

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPEAL NO.252 OF 2003

Vinod s/o Ramchandra Jadhav,
Age-27 years, Occu:Agri.,
R/o-Kaleshwar, Tq-Hadgaon,
Dist-Nanded.

...APPELLANT

VERSUS

The State of Maharashtra,
Through Police Station,
Hadgaon, Dist-Nanded.

...RESPONDENT

...
Shri Gopal D. Kale Advocate for Appellant.
Shri K.D. Mundhe, A.P.P. for Respondent
...

CORAM: A.I.S. CHEEMA, J.

DATE OF RESERVING JUDGMENT : 17TH JUNE, 2016.

DATE OF PRONOUNCING JUDGMENT: 12TH JULY, 2016.

JUDGMENT :

1. The Appellant - accused was tried along with his parents for offence punishable under

Section 498-A, 306 read with 34 of the Indian Penal Code, 1860 ("IPC" in brief), or alternatively for offence under Section 304-B read with 34 of IPC. While his parents came to be acquitted, the Appellant - accused (hereafter referred as "accused") was convicted under Section 498-A of IPC and sentenced to suffer rigorous imprisonment for two years and fine of Rupees Two Thousand. In default of fine, he has been directed to suffer further rigorous imprisonment for six months. He was convicted for offence punishable under Section 306 of IPC and sentenced to suffer rigorous imprisonment for five years and to pay fine of Rupees Three Thousand. In default of fine, he has been directed to suffer further rigorous imprisonment for six months. Thus, this Appeal.

2. The case of prosecution, in brief, is as under:-

A). On 26th October 2000 one Anandrao

Marotrao Jadhav of village Kaleshwar, Tq-Hadgaon, Dist-Nanded filed Accidental Death Report at Police Station, Hadgaon informing that, on that day at about 2.30 p.m. when he was present near his house, one Meerabai, wife of accused, consumed poisonous insecticide while being at the house of her husband. Coming to know this, he along with one Subhash Jadhav, made her sit on his motorcycle and were taking her to Umerkhed and at which time from her mouth and ears white froth started coming out and it was smelling of poisonous medicine. She stopped speaking. When her head rolled on one side, they stopped the motorcycle near one Bitergaon. They saw that she had no motion and she was dead. Thinking that it would make no point in now taking her to Umerkhed, they returned to their village and the dead body was kept, by her husband and them, at his house on a cot. There being no conveyance to come to the Police Station, the report was then being filed.

B). The Police Station registered A.D. Report at about 7.35 p.m. (vide Exhibit 27). A.S.I. Vithal Kendre (PW-6) sent a police constable in the night to keep watch on the dead body and in the morning of 27th October 2000 went to the spot and prepared inquest panchnama (Exhibit 13) and also the spot panchnama (Exhibit 14). The body was sent for postmortem which was done at 1.35 p.m. by Dr. Venkatesh Dhat (PW-2) and gave report (Exhibit 18). The uncle of the victim Meera, namely, Panditrao Kadam (PW-3) filed F.I.R. (Exhibit 20) on 27th October 2000 and crime was registered at about 3.20 p.m.

C). In the F.I.R., PW-3 Panditrao Kadam reported to the police that the victim was daughter of his brother Wamanrao, who is simpleton and does not know worldly transactions. The victim had lost her mother when she was a child. The complainant got her other sisters married and also brought about the marriage of the victim with

accused on 9th May 1999, in which ornaments, utensils, clothes and Rupees Twenty Five Thousand were given as per the custom. Victim was treated well for some time and then her in-laws started saying that she does not do work properly and her behaviour is not good. She was being abused and beaten. She told this to him when she was coming to his place. The victim was married to accused who was living in the same village of Kaleshwar. The F.I.R. mentions that the complainant told victim that he is in the same village and she should not worry and so saying she was being sent back. When her trouble from the parents-in-law increased, complainant asked the villagers to intervene. The victim and her husband were got separated from parents-in-law of the victim. Since six months before incident, the victim and accused were residing separate but the accused kept going to his parents and his mother used to keep coming to their place and kept taunting at the victim and kept telling falsely the accused regarding

