

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRA-S-1722-SB-2004

Date of Decision: April 04, 2022

Ajay Kumar and others

... Appellants

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. A.S. Manaise, Advocate,
for the appellants.

Ms. Ruchika Sabherwal, AAG, Punjab.

Vivek Puri, J.

The present criminal appeal has been preferred against the judgment of conviction and order of sentence dated 24.08.2004 passed by the Court of learned Additional Sessions Judge (Ad hoc), Fast Track Court, Gurdaspur vide which Ajay Kumar-appellant along with co-accused, namely, Bachno Devi @ Bacho, Ravinder Pal @ Kala and Shammo Devi @ Shammo were convicted under Section 304-B of the Indian Penal Code (for short 'IPC') and each of the accused were sentenced to undergo rigorous imprisonment for a period of seven years.

Aggrieved by the aforesaid judgment of conviction and order of sentence, all the aforesaid accused had preferred a criminal appeal in this Court. Govinder Attri, the complainant, had also preferred a criminal revision bearing CRR-70-2005 seeking enhancement of sentence. Bachno Devi @ Bacho - appellant no.2-accused died during the pendency of the appeal and the proceedings against her stood abated. Vide judgment dated 23.08.2018, this Court accepted the appeal qua Ravinder Pal @ Kala and Shammo Devi @ Shammo, appellant nos. 3 and 4 respectively, whereas, the appeal qua Ajay Kumar-appellant no.1 was dismissed and CRR-70-2005 for enhancement of sentence of imprisonment was also dismissed.

Ajay Kumar-appellant preferred a Criminal Appeal No. 1629 of 2021 before the Hon'ble Supreme Court and in terms of the order dated 14.12.2021, the matter was remanded to this Court for considering the case of the appellant. The appeal preferred by Ajay Kumar-appellant was allowed and the impugned judgment of this Court was set aside qua him. It was also made clear that the acquittal of the other accused by this

Court is not being disturbed. It was further directed that the benefit of interim order dated 26.03.2019 under which the sentence of the appellant was suspended and was released on bail will continue till the decision of this appeal. As such, the appeal preferred by Ajay Kumar-appellant is being re-heard by this Court.

Briefly, the case as put forth by the prosecution is to the effect that the marriage of Amarjit Kaur, deceased, the sister of Govinder Attri, complainant, was solemnized with Ajay Kumar-appellant on 16.02.1999 at Khatri Bhawan, Gurdaspur as per the prevailing customs and rituals. The dowry articles were also given at the time of marriage as per the capacity of the parents of the deceased. The accused have been raising demand of dowry and the appellant was having illicit relations with his brother's wife, namely, Shammo accused. The appellant along with the co-accused had been taunting the deceased and pressurizing her to bring more dowry. She was being mal-treated and given beatings on that score. The complainant along with his friend Sansar Chand and uncle Dev Raj had visited the house of in-laws of the deceased and tried to

make the accused persons understand. They were told that sufficient dowry has been given in the marriage and the parental family of the deceased was not in a position to give more dowry. The mother-in-law of the deceased had been taunting the deceased on the score that the ring was not given to her elder son, namely, Ravinder Pal @ Kala-accused, who had performed the milni ceremony in place of the deceased father. The deceased used to be in a state of grief as and when she had been visiting her parental village. On 04.02.2001, a son was born to the deceased and valuable items were given at that time. On 05.11.2001, the deceased visited her parental village and informed that the family members of her in-laws are pressurizing her for more dowry and cash amount on the eve of Diwali festival. She further informed that in the event, a fridge for Bachno Devi, mother-in-law, golden ear ring for Jethani, motor-cycle for Ajay Kumar and ring for Ravinder Pal @ Kala are not given, she will be done to death. The complainant had arranged some money and about 3-4 days prior to Diwali, he along with Dev Raj, Raj Kumar, Harpal Singh Bains and Som Nath visited the house of the accused and

gave one golden kaara, one pair of golden ear rings and cash of Rs. 10,000/- for purchase of fridge to the accused. A request was made to the accused not to harass the complainant any further. On 10.12.2001, Sansar Chand, the friend of the complainant, visited the house of the in-laws of the deceased. The appellant was under the influence of liquor, who gave filthy abuses and beatings to the deceased. The other co-accused also came there and instead of stopping the appellant from doing so, they also started giving beatings to the deceased and exhorted the appellant to finish the matter once for all. They also asserted that the deceased be put before the train. Sansar Chand tried to intervene and the accused inflicted blows upon him. He returned back to his house being frightened and narrated the whole story to the complainant. It has been further alleged that on 11.12.2001, on account of demand of dowry by the accused and on account of illicit relations of the appellant with co-accused Shammo, the deceased finished her life by putting herself on a railway track. On account of death of the deceased, her father - Chaman Lal and mother Parkash Devi were not in a proper

