

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Appeal No. D-1443-DB of 2014
Date of Decision : March 24, 2015

Om Parkash

....Appellant

Versus

Azad and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE T.P.S. MANN
HON'BLE MR. JUSTICE MAHAVIR S. CHAUHAN

Present : Mr. Aman Pal, Advocate
for the appellant.

T.P.S. MANN, J.

The respondents were tried for committing offences punishable under Sections 498-A, 304-B read with Section 34 IPC on the allegations that they had been harassing Santosh, daughter of the appellant and wife of respondent No.1-Azad, by demanding dowry and when their demands were not met, they caused her dowry death. At the conclusion of the trial, respondents Salochna Devi and Sukhi Devi were acquitted of the charges against them, whereas respondent-Azad was convicted under Section 304-B IPC and sentenced to undergo rigorous imprisonment for seven years. He was also convicted under Section

498-A IPC and sentenced to undergo rigorous imprisonment for three years. Both the sentences were ordered to run concurrently.

Aggrieved of acquittal of respondent Nos. 2 and 3 of the charges against them and also of imposition of lesser sentence of imprisonment upon respondent No.1-Azad, the appellant has filed the present appeal.

At the outset, learned counsel for the appellant submits that he may be allowed to withdraw the present appeal to the extent of his prayer for enhancement of sentence of respondent No.1-Azad with liberty to seek any other remedy as available under the law.

Learned counsel for the appellant has submitted that respondents Salochna Devi and Sukhi Devi have wrongly been acquitted of the charges against them despite the fact that they were mother-in-law and grand-mother-in-law, respectively, of the deceased and had been living in the same house in which respondent-Azad, alongwith his deceased wife Santosh, had been living at the time of the occurrence. Both the acquitted respondents had been harassing the deceased in connection with dowry and, thus, they deserved to be convicted and sentenced for offences under Sections 304-B and 498-A IPC.

Having heard learned counsel for the appellant and after going through the impugned judgment, this Court finds that only general and vague allegations have been levelled by the prosecution against the acquitted accused of harassing the deceased. No specific instance has

been mentioned which could establish that the said accused had been harassing the deceased in connection with dowry. Even otherwise, whatever was to be brought by deceased-Santosh in dowry, would not have benefited the acquitted accused. Only Azad, husband of the deceased, would have been the direct beneficiary of any of the dowry articles. No doubt, the acquitted accused lived in the same house in which their co-accused Azad had been living with his deceased wife but that by itself is not sufficient to conclude that they had any role to play which could make them liable for committing offences under Sections 304-B and 498-A IPC.

In view of the above, no case is made out for any interference in the impugned judgment to the extent of acquitting respondents Salochna Devi and Sukhi Devi of the charges against them.

Resultantly, the appeal qua respondent Azad is dismissed as withdrawn, with liberty to the appellant to avail of any other remedy, but as per law. The appeal in respect of the acquitted respondents Salochna Devi and Sukhi Devi is dismissed.

(T.P.S. MANN)
JUDGE

(MAHAVIR S. CHAUHAN)
JUDGE

March 24, 2015
pds.