character of the victim. The accused was thereafter coming home and abusing the victim and beating her. This was told by victim to the complainant many times and he had tried to explain to the accused. Fifteen days before the incident, accused told the victim that her father and uncle had got him separated from his parents and now for ploughing the field, he does not have bullocks and to purchase bullocks she should bring Rupees Ten Thousand from her father and uncle or else she should not come to him. So saying, he had sent the victim to the complainant. The complainant told the victim that the money is not necessary and when complainant's ploughing is over in two days, his bullocks can be used by the accused and thus the victim was sent back. This was explained to the accused also. For Diwali festival, the complainant sent his son Dnyaneshwar to the accused and on 25th October 2000 victim was brought to the house of complainant. On 26th October 2000 at about 1.30 p.m. the accused went

to the house of the complainant and wanted the victim to go with him to their house for smearing cow-dung water in the house. Victim told the accused that it can be done after Diwali is over and what is the hurry. But accused forced victim to come along. She went along with Tukaram, son of complainant and one Vitthal to their house. Reaching the home, the accused addressed her as whore and started saying that she has become too smart and started beating her. The two boys, Tukaram and Vitthal, and Datta the brother of accused and wife of Datta intervened to push the accused outside the house, at which time victim went in the portion of house of Datta and picked up insecticide and consumed it. This was told by son of complainant who came to tell the same to him. The complainant had gone and saw that the victim had consumed insecticide. She was taken on motorcycle by Anandrao Jadhav and Subhash Jadhav for treatment towards Umerkhed but she died on the way. Thus, the complaint was being filed.

D). On receiving the F.I.R. as above, PW-6 A.S.I. Vithal Kendre who had inquired into the accidental death report, registered the offence and investigated the same. Statements of witnesses came to be recorded. The viscera was preserved by the doctor. Said viscera was sent to C.A. through carrier (PW-5) Datta Shelke. C.A. reports were received. It transpired that victim died due to consumption of insecticide. After investigation, charge-sheet came to be filed.

3. The accused persons pleaded not guilty. The defence of the accused is of denial. The fact that the marriage took place on 9th May 1999 and the marriage was brought about by PW-3 Panditrao Kadam, is not in dispute. It is not in dispute that when the marriage took place, the accused along with his parents were living together. At the time of Diwali of 2000, victim had gone to the place of her parents, is also not disputed. The

victim died due to consumption of insecticide is also not disputed. According to the accused, on day of incident he was in the field of complainant Panditrao for getting his jawar thrashed and Tukaram, son of complainant came to the field asking for key of his house as victim wanted to go home. According to accused, Tukaram said that there was quarrel between Godavaribai, the wife of complainant and victim and as Godavaribai scolded the victim, she wanted to go home. He had given the key to Tukaram. After some time PW-4 Vitthal Kadam came running to the field informing that due to the quarrel of victim with Godavaribai, victim has consumed insecticide and was lying in the house. He went home and saw people gathered in his house. He took the victim beyond the river and tried to take her to the hospital. She was put on motorcycle by him with one Subhash and another but she died after the motorcycle went some distance.

4. The above admitted facts and defence can

be seen from cross-examination of the witnesses and the statement under Section 313 of the Code of Criminal Procedure.

5. The trial Court considered the evidence as well as the defence and after examining the same, trial Court convicted the Appellant - accused as above and acquitted the parents for want of sufficient evidence.

