

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

CRIMINAL APPEAL No.20 of 2008

JUDGMENT:

This appeal is preferred by the appellant/accused in S.C.No.10 of 2005, he has been accused of committing offences punishable under Sections 498-A and 306 IPC for having caused death of his wife.

The learned Sessions Judge by the judgment dated 07.01.2008 convicted the accused/appellant herein for both the offences. However, the offence under Section 498-A IPC has been allowed to be compounded in view of the statement made by the mother and brothers of the deceased at the bar and hence, so far as the offence under Section 498-A IPC is concerned, it is already been compounded.

What remains is the other offence said to have been committed under Section 306 IPC. The only allegation based upon which the charge is laid against the appellant is that the deceased was fasting on 14.08.2003 that day being a Thursday. The appellant is said to have advised the deceased to take at least milk instead of completely fasting. However, the deceased has refused to take milk. For her refusal, the appellant/accused seems to have chided her and because of this conduct exhibited by the appellant/accused the deceased seems to have hanged herself to a ceiling fan and was found to have died around 10.45 hours that day. The allegation made against the appellant is too trivial. The accused was the husband of the deceased, if he has advised his wife to at least take milk instead of completely fasting from day break onwards, no sinister motive should be attributed to that. Similarly, if the deceased/wife has refused to follow his advice and if the appellant/accused has lost his cool and chided her, no malicious intent can either be attributed to that conduct, possibly, such conduct stems out of a kind of concern, but not necessarily from out of malicious intent to get rid off the individual

totally. From these set of circumstances, I feel that evidence on record is too slender for one to be convicted for an offence under Section 306 IPC.

Hence, this appeal is allowed and the appellant is acquitted of the offence under Section 306 IPC. However, the fine amount should be appropriated and it shall not be refunded.

Accordingly, the criminal appeal is allowed.

Consequently, miscellaneous petitions, if any, pending shall also stand closed.

JUSTICE NOOTY RAMAMOHANA RAO

16.06.2015
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