

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

(i) Crl. Appeal No.D-854-DB of 2003

Babu Lal

...Appellant

VERSUS

State of Haryana

...Respondent

(ii) Crl. Revision No.221 of 2004

Madan Lal

...Petitioner

VERSUS

State of Haryana and others

...Respondents

Date of Decision: December 18, 2019

**CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN
HON'BLE MRS. JUSTICE ARCHANA PURI**

Present: Mr.D.S.Randhawa, Amicus Curiae
for the appellant (in CRA No.D-854-DB of 2003).

Mr.Ashwani Bhardwaj, Advocate for
Mr.Aditya Sanghi, Advocate
for the petitioner (in CRR No.221 of 2004).

Mr.Vikrant Pamboo, Deputy Advocate General, Haryana
for the respondent-State.

ARCHANA PURI, J.

This judgment shall dispose of two connected cases i.e. CRA

No.D-854-DB of 2003 and CRR No.221 of 2004 arising out of the same

judgment passed by learned Sessions Judge, Sirsa.

Challenge in CRA No.D-854-DB of 2003 is to the judgment of conviction dated 24.09.2003 and order of sentence dated 26.09.2003 passed by learned Sessions Judge, Sirsa, vide which the appellant Babu Lal was held guilty and convicted and sentenced as under:-

<i>Under Section</i>	<i>Sentence</i>	<i>In default</i>
302 IPC	Imprisonment for life and to pay fine of ₹15,000/-	RI for two years
498-A IPC	RI for two years	

Both the sentences were ordered to run concurrently.

Vide same judgment, accused Munni Devi, mother of Babu Lal, was acquitted of the charge levelled against her. Thus, feeling aggrieved by the aforesaid judgment, even complainant Madan Lal, had filed CRR No.221 of 2004, to challenge the order of acquittal of Munni Devi.

The background facts in nutshell are as herein given:-

That complainant Madan Lal is resident of Pilani and is working in the Library of Birla Institute of Technology and Science. He performed marriage of his daughter Rattna in May 1998 with Babu Lal s/o Bhagwana Ram, resident of Taranwala Kuan, Jhunjhunu, Rajasthan. At the time of marriage, he had given sufficient dowry, as per his means. However, after marriage, Babu Lal, husband of Rattna and her mother-in-law started maltreating Rattna for bringing insufficient dowry. As per the means, the complainant had paid ₹10,000/- and ₹5000/- to the accused persons periodically, but still the accused persons were not satisfied with the same. Then, the complainant got employed his daughter in Pilani, but her entire salary was being taken away by husband and her mother-in-law.

Rattna had two daughters namely Meenaxi aged about 7 years, who is studying in Satluj School at Sirsa, whereas, younger daughter Vandana was aged about 1½ years. The complainant used to bear the maintenance expenses of his daughter Rattna and her two daughters. Babu Lal was earlier working in Tosham and used to often come to Pilani. However, for the last about two months, he is employed in Satluj Public School, Sirsa. Even, Rattna, daughter of the complainant, is employed in Viveka Nand School, Sirsa and they started to reside, in a rented room in ADC Colony, Sirsa. However, when Babu Lal had brought Rattna from Pilani, he demanded ₹20,000/- from Madan Lal complainant, while stating that he wants to purchase a new motorcycle but complainant told him that he had no money and would arrange for the money and then meet this demand. Whenever Rattna used to proceed to her in-laws' house at Taranwala Kuan, her husband and mother-in-law used, used to maltreat her and give her beatings. On 03.09.2000, when the complainant had gone to meet his daughter, then his daughter had apprised him, that her husband is impressing upon her to bring ₹20,000/- for the purchase of new motorcycle and she had asked the complainant to facilitate for fulfillment of this demand, failing which, he (her husband) shall kill her. Thereafter, the complainant had assured his daughter that he shall fulfill the demand of ₹20,000/-. However, in the meantime, on 09.09.2000, the complainant had received a telephonic call from some person apprising him regarding his daughter to have been killed by Babu Lal. Thereafter, the complainant had reached Sirsa, whereupon, his grand-daughter Meenaxi, daughter of deceased disclosed him that her father, in the morning at 3.00 a.m. gave beatings to Rattna and on hearing shrieks of her mother, she woke up. She