6. In this Appeal it is claimed and argued on behalf of the Appellant - accused that Anandrao Jadhav who had filed the A.D. Report Exhibit 27, was not examined in the trial Court. The F.I.R. was delayed and filed only on the next day. Father of the victim was not examined. It was not clear as to why alleged ill-treatment was there. According to the counsel, Section 498-A of IPC was not established. Although it was claimed that the victim was beaten by the accused, no injury was found on her person in the postmortem. As per the

counsel, the evidence of PW-4 Vitthal Kadam, who was a minor, required corroboration. The counsel relied on some Rulings on this count. It is also stated that nexus between the cruelty and suicide is required to be established. According to the counsel, it was not proved that accused was making demand of money for purchasing bullocks.

7. Per contra, the learned A.P.P. submitted that there was evidence of complainant, which proved cruelty. The complainant was not shattered in cross-examination. The evidence showed that the victim was continuously harassed and in hardly 1½ year of marriage, the incident had occurred. The victim was beaten on the auspicious day of Laxmi-Poojan and abused, can be seen from the evidence of PW-4 Vitthal and thus she committed suicide. Presumption under Section 113-A of the Indian Evidence Act was rightly raised by the trial Court and the accused has been correctly convicted.

8. I have gone through the evidence and the documents. Before considering the oral and documentary evidence, it would be appropriate to make brief reference to the Judgments relied on by the learned counsel for the accused :

(a). The counsel relied on the Judgment in the matter of **Ravindra Pyarelal Bidlan and others vs. State of Maharashtra, reported in 1993 CRI. L.J. 3019**, in which, in the context of Section 498-A of IPC, it was observed by the learned Single Judge of this Court, in Para 25, as under:-

"Hence, under Clause (a) the cruelty has to be of such a gravity as is likely to drive a woman to commit suicide or to cause grave injury or danger to life, limb or health. If cruelty is by itself established and the fact of suicide is also established, it would not be sufficient to bring home the guilt or committing cruelty as defined in explanation (a). A reasonable nexus had to be established between the cruelty and the suicide in order to make good the offence of cruelty.

Alternately, the cruelty established has to be of such a gravity as is likely to drive a woman to commit suicide etc. If suicide is established it has further to be established that it was occasioned on account of cruelty which was of sufficient gravity so as to lead a reasonable person placed in similar circumstances to commit suicide."

(b). The learned counsel for Appellant further relied on the Judgment in the case of **Assoo vs. State of M.P., reported in 2012 CRI. L.J. 658**, to refer to the observations of the Hon'ble Supreme Court in Para 5 of the Judgment, which were as below:-

"It must be noted that every quarrel between a husband and wife which results in a suicide cannot be taken as an abetment by the husband and the standard of a reasonable and practical woman as compared to a headstrong and over sensitive one, has to be applied."

(c). The counsel for the accused further referred to the observations of the Hon'ble

Supreme Court in Para 26 of its Judgment in the matter of **Mangat Ram vs. State of Haryana, reported in A.I.R. 2014 Supreme Court 1782**, which are as follows:-

"We are of the view that the mere fact that if a married woman commits suicide within a period of seven years of her marriage, the presumption under Section 113-A of the Evidence Act would not automatically apply. The legislative mandate is that where a woman commits suicide within seven years of her marriage and it is shown that her husband or any relative of her husband has subjected her to cruelty, the presumption as defined under Section 498-A, IPC, may attract, having regard to all other circumstances of the case, that such suicide has been abetted by her husband or by such relative of her husband. The term "the Court may presume, having regard to all the other circumstances of the case, that such suicide had been abetted by her husband" would indicate that the presumption is discretionary."

9. Keeping the above observations in the

Rulings referred, in view, which were made in the context of the facts of those matters, it would be now appropriate to refer to the facts as emerge in the present matter.