state of mind being under pressure and depression. They could not narrate the real story and when the complainant reached the house, his parents informed the whole story that the deceased has finished her life on account of demand of dowry and harassment meted out to her. On the basis of the complaint submitted by Govinder Attri, complainant, the case was registered.

On completion of the investigation, the report under Section 173 Cr.P.C. was presented under the signatures of SI Banarsi Dass, PW12. As the offences were exclusively triable by the Court of Session, case was committed to the Court of Session vide order dated 13.03.2002. A prima facie case under Section 304-B IPC was made out against the appellant and accordingly, charge was framed against the appellant and co-accused.

In support of its allegations, the prosecution has examined 15 witnesses. Statement of the accused under Section 313 of the Code of Criminal Procedure (for short 'Cr.P.C.') was recorded and the accused examined 03 witnesses in defence evidence.

Vide judgment of conviction and order of sentence dated 24.08.2004, all the accused were convicted and sentenced to undergo rigorous imprisonment for a period of seven years for having committed offence under Section 304-B IPC.

It has already been observed that the proceedings against Bachno Devi @ Bacho appellant no.2 stood abated. The appeal qua Ravinder Pal @ Kala and Shammo Devi @ Shammo, appellant nos. 3 and 4 respectively, was accepted and the appeal preferred by Ajay Kumar-appellant was dismissed by this Court vide judgment dated 23.08.2018. Criminal Appeal No. 1629 of 2021 preferred by Ajay Kumar-appellant was accepted by the Hon'ble Supreme Court in terms of order dated 14.12.2021 with the following observations:-

"A perusal of the impugned judgment would show that the High Court had, on the one hand, dealt with the criminal appeal filed on behalf of the relatives of the appellant and proceeded to find that they were wrongly convicted. When it comes to the appellant, we notice that there is no discussion as such of the case of the appellant. What is inter alia indicated is that a young married woman blessed with a son would not

have ended her life without any rhyme and reason; some sort of matrimonial discord was there. We must pause here and indicate that in a prosecution for the commission of an offence and that too, a serious offence like section 304B IPC to hold that some sort of matrimonial discord was there clearly does not, in any manner, advance the case of the prosecution. Such reasoning clearly falls short of the premise on which a person can be convicted under Section 304B IPC. Ingredients of Section 304B IPC need not be reiterated as it has been expounded in a catena of judgments of this Court. The Court goes on to refer to Sections 113A and 113B of the Evidence Act and, thereafter, the Court proceeds to find that from the facts, the trial Court is justified in convicting the appellant.

This Court has declared the importance of the right to appeal with a person who stands convicted. Article 136 is only a special extraordinary jurisdiction which is not a right of appeal in itself. It is to be exercised rarely. The real right which is available to the person who is convicted is the right of appeal. The appellate Court is duty bound to reappreciate the evidence and apply the law to the facts as are found on

such reappreciation. This necessarily means that the High Court must discuss the evidence threadbare and also apply the correct principles of law. We do not think that in this case, the impugned judgment of the High Court has dealt with the matter as is required in law. In fact, the learned senior counsel for the appellant has pointed out that the High Court has found that the delay with which the FIR was lodged was unexplained and the relatives who had given the statements were not produced before the Court. There is also a case of the appellant that PW 6, 7, 8, 9 have been disbelieved by the High Court qua other accused and it is his case and it is a common case as against all the accused which the prosecution had. Therefore, the High Court ought to have acquitted the appellant runs the appellant's argument.

Having heard learned counsel for the parties, we are of the view that this is a case which requires us to remand the matter to the High Court for considering the case of the appellant. Accordingly, the appeal is allowed. The impugned judgment of the High Court is set aside qua the appellant. In other words, we make it clear that we are not disturbing the acquittal of the other accused by the

High Court. The High Court will proceed to hear the matter qua the appellant alone and we request the High Court to take up and decide the matter as early as possible. The appellant will be entitled to the benefit of interim order dated 26.03.2019 under which the sentence against the appellant stands suspended and he has been released on bail which will continue till the appeal is decided."