saw that her father dragged her mother to kitchen, poured kerosene oil on her and set her ablaze and she died on the spot. The complainant submitted that his daughter has been done to death by Babu Lal, on account of non-fulfillment of his demand of ₹20,000/-

Proceedings in the present case were initiated on the basis of statement of the complainant Madan Lal **Ex.PG** got recorded to SI Chet Ram, on the basis, whereof, **FIR Ex.PG/2** was got registered. Thereafter, SI Chet Ram, while in the company of Madan Lal, had gone to the spot of occurrence and inspected the spot. Dead body of Rattna was lying in the kitchen in the house of Harish Mehta, which was on rent with accused Babu Lal. Inquest report was prepared. Even, iron stove, two plastic cans smelling kerosene were converted into parcel and taken into possession vide memo Ex.PH. Photography of the spot of occurrence was got conducted. The Investigating Officer also facilitated conducting of post-mortem examination on the dead body of Rattna through Constable Jagminder and Constable Rohtash. Rough site plan of the place of occurrence was prepared. Even statements of witnesses were recorded.

During the course of investigation, the arrest of Babu Lal was effected on 10.09.2000. Munni Devi joined the investigation, in pursuance of the order of the Court.

On completion of investigation, report under Section 173 Cr.P.C. was presented against accused Babu Lal and Munni Devi. After compliance of Section 207 Cr.P.C. the case was committed to the Court of Session.

In pursuance of commitment proceedings, on the basis of

material coming forth, charge was framed against both the accused under

Sections 302 and 498-A IPC.

In an endeavour to establish its case, the prosecution examined as many as 11 witness, besides adducing documentary evidence.

PW-1 Dr.Viresh Bhushan has deposed that he along with Dr.S.L.Aggarwal, conducted post-mortem examination on the dead body of Rattna on 10.09.2000. He also deposed about detail of the injuries, which for the convenience of discussion, are herein given:-

“There were superficial to deep burns all over the body. Skin was peeled off at most of the places. Charred remandants of skin were sticking at places. Hairs of the scalp and pubis were burnt and singed. On dissection subcutaneous infiltration of blood was seen under the burnt areas which was almost 100%.

All the internal organs i.e. brain, lungs, plurea, liver, spleen and kidneys were congested. Mucosae of larynx and trachea were congested and black soot particles were seen sticking to the mucosae. These particles were also seen sticking to mucosae of bronchi and mucosae of mouth pharynx and esophagus. Stomach was congested and contain 250 mls of semi digested food material. Both intestines were congested and distended with foul smelling gases. Both chamber of the heart were empty.”

Besides this, he also opined that the cause of death in this case was result of extensive burns (100%) which were ante-mortem in nature and sufficient to cause death in ordinary course of nature. He further deposed that the time between injuries and death was variable and between death and post-mortem was within 24 to 36 hours. He also proved various other documents.

accused Babu Lal and she has deposed about manner of having witnessed the occurrence and also about apprising the police regarding the occurrence.

PW-3 Head Constable Amar Nath, PW-4 Constable Surinder Pal and PW-5 Constable Bajrang Lal, tendered into evidence, their affidavits Ex.PD, Ex.PE and Ex.PF respectively, which is formal evidence.

PW-6 Madan Lal, is the complainant, at whose instance, the proceedings were initiated. Besides deposing about relationship of the deceased with the accused and birth of two daughters from the wedlock, he also deposed about the manner of harassment caused by the accused, who are husband and mother-in-law of the deceased and further also deposed about the manner of his having come to know about the occurrence from his grand-daughter and he also deposed about having got recorded his statement Ex.PG. He further deposed about visiting the spot, in the company of the police and about two cans of kerosene and a stove recovered from the spot, which were taken into possession by the police vide recovery memo Ex.PH.