10. The marriage took place on 9th May 1999, is not disputed. There is no dispute regarding the fact that the father of the victim, who is brother of the complainant Panditrao, is simpleton and does not understand the worldly affairs and the marriage was brought about by the complainant Panditrao. If the evidence of Panditrao (PW-3) is seen, it shows that he brought up the victim since childhood and even provided education to her and he gave her in marriage to the accused. He deposed that he had given gold ornaments, utensils and clothes and Rupees Twenty Five Thousand as dowry in the marriage and victim had gone to reside with accused Nos. 1 to 3. His evidence shows that after marriage when victim was visiting his house, which is in the same village, she was telling that her

in-laws tease her, taunt her and the husband was ill-treating her, at the instance of his parents. The evidence of complainant shows and it is not in dispute that the complainant took help of villagers to intervene and accused was separated from his parents. The evidence is that the accused along with victim then started living separately in a house divided between the brothers.

. The evidence of PW-1 Shriram Kadam has proved the spot panchnama Exhibit 14. Perusal of the spot panchnama gives description of the house where the victim was living and also contains a sketch. The sketch clearly shows that the residential portions were divided between the accused and his brother Datta. The half portion of Datta is towards South and the accused had half portion towards North. Both the portions are facing East where there appears to be a court-yard. In the court-yard further facing East, is a Kirana shop which was being run by Datta. The

entrance of the court-yard appears to be from South towards North.

. Coming back to the evidence of complainant, it can be seen from his evidence that separation was brought about by the complainant with the help of villagers. He was naturally interested in the welfare of the daughter of his simpleton brother, which victim had lost her mother when she was just couple of months old. He brought about the marriage and his concern for the victim is understandable. This fact that the complainant brought about the partition, is not in dispute. It shows that indeed there was trouble in the married life of the victim.

11. The evidence of complainant PW-3 Panditrao, however, further shows that inspite of the separation, when victim was coming to him, she told him that her trouble had not stopped and was still continuing. The evidence shows that fifteen

days before Diwali of 2000, victim had come to the complainant and told him that accused was asking for bullocks because as he was separated from his father, he wanted the bullocks to cultivate his land. Complainant deposed that he told the victim that he was not having money but pair of his bullocks can be borrowed for temporary purpose. Evidence is that for Diwali, victim was brought to the house of the complainant. The evidence of complainant read along with evidence of PW-4 Vitthal shows that at such time, on the day of Laxmi-Poojan, at about 1.00 - 1.30 p.m. this Vithal, who is cousin brother of victim, was at the house of complainant. At that time the accused went there and asked victim to accompany him for smearing the house with cow-dung. Victim told the accused why there was haste and after Diwali it would be smeared. Evidence of PW-4 Vitthal is that victim then took him and Tukaram (son of complainant) along with her and went to her house. At the house the accused started beating her

saying that why the whore did not come when called. Evidence of PW-4 Vitthal is that he and his cousin brother, and brother and wife of accused intervened and separated the accused. According to this witness, some people gathered when such incident was taking place. The witness PW-4 Vitthal deposed that when people gathered, the accused started driving them away, at which time the victim went into the portion of house of brother of accused and consumed the insecticide from a canister. PW-4 Vitthal claims that he and Tukaram then ran to the field of complainant to tell him. The evidence of PW-4 Vitthal, on this count, is corroborated by the complainant, whose evidence shows that they did come to his field and tell him about such incident.

12. If the cross-examination of the complainant is perused, it was suggested to him and he accepted it to be true that accused had received half share in the house where his brother

Datta was living and that Datta was running a Kirana shop. The cross-examination shows that after the partition, Datta, the brother was cultivating his land separately. In the cross-examination complainant accepted that Anandrao Jadhav and Subhash Jadhav did bring back the dead body of victim on motorcycle from midst of the way and placed it on the cot in the court-yard of the house of accused. He deposed that he had gone to see the dead body. According to this complainant, at that time Datta and his wife were present there but accused persons were not there. His cross-examination shows that one day before the incident, victim had come to his house for Diwali. In the cross-examination, accused brought on record that there was a rape case filed against Vishnu, the brother of victim. The defence was put-up to this complainant that on the count of Vishnu, there was a quarrel between the victim and Godavaribai, the wife of complainant. The suggestions on this count were denied by the

witness. The plea of alibi taken by the accused that at the time of incident he was on the field of the complainant, is also not proved, as suggestion on that count was denied by the complainant and the accused has not brought any other evidence to show that at the relevant time he was at the field of the complainant.