That is how the matter is being re-heard by this Court. Now, the criminal liability, if any, of Ajay Kumar-appellant is to be adjudicated in the present proceedings.

The case put forth by the prosecution is to the effect that the appellant along with co-accused had been mal-treating and subjecting the deceased to cruelty on account of demand of dowry and on that score, she committed suicide by putting herself on a railway track and was run over by the running train.

Dalip Chand, PW3, was the driver of the train and as per his version, the deceased was lying on the railway track, he tried to apply emergency brakes, but could not stop the train, the engine crossed over the deceased and her body

was cut into pieces. Madan Lal, PW2, was working as Deputy Station Supervisor and on the receipt of the information, he had recorded the ruqa (Ex.PB). Narinder Kumar Nahal, PW14, was posted as Guard on the train and on the receipt of the occurrence from the driver, he had delivered the memo (Ex.PC) to the Station Master, Railway Station, Pathankot. Constable Harjit Singh, PW4, had taken the photographs (Ex.P1 and Ex.P2). Dr. Bhupinder Singh, PW5, had conducted the post mortem examination on the dead body and the following injuries were found on the person of the deceased:-

(1) Body was obliquely cut from the neck from right side to left side through and through from chest and axilla, lungs and all other viscera lying outside Heart was lying outside the body.

(2) Left arm was obliquely cut from the middle of humerus.

(3) First and third finger of right hand cut through and through.

(4) Spinal cord and viscera and vertebrae were cut from thorax."

As per his opinion, the cause of death was multiple injuries and injuries to vital organ, which were ante mortem in nature. Govinder Attri,

PW6, is the brother of the deceased and the FIR was registered on the basis of his application (Ex.PF). Sansar Chand, PW7, is the friend of the complainant, who visited the house of the deceased on 10.12.2001 where he saw the deceased was being mal-treated by the accused. Som Nath, PW8 and Raj Kumar, PW9, have testified with regard to giving of golden karra, golden ear rings and Rs. 10,000/- in cash for purchase of refrigerator to the accused. Rajesh Kumar, PW10, is working as a Goldsmith and as per his version, Chaman Lal, the father of the deceased, along with his brother Dev Raj visited his shop in the year 2001 for purchase of golden karra weighing 10 grams and a pair of golden ear rings.

DSP Bahadar Singh, PW11, had conducted part investigation of this case. He had visited the site of occurrence and prepared the site plan (Ex.PG). The photograph was taken into possession vide recovery memo (Ex.PD). SI Banarsi Dass (PW12) was posted as Officer Incharge, GRP, Pathankot, on 19.12.2001. On the receipt of the application (Ex.PA), he had recorded the FIR (Ex.PH) and conducted the investigation of the case. Constable Balwant Singh, PW15, (also

examined as PW5 re-numbered) had delivered the special report after the registration of the FIR. Harbhajan Singh, PW1, was working as record keeper in the State Bank of India, Gurdaspur and he has proved the statement of accounts (Ex.PA) pertaining to Chaman Lal. Rakesh Kumar, PW13 had carried out photography and videography in the marriage of the deceased.

In the statement recorded under Section 313 Cr.P.C., the accused had denied the correctness of the incriminating evidence appearing against them. The defence plea as put forth by the appellant is to the effect that he was happily married with the deceased and was having cordial relations with her. The deceased had been mostly residing with him at Jammu where he was posted as Junior Engineer. His friend, namely, Sunil was residing in Himachal Pradesh (near Kangra) and his marriage was fixed for 10.12.2001. The appellant along with common friends of Village Sarna Nehar were invited to attend the marriage function. The appellant along with the deceased decided to attend the marriage. The deceased left Jammu for Sarna on 08.12.2001 to make preparations for attending the wedding.

She stayed in the house of her sister at Pathankot and reached Sarna in the morning of 09.12.2001. The appellant reached Sarna in the morning hours on 10.12.2001 and with the common friends, it was decided that on account of acute winter, they should not take the families as the children were of tender age. Accordingly, the appellant told the deceased and advised her not to accompany him as their child was two years old. The deceased felt bad and desired to accompany him as she had already made preparations. The appellant had not taken the deceased with him to attend the wedding. He returned back on 11.12.2001. The deceased was annoyed and shortly thereafter, she left the house in anger. In the afternoon while searching her, the appellant came to know that she has committed suicide and run over by train at Pathankot Railway Station. He informed the parents of the deceased, who also reached and joined the investigation.