PW-7 Constable Ram Chander has deposed about clicking of the photographs of the dead body and proved negatives Ex.P2 to Ex.P7 and positives, thereof, Ex.P8 to Ex.P13. **PW-8 Constable Sushil Kumar** deposed about having taken special report of the case and delivery of the same to the CJM, Sirsa, at his resident at 9.10 p.m.

PW-9 SI Janardhan has deposed about conducting part investigation of the present case and having effected formal arrest of Munni Devi on 13.10.2000 and he recorded statements of the witnesses.

PW-10 Constable Mohan Lal deposed about having prepared scaled site plan Ex.PJ, at the instance of Subhash.

PW-11 SI Chet Ram, is Investigating Officer. He deposed about recording of statement of complainant Madan Lal on 09.09.2000, which is Ex.PG and his endorsement upon the same is Ex.PG/1, on the basis of which, formal FIR Ex.PG/2 was registered. He also deposed about having gone to the spot of occurrence along with Madan Lal and having inspected the spot. He further deposed about preparation of inquest report Ex.PC and further deposed that a stove made of iron, two plastic cans smelling kerosene were recovered from the spot, which were converted into parcel and taken into possession vide recovery memo Ex.PH. He also got the place of occurrence photographed and facilitated in sending the dead body to Civil Hospital, Sirsa, for post-mortem examination. He also deposed that he prepared rough site plan of the place of occurrence. He recorded supplementary statement of Madan Lal and also recorded statements of other witnesses. He also deposed about having arrested Babu Lal on 10.09.2000. On completion of investigation, challan was prepared by Inspector Chander Singh.

Thereafter, the evidence of the prosecution was closed.

On closure of the prosecution evidence, all the incriminating circumstances appearing in the prosecution evidence were put to the accused in their statements under Section 313 Cr.P.C. However, the accused denied those allegations. Accused Babu Lal had pleaded innocence and taken the plea, which for the convenience of discussion, is reproduced as herein given:-

“I am innocent. I, in the company of a lady teacher went to see a picture in the Cinema Hall. My wife was annoyed over it. She committed suicide. I, in the company of Harish Mehta,

went to Police Station to report the matter but I was made to sit in the police station and my report was not recorded. The police also asked me the telephone number of the parents of my wife which I gave to them. I or my mother never made any demand of motor-cycle or cash from my wife or her parents nor we cause any harassment to my wife.”

Likewise, accused Munni Devi pleaded innocence and taken the plea, which for the convenience of discussion, is reproduced as herein given:-

“I am innocent. I never visited Sirsa during the stay of my son and daughter-in-law. I have been falsely implicated being the mother of Babu Lal. I never raised any demand from my daughter-in-law or her parents.”

In defence, accused Babu Lal tendered into evidence, insurance cover note Ex.DB, receipt of premium Ex.DC, school certificate of Meenaxi, Ex.DD, school transfer certificate Ex.DE, his character certificate Ex.DF and then closed defence evidence.

After hearing learned Public Prosecutor, learned counsel for the accused and on perusal of the evidence, learned trial Court vide judgment dated 24.09.2003, held accused Babu Lal guilty for commission of offence under Section 302 and 498-A IPC and sentenced him, as already detailed aforesaid. However, co-accused Munni Devi, who was mother-in-law of the deceased, was acquitted of the charge levelled against her.

Feeling aggrieved by the aforesaid judgment of conviction and order of sentence, accused Babu Lal has filed appeal CRA No.D-854-DB of

2003. Even, feeling aggrieved by the judgment of acquittal of accused

Munni Devi, complainant Madan Lal filed CRR No.221 of 2004.