13. In the cross-examination of the complainant, it was asked and he stated that he did not know if accused had taken the victim beyond the river by lifting her from the house. In the cross-examination of the investigating officer PW-6 Vithal Kendre, it was asked by the accused and he stated that his inquiry showed that the deceased was carried across the river Painganga on person and thereafter on motorcycle. He was further asked and stated that his inquiry showed that some villagers and accused had lifted victim on their person and took her across the river. Although the investigating officer was asked and

he deposed like this, the evidence would not be admissible as it would be hear-say of the investigating officer. In this context, relevant is the evidence of PW-1 Shriram Kadam who although a Panch, was asked in the cross-examination and deposed that on the day of incident, he had seen Anandrao and Subhash taking the victim towards river for taking her to the hospital and that they had lifted her. When it was suggested to this PW-1 Shriram, he did not accept that he saw accused taking the victim to the hospital after crossing the river, on motorcycle. He deposed that he did not see whether accused took victim to the hospital after crossing the river. When the witness claimed that he saw Anandrao and Subhash doing so and claims that he did not see the accused participating in the act, his evidence only shows that the accused did not do so. Thus the efforts of the accused to show that he had tried to save the victim, is not finding any base in the evidence. Again, even if he made any such

effort, that would not reduce the intensity of the cruelty he inflicted on the victim when on an auspicious day of Diwali, he forcibly took her back from the place of her parents and calling her whore, had beaten her. Again, it is unnatural for the husband to let two other men take along his wife (naturally sitting in the centre) on motorcycle to save her and he does not offer to himself sit behind his wife to hold her and go along if he was really concerned.

14. As regards the evidence of PW-4 Vitthal Kadam, counsel for the accused stated that the witness was a child witness and could not be relied on without having corroboration. Reliance was placed on the case of **Bhagwansingh and others vs. State of M.P., reported in A.I.R. 2003 Supreme Court 1088(1)**. In that matter, the child concerned was of the age of six years and it was observed by the Hon'ble Supreme Court that although the law recognizes the child as a competent witness, but a

child, particularly at such a tender age of six years, who is unable to form proper opinion about the nature of incident because of immaturity of understanding, is not considered by the Court to be a witness whose sole testimony can be relied without other corroborative evidence. In that matter, the Hon'ble Supreme Court observed that the trial Judge had recorded demeanour of the child who was vacillating in the course of his deposition. It was observed that if it appeared that there was a possibility of his being tutored, the Court should be careful in relying on his evidence. Thus, it would be necessary to see the facts of the present matter.

15. In the present matter firstly it needs to be stated that PW-4 Vitthal, at the time of incident, was about 12 years of age and was taking education. At the time of evidence, this witness was 14 years old. The trial Court put questions to the witness and found that he was fit enough to be

administered oath. I have also gone through the evidence of the witness PW-4. The witness appears to be of a clear understanding and was not wavering in any manner. I have already referred to his evidence as seen in the examination-in-chief. It would be thus now appropriate to see if the witness could be said to be shattered in the cross-examination. The witness was asked and he gave details that the house of the accused is in the middle of the village and the house of his uncle is at one end of the village. According to him, it takes fifteen minutes to walk and reach the house of the accused from the said place. His evidence in cross-examination shows that the victim used to visit the house of complainant at intervals of 8 - 15 days or a month. This shows that the victim had various opportunities to tell her uncle regarding her plight which is deposed to by the complainant. PW-4 Vitthal was asked and gave names of the neighbours of the house of the accused. He corroborates the complainant in cross-

examination that a day before Laxmi-Poojan, his cousin Dnyaneshwar was sent to bring the victim to the house of the complainant. His cross-examination shows that between the house of the complainant and accused, there are about 25 houses on the way and the road has people passing and there are shops and houses. It was then asked by the cross-examiner and the witness deposed as under:

"Many villagers had gathered at the house of Meerabai when we had gone. They were saying that she had consumed insecticide (Aushad). When I learnt about it I ran towards the field to inform to Panditrao".