In their defence evidence, the accused had examined Vishavjit, DW1, who is friend of the appellant and testified with regard to the fact that they had attended the wedding of Sunil Kumar

by leaving back the families. Yash Pal, DW2, is a running a shop of Electrical / Electronics appliances at Sarna and as per his deposition, there is no shop by the name of Golcha Electricals at Sarna. SI Ravinder Kumar, DW3, was posted as Office Incharge, GRP, Pathankot, on 11.12.2001. He had conducted the inquest proceedings and recorded the statements of Chaman Lal, the father and Parkash Devi, the mother of the deceased.

I have heard learned counsel for the parties and perused the record.

It shall be appropriate to recapitulate certain admitted facts in the instant case. The relationship of the deceased with the appellant is not disputed. Admittedly, the marriage of the deceased was solemnized with the appellant on 16.02.1999. A son was born from the wedlock on 04.02.2001 and the death has occurred on account of the deceased being run over by a running train on 11.12.2001.

It has been argued by the learned counsel for the appellant that the occurrence took place on 11.12.2001 and the FIR has been lodged on 19.12.2001 after a delay of about 8 days without

any satisfactory and reliable explanation. The inquest proceedings were conducted on 12.12.2001 and the statements, Ex.PD/1 and Ex.PD/2 of Chaman Lal, the father and Parkash Devi, the mother of the deceased, respectively were recorded wherein they never suspected anyone for the death of the deceased. They also stated that the deceased was having very cordial relations with the family members of her in-laws. There is no reliable evidence with regard to demand or giving anything in dowry. Govinder Attri, PW6, is the solitary witness, who is the relative of the deceased and the other witnesses are his friends, who have been examined with an attempt to create false evidence against the appellants. The defence version as sought to be put forth by the appellant is fairly reliable. The case of the appellant is at par with the co-accused who have been acquitted. Consequently, the judgment of conviction and order of sentence qua the appellant is liable to be set aside.

On the contrary, while supporting the judgment of the Court below, the learned State counsel has argued that it is a categorical case of the complainant that when the statements of the

parents were recorded, they were depressed due to sudden demise of the daughter. The evidence adduced on record is indicative of the fact that the jewellery items were purchased and the same along with the cash were given to the appellant and the co-accused. The delay in lodging the FIR is immaterial as the complainant was residing in Delhi when the occurrence took place. It is emerging in the statement that the FIR was not registered at the earlier instance by the Officer incharge of the police station as he was under transfer. The case of the appellant cannot be termed to be at par with the co-accused who are the brother-in-law and sister-in-law of the deceased. In the instant case, the death has occurred otherwise than under normal circumstances, within a period of 7 years of marriage and soon before her death, the deceased was subjected to cruelty and harassment by the appellant on account of demand of dowry. The essential ingredients of Section 304-B IPC are made out in the instant case and by raising a presumption under Section 113-B of the Indian Evidence Act, the conviction of the appellant and

the sentence imposed is not liable to be disturbed.

The lodging of FIR with due promptitude is quite significant and important aspect of a case. In the event, the matter is reported to the police with due promptitude, it rules out the possibility of introduction of coloured, concocted, exaggerated or false version, but at the same time, it has to be borne in mind that the delay in lodging the FIR is not necessarily a circumstance which would warrant rejection of the prosecution case in entirety. FIR is expected to reflect true picture of the occurrence without any embellishment or fabrication. No specific time has been fixed for reporting the matter to the police. The delay in informing the police with regard to the incident or lodging the FIR is bound to occur due to variety of reasons depending upon the surrounding circumstances existing at the time of occurrence and even subsequent to the commission of crime. The FIR is to be filed promptly and if there is delay. the prosecution must furnish a satisfactory explanation for the same. However, no straight jacket formula can be laid in this regard and the

delay in each and every case has to be looked into and its effect on the merits of the case has to be evaluated on the basis of facts and circumstances as emerging in that case.

The occurrence took place on 11.12.2001. The first version against the appellant and the co-accused had emerged in the complaint submitted by Govinder Attri, PW6, to the Officer Incharge, GRP, Pathankot. In the said complaint, the allegations are to the effect that the appellant along with the co-accused had been mal-treating and harassing the deceased on account of demand of dowry. Furthermore, the appellant was having illicit relationship with his sister-in-law. Being fed up from the mal-treatment, the deceased had committed suicide.