Notices of appeal and revision were given to the concerned quarter, who made appearance. Even the lower Court record was requisitioned.

We have heard learned counsel for the parties and learned State counsel and have perused the record.

At the very outset, learned counsel for the appellant has refuted the claim of the prosecution as put forth in the report under Section 173 Cr.P.C. and he submits that accused Babu Lal has been falsely implicated in the present case. He also pointed out that learned trial Court has erred in relying upon the testimony of PW-2 Meenaxi, who is a child witness. Her testimony is bereft of credence but even then, learned trial Court has relied upon the same. It is also pointed out that there is delay in initiation of action. As such, it is submitted that prosecution has failed to establish the guilt of the accused, as per demanding degree of proof. As such, a prayer has been made for the acceptance of the appeal and to acquit accused Babu Lal.

On the contrary, learned State counsel as well as learned counsel for the revisionist have refuted the claim of the appellant. In fact, it is submitted that prosecution has successfully established the guilt of the accused Babu Lal qua charges levelled against him. It is submitted that Meenaxi, daughter of the accused as well as the deceased, who was present in the house and had witnessed the occurrence in question, has categorically and specifically narrated the role of Babu Lal in causing the occurrence. Her testimony is most natural and flawless and therefore, the same has been rightly relied upon by the trial Court to nail down the

appellant. Also, it is submitted that there is no such unexplained delay in initiation of action in the present case. Even, maltreatment and harassment of the deceased, at the instance of accused stands amply established from the testimony of complainant Madan Lal. Further, it is submitted that learned trial Court has not appraised the evidence relating to the incriminating role of Munni Devi, in correct perspective and has wrongly acquitted her of the charge levelled against against her. As such, a prayer has been made for dismissal of the appeal and acceptance of the revision petition and to convict Munni Devi qua the charge levelled against her.

Throughout the arguments, much emphasis has been laid on there being delay in initiation of action. As per version of the prosecution, the occurrence had taken place on 09.09.2000 at 3.00 a.m. and the action was initiated, on the basis of statement got recorded by complainant Madan Lal on 09.09.2000 at about 6.30 p.m. No doubt, there is substantial delay in reporting the matter to the police but however, the aforesaid submission is not tenable. No doubt, on account of delay in lodging of FIR, an element of introduction of concocted version, as such, cannot be ruled out, but however, it is always unexplained delay, which is fatal and also the delay has to be considered, in the backdrop of the facts and circumstances of each case. In the case in hand, as per version of the prosecution, the occurrence in question was witnessed by Meenaxi, who is the minor daughter of deceased Rattna and accused Babu Lal. It is pertinent to mention that at the time of occurrence, the said eye witness was hardly about 7-8 years. One can imagine the plight of a child, who had witnessed such an occurrence caused by her father with her mother. It is quite natural being child of such

an age to be baffled and aghast of having witnessed such a horrible incident,

in which, her mother has been set to fire by her own father and none else. In such a situation, a child of this age goes into his/her shell and does not share about the manner of taking place of occurrence with anyone, more particularly, when no one close to him/her is available. Appellant Babu Lal himself had set his wife to fire after sprinkling kerosene oil upon her. It was quite natural that such conduct must have frightened Meenaxi, his minor daughter, who had witnessed the occurrence. In such circumstances, it was not expected of such minor child aged about 7-9 years to have disclosed about the occurrence to any person, more particularly, when wrong doer was her own father. Considering the same, the conduct of Meenaxi, in having not disclosed the occurrence to anyone, was most natural and the detail of the occurrence was given by the child, only on arrival of her maternal grand-father, who is complainant. Definitely, on seeing her maternal grand-father, the minor child would have come to her comfort zone and disclosed about the manner of occurrence to her grand-father. Complainant Madan Lal, on having coming to know about the incident, had proceeded from Pilani, which is at a long distance from Sirsa and on reaching Sirsa, in pursuance of the disclosure by his grand-daughter, he had got recorded his statement. This interregnum period of taking place of occurrence and recording of statement Ex.PG, stands fully explained and therefore, delay in lodging the report, as such, cannot be said to have led to the tutored version coming forth. Thus, on this count, submission so made by learned counsel for the appellant, is not tenable.