. On the basis of such cross-examination it appears, in the trial Court accused tried to take advantage to claim that the witness had reached the house of accused after the victim had consumed insecticide. In Para 30 of the Judgment, the trial

Court observed that this was a stray sentence and on the basis of the same the version of the witness could not be discarded. According to trial Court, the admission of PW-4 Vitthal could not be considered in isolation. The trial Court then considered the admission in the context of examination-in-chief of the witness and properly appreciated the evidence, rejecting the argument that the evidence of the witness was required to be discarded. I have also seen the evidence and find that in the examination-in-chief the witness had stated that when at the house of the accused, the accused started abusing the victim and beating her, some persons gathered there. The witness had stated that accused started driving away those persons and then the victim had gone towards the house of brother of accused and consumed insecticide. In the examination-in-chief he did state that he and Tukaram immediately ran towards the field to call the complainant. Now, the cross-examiner in the cross-examination, put suggestions

to this young teen-ager in pieces. One sentence is put and the witness accepts that many villagers had gathered at the house of the victim when they had gone there. The next question put is that the people were saying that the victim has consumed insecticide. The witness accepted this suggestion as in examination-in-chief he had indeed deposed that the victim had gone inside the house and consumed insecticide. The third question which was put was that when the witness learnt that the victim had consumed insecticide, they had run towards the field. This also was what he had stated in examination-in-chief. Experience of recording evidence shows that the cross-examiners do, at times, put same questions with slight variations to the witnesses in pieces referring to different parts of their examination-in-chief but not in sequence witness stated, or leaving out some parts. Subsequently attempt is made to read those admissions in a sequence. The accused, after putting the questions of different parts of the

incident in pieces, is trying to read the above evidence in sequence. According to me, it would be misreading of the evidence. Unless the witness in the cross-examination admits unequivocally the sequence, the evidence cannot be so misread so as to discard the examination-in-chief. The accused has not brought on record any admission of PW-4 Vitthal that they had reached the house of accused only after the insecticide was already consumed by the victim.

16. The other effort made by the accused is to say that the witness should be disbelieved because an omission is proved in his statement to police. The witness was asked in the cross-examination and it is recorded :-

"I stated before the police during my statement that I and Tukaram intervened to separate Meerabai when the accused No.1 was beating."

. Then he was asked and he stated that he did not know why police did not record such statement. In the cross-examination of A.S.I. PW-6 Vithal Kendre, he was asked and he stated with reference to PW-4 that:-

"He did not state before me that he intervened when Meerabai was being beaten."

. In arguments effort is being made to state that there is omission regarding the statement of this witness that he had intervened and that Meerabai was beaten in his presence. From the original Record and Proceedings, I have seen the statement of PW-4 which was recorded by the police on 27th October 2000, which is the day when F.I.R. was registered. The witness had told the police that as soon as they had reached the house, husband of the victim abused her calling her whore and that she had become too smart and why she did not come when she was called and so saying he beat

her by kicks and blows. Thus, in the statement to police, the witness had stated that he had seen accused No.1 abusing his wife and beating her. In evidence, however, the omission has been so brought on record as if he had not told the police that accused had beaten his wife. The omission, really speaking, is only to the extent that this witness and Tukaram had intervened, was not told to the police. In some other cases also I have noticed and even observed in earlier Judgments that the trial Courts, many times, are not attentive and alert while recording contradictions and omissions. In fact it is the duty of the A.P.P. and also the trial Court to be careful while recording contradictions and omissions. There is no reason why the trial Court should not have in hand, the concerned statement to police when contradictions and omissions are tried to be brought on record by the accused. It is their responsibility to see that correct contradictions and correct omissions are brought on record. While

recording omission, in the present matter, it was necessary for the trial Court while recording the evidence, to record that the omission was only to the extent of intervention and not with regard to beating.