Govinder Attri, PW6, was in Delhi at the time of occurrence. It is emerging in his statement that he got the information about the death of his sister on 11.12.2001 at about 9/10 PM. Accordingly, he came to Sarna and thereafter went to his village Kaunta where he remained till 19.12.2001 and submitted the complaint. He has also deposed to the effect that he did not

consult any relative from 12.12.2001 to 19.12.2001 for the purpose of lodging the FIR.

In his examination-in-chief, Govinder Attri, PW6, is silent with regard to any explanation for the delay in reporting the matter to the police. However, in his cross-examination, it is emerging that on 13.12.2001, he had gone to the SHO, GRP for lodging the report, but he refused on the ground that new SHO will join the duty and will record the same. Even the complaint submitted by Govinder Attri, PW6, is silent with regard to any explanation afforded with regard to delay in submission of the same.

Now, it has to be seen as to whether the explanation as emerging to the effect that the Officer Incharge/SHO was under transfer and on that score, the FIR could have been refused to be registered can be accepted. It is significant to note that SI Ravinder Kumar, DW3 was posted as SHO at GRP, Pathankot on 11.12.2001 and he had conducted the inquest proceedings. He has been examined as a defence witness, but significantly, he has not been cross-examined on the aspect that he had refused to register any FIR on the pretext that he was under transfer. Moreover, it becomes

hard to believe that the SHO of a Police Station will abdicate his duties and avoid the recording of information with regard to the commission of a cognizable offence which was quite serious in nature on the pretext that he was under transfer. Even otherwise, if there was refusal to register the FIR on the part of the SHO, there is nothing to suggest that the complainant had approached the superior police authorities or any other forum for redressal of his grievance. Consequently, the explanation as sought to be put forth by the complainant to justify the delay in lodging the FIR appears to be a result of an afterthought and cannot be accepted. In such circumstances, a more stringent duty is cast upon the Court to scrutinize the evidence appearing against the appellant with more care and caution.

The deceased had committed suicide and was run over by a running train on 11.12.2001. On the receipt of the information, SI Ravinder Kumar, DW3, the SHO at GRP, Pathankot had conducted the inquest proceedings. He had recorded the statements Ex.PD/1 and Ex.PD/2, Chaman Lal, the father and Parkash Devi, the mother, respectively, of the deceased. The

categoric and unambiguous version as put forth by the parents of the deceased in the statements recorded during the inquest proceedings is to the effect that the deceased had committed suicide on account of some mental disturbance and they never suspected anyone with her death. They have categorically and specifically stated that the deceased with having cordial relations with the family members of her in-laws and they never suspected anyone with the commission of crime. Although, the complainant has mentioned in the complaint that his parents were in a state of depression on account of the death of their daughter and as such, they could not reveal the truth but it is significant to note that the father of the deceased cannot be termed to be a rustic man. He had been serving in Indian Army and retired as Subedar. Even, if any, such statement was made at the earlier instance by the parents of the deceased on account of being depressed, it is significant to note that they were neither joined in the investigation at the subsequent stage nor examined in the trial Court as a witness who could have sought to dispute the fact of recording of their statements at the

earlier instance and further impute the allegations of demand of dowry as alleged by the complainant during the course of trial. Had the deceased been subjected to cruelty on account of demand of dowry and some articles were also passed on to the appellant and the co-accused, the parents of the deceased would not have remained silent after the death of their daughter. The version as emerging in the statement of the parents of the deceased during the course of inquest proceedings is also indicative of the fact that a false version has been sought to be put forth as a result of afterthought by Govinder Attri, PW6, the brother of the deceased.

The learned trial Court has observed that no undue importance can be attached to the statements of the witnesses recorded during the course of inquest proceedings as the same were not recorded on oath. It may be mentioned here that there is no requirement under law to record such statements on oath. Moreover, the statement of the parents of the deceased recorded during the course of inquest proceedings when evaluated with the other facts and circumstances emerging

in the instance case, render the version of the prosecution to be doubtful.