Now proceeding further, in a criminal trial, however, intriguing may be the facts and circumstances of the case, the charges made against the accused must be proved, beyond all reasonable doubt and the requirement of

proof, cannot lie, in the realm of surmises and conjectures. So far as, fact of death of Rattna is concerned, the same stands amply established from the medical evidence on record. PW-1 Dr.Viresh Bhushan has deposed about conducting of the post-mortem examination on the dead body of Rattna on 10.09.2000 along with Dr.S.L.Aggarwal. He has deposed about detail of burn injuries to have been found on the dead body, details whereof, are already reproduced in the earlier portion of the judgment. Even, he has proved the copy of post-mortem report. He also deposed that cause of death in this case was result of extensive burns (100%), which were ante-mortem in nature and sufficient to cause death in ordinary course of nature. Thus, in the light of aforesaid deposition, the fact of death of Rattna, stands amply established.

At the very outset, it is pertinent to mention that appellant Babu Lal, in his statement under Section 313 Cr.P.C. had taken plea that his wife had committed suicide as she was annoyed over his having in the company of lady teacher gone to see a picture in the cinema hall but however, it is pertinent to mention that no evidence of any kind, to so establish, has been brought on record. There is nothing, as such, coming on record about this stand taken by the appellant. Even if, the plea so taken, is assumed to be correct, for the sake of arguments, there is nothing, as such, coming out that this was regular behaviour of the appellant and if not be so, the singular act of having gone to see movie in the company of some other women, then also, it is highly improbable that any sane lady would commit suicide. Moreover, it is pertinent to mention that appellant Babu Lal is husband of victim and if she was in the company of the accused Babu Lal, all of a sudden, she had died due to burn injuries, it was required on the part of

accused to show as to how such occurrence had taken place but however, no satisfactory explanation for the same is coming forth. Thus, the defence so taken, as such, does not stand established. Moreover, in the statement under Section 313 Cr.P.C., the accused had taken plea that he along with landlord of the house Sh.Harish mehta, had gone to police station but the police had detained him in the police station. However, qua the same also, there is no evidence, as such, coming forth. It was required on the part of appellant, to have examined Sh.Harish Mehta in his defence but no steps have been taken by the appellant to establish his defence version and this itself belies the defence version.

In this backdrop, to establish the occurrence, the prosecution has relied upon sole eye witness i.e. PW-2 Meenaxi, who is daughter of appellant Babu Lal as well as the deceased and who is a child witness. Throughout the arguments, learned counsel for the appellant has emphatically contended that it is very risky to place reliance on the evidence of PW-2 Meenaxi, being a child witness. His submission is that evidence of child witness is generally unworthy of credence. However, aforesaid submission is not tenable. It cannot be taken to be correct that evidence of child witness would always stand irretrievably stigmatised. It is not the law that if a witness is a child, his evidence should be rejected, even if it is found reliable. The evidence must be evaluated more carefully and with greater circumspection because a child is susceptible to be swayed by what others tell them and thus, a child witness is an easy prey to tutoring. Thus, a note of caution has to be there while appraising the testimony of a child witness. In this backdrop, now coming to the statement of PW-2

