

Som Nath

Vs

State of Haryana

Special Leave Petition (Criminal) No. 3478 of 1979

(V. R. Krishna Iyer, E. S. Venkataramiah JJ)

31.03.1980

ORDER

KRISHNA IYER, J. –

1. Wife burning - that atrocious species of murder horrendously escalating in some parts of this country - is the shocking crime proved, according to two courts, by the prosecution in this case. Concurrent findings of fact cannot be disturbed save on enormity of improbability which we are unable to see in the present case. The three dying declarations corroborated by other circumstances are sufficient in our view to bring home the offence. Counsel has sought to discredit these declarations relevant under Section 32 of the Evidence Act forgetting that they are the groaning utterances of a dying woman in the grip of dreadful agony which cannot be judged by the standards of fullness of particulars which witnesses may give in other situations. To discredit such dying declarations for shortfalls here or there or even in many places is unrealistic, unnatural and unconscionable if basically there is credibility. The terrible in this case has taken place in the house and in presence of the husband who has been convicted. We hardly see any reason for interfering with this conviction, and would have been shocked ourselves if any other course had been adopted either by the trial Court or by the High Court. Gender justice has a high place in Indian criminal jurisprudence. Dismissed.

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