing separately from her son and when there was no positive evidence on the record to show that either A-2 was instigating A-1 to demand additional amount of dowry/money or for that purpose telling him to cause ill-treatment or harassment to Sumitra, it would be unsafe to hold A-2 responsible for an offence punishable under Section 304-B IPC. Moreover, such an additional payment of money was to benefit A-1 alone and not A-2 because there was no evidence on record to suggest that A-1 was helping A-2 either by giving some money and/or other benefits. If this be so, in our opinion, the High Court was not justified in convicting Shanti (A-2) for the offence under Section 304-B IPC. It is for this precise reason, we give benefit of doubt to A-2 and acquit her of the charge under Section 304-B IPC."* Be that as it may, even otherwise, a perusal of the statements of prosecution witnesses viz. statements made before the SDM; in examination-in-chief and cross-examination, shows that they bristle with discrepancies and contradictions. There seems to be an improvement or attempt to bring Kuldeep Singh and Jagjit Singh, into the picture. As a matter of fact, no allegations of any demand of dowry or harassment have been levelled against the appellants, Kuldeep Singh and Jagjeet Singh, in the FIR (Ex. PW-1/A) or the brief facts (Ex. PW8/A) recorded by the SDM on the date of occurrence of the incident. Although it has been alleged against these two appellants that they were present in the house in the morning of the

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day of the incident, however as per PW-12, SI Phulwari on 14.09.1997 at about 7:45 p.m. he was informed by the SHO that one lady had died due to hanging and whereafter he accompanied SHO Subhash Chand to the spot of the incident at Vljeta Vihar where he found Ravinder Rana; PW-1 and PW-3. I find that PW-12 would have surely mentioned the presence of appellants Kuldeep Singh and Jagjit Singh, had they been present there. In fact PW-12 goes on to state that he removed the dead body to the mortuary accompanied by the relations of the deceased. Thereafter, PW-12 along with PW-1 returned to the spot of the incident and searched the premises when, inside an almirah he found the suicide note. In the meantime, Jagjit Singh arrived at the spot and the flat was handed over to him and PW-12 came to the police station along with Ravinder Rana. There is no reason for me to discredit the version of this police witness examined by the prosecution themselves. Merely because PW-12 is a police witness, it does not imply that he has been deposing falsely.

61. Further the letters (Ex. PW-1/C dated 20.9.1993 and Ex. PW-1/D dated 10.01.1994) addressed by Suman to her elder sister, Kamlesh (PW-2) as well as the reply (Ex. PW-1/F) filed by Suman to the application of appellant, Ravinder Rana, indicate that she had a grievance only against her husband and mother-in-law and not against any other family members. Nothing has been mentioned with regard to these two appellants by the deceased in her letter Ex. PW-1/C and Ex. PW-1/D, let alone link any specific incident of harassment with them. Further. In the absence of not only any specific averment against these appellants but also general averments, in my considered opinion, it would not be wrong to opine that appellants, Kuldeep Singh and Jagjeet Singh have been falsely implicated in this case and that no case is made out against these two appellants under section 498-A, IPC.

62. For the reasons stated above, CRL. A. No.76/2001 is allowed and I find that no case is made out against appellants, Kuldeep Singh and Jagjeet

Singh under section 498-A, IPC. Accordingly the judgment dated 30.01.2001 and order on sentence dated 31.01.2001 passed against them by the trial Court, is set aside. Further, CRL. A. No.87/2001 is partially allowed to the extent that no case is made out against appellant Ravinder Rana under section 304-B, IPC, however the judgment of conviction dated 30.01.2001 and order on sentence dated 31.01.2001 passed against appellant Ravinder Rana under section 498A, IPC, by the trial Court is upheld.

63. Accordingly, both the appeals are disposed of.

**G.S.SISTANI
(JUDGE)**

January 15, 2010
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