then Presiding Officer to know about the intelligence level of the said witness. Specific observation has been made by the Presiding Officer that the witness is intelligent to depose as a witness as she has given rational answers to the questions put to her and thereafter, statement on solemn oath of child was recorded. It is pertinent to mention that Meenaxi while deposing in the Court, has categorically stated that her mother died on 09.09.2000 at 3.00 a.m. She got burnt in the kitchen in the house of Harish Mehta, which was on rent with them. Munni Devi, was identified by this witness, being present in the Court. Meenaxi further deposed that her father had given beatings to her mother. He dragged her to the kitchen and poured kerosene oil upon her mother and set her on fire. She further deposed the she saw the occurrence as she had followed them. She was sitting at that time and she heard them quarreling with each other. She further deposed that her mother died at the spot due to burning. She also deposed that her maternal grand-father came to their house at 2.00 p.m. on 09.09.2000 and on his asking, she had told him about the occurrence. She further deposed about disclosing about the occurrence to the police. Thus, from the aforesaid testimony this fact stands established that Meenaxi had witnessed taking place of the occurrence. She had witnessed the quarrel, having taken place between her father and mother and thereafter also, to have witnessed setting ablaze of her mother.

Now, it is submitted by learned counsel for the appellant that improvement has been made by Meenaxi, which has been pointed out. In her statement under Section 161 Cr.P.C., she did not state about she had narrated the occurrence to her grand-father and she followed her father,

when his father dragged her mother to the kitchen. She was confronted with

her statement Ex.DA. However, aforesaid submission is not tenable. No doubt, Meenaxi had not stated in her statement under Section 161 Cr.P.C. that she had narrated the occurrence to her grand-father Madan Lal and that she had followed her father to the kitchen and seen the occurrence but it is pertinent to mention that Court has to remain sensitive to the fact that in fact, Meenaxi, is a child witness and it cannot be expected from a witness of her age, to give minute details of the manner of taking place of the occurrence. It is pertinent to mention that complainant Madan Lal, in his statement Ex.PG, stated that he came to know about the occurrence from his grand-daughter Meenaxi and thereafter, even statement of Meenaxi was recorded by the Investigating Officer, on that very day. It was required on the part of the Investigating Officer to have elicited material facts from the said witness while remaining objective. In these circumstances, when the witness is a child witness, the deposition of this witness, cannot be discarded, on this ground and she cannot be held to be unreliable witness, on this ground. The deposition of said witness vis-a-vis incriminating role of Babu Lal, is most natural and reliable and her deposition, as such, cannot be discarded, solely on the ground of being child witness. The only caution, which is required to be taken, is to see whether child witness is tutored. In this regard, it is pertinent to mention that there is nothing, as such, coming in the evidence on record, about Meenaxi to have been tutored by any person, who was interested, to falsely implicate Babu Lal. In these circumstances, also, it is pertinent to mention that statements of witnesses had been recorded on 09.09.2000 itself i.e. on the day of occurrence itself and therefore, when there was no person around Meenaxi, who would have tutored her, as such, her statement cannot be taken to be tutored statement.

Even, while deposing in the witness box, the said witness has categorically deposed about the manner of causing of occurrence by her father, who is appellant Babu Lal. Her statement was recorded by the concerned officer, only after being satisfied of her competence to depose in the Court. As such, the statement of Meenaxi, a child witness, is most natural one and cannot be discarded, solely on account of being child witness. The version so put forth by PW-2 Meenaxi, vis-a-vis incriminating role of Babu Lal, also stands corroborated from the testimony of complainant Madan Lal, who is maternal grand-father of Meenaxi. He has also deposed about the bad conduct of Babu Lal qua deceased. Even, deposition of these witnesses, finds strength from the medical evidence on record, which has already been reproduced in the earlier portion of the judgment.

Thus, ocular evidence coming forth in the aforesaid testimonies of PW-2 Meenaxi and PW-6 Madan Lal, stands corroborated from the medical evidence, so brought on record. Considering the same, learned trial Court has rightly held about the prosecution, having proved its case against Babu Lal for commission of offence under Section 302 IPC beyond shadow of reasonable doubt.