17. Having thus examined the cross-examination of PW-4 Vitthal Kadam, I do not find that the witness is shattered in any manner.

18. I do not find any reason to disbelieve the complainant and PW-4 Vitthal, the evidence of which witnesses clearly shows that the victim was subjected to cruelty by the accused who beat her on the auspicious day of Diwali. The marriage was hardly 1½ years old and such treatment to the wife could not be justified. Her reaction of going into the portion of house of her brother-in-law and consuming insecticide when her husband was driving away the onlookers from the village who had gathered, shows her frustration. The accused was

responsible for her suicide because of his behaviour. The trial Court has rightly accepted evidence on this count and convicted him.

19. In the arguments, the learned counsel for the Appellant - accused tried to say that there was delay in filing of the F.I.R. and Anandrao Jadhav, who recorded the Accidental Death Report on 26th October 2000, was not examined. The trial Court has considered the argument on this count to find that lots of action took place on 26th October 2000 in the sense that the incident took place in the afternoon and then there was effort by two villagers i.e. Anandrao Jadhav and Subhash Jadhav to put victim on motorcycle and try to take her to hospital and when she died on the way, they brought her back and then in the early morning, inquest panchnama, spot panchnama was done and postmortem done in the afternoon and thereafter the complainant filed the F.I.R. The trial Court did not find that delay was fatal. Looking to the

record, it does appear that in the evening of 26th October 2000 itself one Anandrao, who had tried to save the victim, had given Accidental Death Report, which I have referred earlier in the Judgment. The A.S.I. Vithal Kendre, PW-6, recorded inquest panchnama Exhibit 13 in the early morning at 8.00 a.m. It appears that the police station is about 17 k.m.s from Kaleshwar. The evidence also shows that the villagers are required to cross a river. Exhibit 27, Accidental Death Report itself mentions about difficulty of conveyance these villagers had. In the spot panchnama Exhibit 14 itself it is recorded that Datta, the brother of the accused, who showed the spot, gave the particulars of the incident. The trial Court expunged those portions. Datta is not accused in the matter so as to expunge those portions. However Exhibit 14 recorded at 9.10 a.m. of 27th October 2000 itself shows that the incident was told to the police at least early morning itself. The evidence of PW-6 A.S.I. Vithal Kendre is that

when A.D. Report Exhibit 27 was received, senior police officer was not at Hadgaon and so he could not leave the police station in the evening and had deputed the police constable to watch the dead body in the night. The plight of these villagers, the law has put in the hands of such police machinery. Looking to the facts of the matter, I do not find that there is any reason to doubt the contents of the F.I.R. Exhibit 20 registered by the police. There are convincing reasons recorded by the trial Court regarding delay. I do not find that the accused can be given any disadvantage for delay in registration of the F.I.R. There is overwhelming and appealing evidence in this matter to show that victim was subjected to cruelty by the accused and he was responsible for her suicide. The trial Court correctly appreciated the evidence and convicted the accused.

20. It is argued that in the postmortem report of the victim no external injury was found.

In the postmortem report no external injury was found, does not mean that the evidence that the husband beat his wife at home could be doubted. It is not necessary that beating has to be of such intensity that it should show on the person even when the victim had died due to ensuing suicide and was taken to the doctor only on the next day.

21. There is no substance in the arguments raised on behalf of the Appellant - accused. There is no substance in the Appeal. The Appeal is dismissed. The accused shall surrender to his Bail Bonds before the trial Court by 27th July 2016. The trial Court shall ensure the execution of sentence.

[A.I.S. CHEEMA, J.]