The prosecution has sought to be put forth a case to the effect that on 10.12.2001 i.e. a day prior to the occurrence Sansar Chand, PW7, a friend of Govinder Attri, PW6, had visited the house of in-laws of the deceased. He observed that the appellant along with co-accused had been mal-treating the deceased and accordingly, he had informed the complainant about this aspect. It may be mentioned here that Sansar Chand, PW7, has deposed to the effect that on his return, he had narrated the incident to Chaman Lal, the father of the deceased. Had it been so, Chaman Lal would not have displayed silence with regard to any imputation against the appellant or his family members in the statement recorded during the course of inquest proceedings two days thereafter. Moreover, the version of Govinder Attri, PW6, is to the effect that Sansar Chand, PW7, had informed him with regard to the incident which took place on 10.12.2001, but significantly, Sansar Chand, PW7, has deposed to the effect that he narrated the entire incident to Chaman Lal, the father of the deceased. He

does not say anything with regard to the information given by him to Govinder Attri, PW6. Moreover, his visit to Sarna i.e. the village of in-laws of the deceased is also not free from doubt. Sansar Chand, PW7, has deposed to the effect that he had visited Sarna for purchase of some material from Golcha Electricals. However, Yash Pal, DW2, who is running a shop of electrical/electronics appliances at Sarna has deposed to the effect that there are about 7 shops of electrical goods at Sarna, but there is no shop by the name and style of Golcha Electricals. In these circumstances, the version of the prosecution with regard to the visit of Sansar Chand, PW7, to the house of in-laws of the deceased, a day prior to the occurrence and report of incident made by him to Govinder Attri, PW6, cannot be termed to be free from reasonable doubt.

The prosecution has also examined Som Nath, PW8 and Raj Kumar, PW9 with regard to the visit to the house of the in-laws of the deceased and handing over golden ear rings and cash of Rs.10,000/- for purchase of refrigerator on their demand. The golden jewellery was purchased from

Rajesh Kumar, PW10. It has been deposed by Rajesh Kumar, PW10, that Chaman Lal i.e. the father of the deceased along with his brother Dev Raj visited his shop at Dina Nagar in the year 2001 for purchase of golden karra and rings and he had issued the receipt Ex.P10/A. Significantly, it is emerging in his cross-examination that he does not maintain any bill book. As such, preparation of the receipt Ex.P10/A at a subsequent stage cannot be ruled out. Moreover, neither Chaman Lal nor Dev Raj who had allegedly purchased the golden jewellery from Rajesh Kumar, PW10, have been examined during the course of trial. The statements of Som Nath, PW8 and Raj Kumar, PW9 when read in conjunction of the statement of Rajesh Kumar, PW10 cannot be termed to be sufficient and reliable to conclude that any jewellery items and cash were given by the parental family of the deceased to the appellant and his family members on their demand.

The defence version as sought to be put forth by the appellant to the effect that he along with his friends had visited Himachal Pradesh to attend the wedding of his friend by leaving their families back appears to be

reasonable and probable. A son was born to the deceased who was aged about 10 months at the time of occurrence. It is quite natural that a decision might have been taken by the appellant and his friends to attend the wedding in Himachal Pradesh by leaving the families back as it was peak winter season and the appellant was having a child of tender age. The deceased got annoyed on that aspect and committed suicide. The defence version as sought to be put forth by the accused when evaluated with other evidence appearing on record tends to raise an element of reasonable doubt in the case of the prosecution version.

On evaluating the material on record, there is a delay of 8 days in lodging the FIR. No satisfactory or plausible explanation is coming forth to justify the delay in lodging the FIR. The statement of the parents of the deceased recorded at the first instance immediately after the occurrence at the time of inquest proceedings are indicative of the fact that the deceased was having cordial relations with the appellant and his family members and they never suspected anyone with the death of the deceased. Even the parents of the deceased were not examined

subsequently during the course of trial. There is lack of satisfactory and reliable evidence to indicate demand of dowry or harassment or cruelty meted out to the deceased by the appellant or any illicit relations of the appellant with his sister-in-law which may have prompted the deceased to commit suicide.

On evaluating the evidence on record, the case of the prosecution stands short of demanding decree of proof required to establish a criminal case. The case of the prosecution cannot be termed to be free from reasonable doubt and the appellant is entitled to the benefit of doubt.

For the aforesaid reasons finding sufficient merit, the appeal is accepted. The judgment of conviction and order of sentence dated 24.08.2004 imposed upon the appellant is set aside.

Appeal is allowed.

April 04, 2022
vkd

(Vivek Puri)
Judge

Whether speaking/reasonable	:	Yes
Whether reportable	:	Yes