Besides, charge under Section 302 IPC, there is also charge under Section 498-A IPC against both the accused. As per version of the prosecution, accused Babu Lal (husband) and accused Munni Devi (mother-in-law of deceased), used to harass and maltreat Rattna, as they were not satisfied with the dowry. Even, few months prior to the occurrence, they had raised a demand of ₹20,000/- before Madan Lal complainant, who had promised to arrange the said money and to give to them. However, in the

meantime, occurrence in question, had taken place. It is admitted case of

the prosecution that original village of accused Babu Lal is Taranwala Kuan, P.S. Chirawa, District Jhunjhunu, Rajasthan. It is not disputed that Munni Devi, throughout, had been residing in village Taranwala Kuan. However, it was only accused Babu Lal and Rattna, who had been residing in Sirsa. Soon before the occurrence, they had already been residing at various places, where they remained employed. Even, Madan Lal had deposed about Babu Lal, who was earlier employed in Tosham, to have shifted to Sirsa and brought Rattna with him. Specific claim of complainant Madan Lal is that at the time when Babu Lal brought his wife and daughter to Sirsa, he raised demand of ₹20,000/-, in order to purchase a new motorcycle. Also Madan Lal has categorically stated in his statement Ex.PG, which formed basis of present case, that on 03.09.2000, he had gone to his daughter Rattna, who told that him that her mother-in-law had come to Sirsa and accused are pressurizing for demand of cash of ₹20,000/-. One is not to lose sight of the fact that Munni Devi was about 71-72 years and she was not staying with accused Babu Lal and deceased (during her lifetime). It was, at the maximum, casual visit made to the house by Munni Devi. In these circumstances, though, there are accusations of harassment and maltreatment of Rattna at the instance of Munni Devi but however, they do not stand established and it is highly improbable that after about 12 years of marriage, mother-in-law, who is aged about 71-72 years, would make demand or maltreat and harass daughter-in-law to fulfill demand of cash, for the purpose of purchasing a motorcycle, which would not be of any utility or benefit to her, at this age. In these circumstances, learned trial Court has rightly disbelieved the version of the prosecution, vis-a-vis role of Munni

498-A IPC.

So far as, accused Babu Lal is concerned, he was residing with Rattna. There is also direct evidence, vis-a-vis conduct of Babu Lal, as given by his own daughter PW-2 Meenaxi. Even, complainant Madan Lal has categorically deposed about maltreatment and harassment of his daughter by accused Babu Lal for demand of dowry. Looking at the conduct of Babu Lal in causing death of Rattna and in view of the testimony of Madan Lal, maltreatment and harassment of deceased, at the instance of Babu Lal, stands established. Though, it not now submitted that Babu Lal was already having motorcycle, therefore, there was no question of raising demand for the purchase of new motorcycle, but however, this submission, as such, is not tenable. It cannot be conclusively held that if a person is having old motorcycle, he would not raise demand of cash for purchase of new motorcycle, more particularly, when earlier demands were fulfilled. Complainant Madan Lal has categorically stated that on earlier occasions also, he paid ₹10,000/- and ₹5,000/- on demand of accused. Considering the same, the demand of cash for purchasing new motorcycle, as such, cannot be taken, as not raised by the accused. Thus, in view of the facts and specific testimony of PW-6 Madan Lal, as already detailed aforesaid, offence under Section 498-A IPC is duly established.

In view of the aforesaid cumulative discussion, learned trial Court has rightly held appellant Babu Lal guilty, convicted and sentenced him for the offence punishable under Sections 302 and 498-A IPC. Even, learned trial Court has rightly acquitted Munni Devi of the charge levelled against her. As such, impugned judgment merits no interference.

As such, appeal as well as revision petition, sans merit and the

same are dismissed.

Accused-appellant namely Babu Lal, is stated to be on bail. A copy of the judgment be sent to concerned Chief Judicial Magistrate, to get the accused-appellant arrested, so as to serve the remaining part of the sentence.

(JITENDRA CHAUHAN)
JUDGE

(ARCHANA PURI)
JUDGE

December 18, 2019
Vgulati

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No