

Vaswant Narayan Pawar

Vs

State of Maharashtra

Special Leave Petition (Criminal) No. 2636 of 1979

(V. R. Krishna Iyer, R. S. Pathak JJ)

19.12.1979

ORDER

KRISHNA IYER, J. –

1. Shri Pramod Swarup appearing as amicus curiae has presented the case of the accused as effectively as the record permits. Indeed, he has gone to the extent of pressing into service points which do not appear to us to have any force. Moreover, he has tried to persuade us to believe that a dying declaration made by the lady who was burnt to death by the husband-accused - that is the charge on which the trial Court and the High Court had found the petitioner guilty - is exonerative of the accused husband and does not implicate as the court has construed. The declarant as she was dying was conscious enough to make a statement and in one of the several statements she made, it would appear, she said when her husband was being beaten up that even though she had been burnt, her husband should not be beaten. This is a sentiment too touching for tears and stems from the values of the culture of the Indian womanhood. A wife when she has been set fire to by her husband. It is this sentiment which promoted this dying tragic woman to say that even if she was dying having been burnt, her husband should not be beaten. We are unable to appreciate how this statement can be converted into one exculpatory of the accused. Anyway, we are mentioning these facts only because Shri Pramod Swarup, contended that they were weighty circumstances sufficient to cancel the conviction.

2. Wife burning tragedies are becoming too frequent for the country to be complacent. Police sensitisation mechanisms which will prevent the commission of such crimes must be set up if these horrendous crimes are to be avoided. Likewise, special provisions facilitating easier proof of such special class of murders on establishing certain basic facts must be provided for by appropriate legislation. Law must rise to the challenge of shocking criminology, especially when helpless women are the victims and the crime is committed in the secrecy of the husband's home. We hope the State's concern for the weaker sections of the community will be activated into appropriate machinery and procedure. We dismiss the special leave petition.

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