

SUPREME COURT OF INDIA

Ram Kumar

Vs.

State of Haryana

Crl.A.No.245 of 1992

(M.M.Punchhi and M.Srinivasan JJ.)

08.01.1998

JUDGMENT

1. This appeal is against the judgment of the High Court confirming that of the Sessions Court. The appellants are convicted under Sections 304-B and 498-A of IPC. The first appellant is the husband and the second appellant is the mother-in-law of the deceased, Raj Dulari. The deceased was married to the first appellant on June 20, 1984. The case of the prosecution is that the appellants had demanded dowry ever since the marriage and demanding articles like T. V., sofa set and other articles of furnitures etc. Whenever the deceased visited her parents she used to tell her relations that the appellants were ill-treating and harassing her on demand of dowry.

2. The sister of the deceased, by name Simla was married to the first appellant's brother on the same day of the marriage of the deceased. The 'muklawa' ceremony of younger sister took place about one and a half month prior to the occurrence. The case of the prosecution is that on 7th April 1988, three persons came to the house of PW 7 and told that Raj Dulari, the deceased was having severe pain in the stomach and that they should go to see her. On getting this information, she went along with her husband to the appellants' house but none of them was found. They found that her daughter, Raj Dulari was also not in the house. They found that their second daughter, Bimla was locked up in a room on the first floor. She told them that the appellants had given beating to Raj Dulari during the day and when she tried to intervene, she was detained in the locked room. Then the dead body of Raj Dulari was found lying near a well outside the house. Charges were framed against the appellants under Sections 304-B and 498-AA of IPC.

3. The Court of Session considered the entire evidence and came to the conclusion that the charges were proved. On appeal, the High Court affirmed that judgment. Learned counsel appearing for the appellants argued before us that the following circumstances disprove the case of the prosecution.

4. The 'muklawa' ceremony of the younger sister was performed about a month and a half before the occurrence and that shows, according to learned counsel, that there was no demand of dowry or harassment by the appellants for Raj Dulari. According to learned counsel, if it had been so, the 'muklawa' ceremony of the younger sister would not have been performed. There is no substance in this contention. The marriage of both the sisters took place on the same day. There was no purpose in stopping the 'muklawa' of the younger sister. As spoken to by the witnesses, the parents were hoping that if both the sisters started living together the situation would improve and they would be happy. The performance of 'muklawa' of the younger sister does not belie the evidence of

harassment.

5. The second contention placed before us by the learned counsel for the appellants is that the younger sister had filed a divorce petition later and in that petition, she had improved the story. According to the learned counsel, in the First Information Report, the appellants' names were mentioned while in the petition for divorce, the younger sister had implicated her husband also and that shows that the story was not true. There is no merit in the contention. The First Information Report could not be falsified by the allegations made in the divorce petition. The latter is not relevant for considering the truth of the prosecution.

6. The learned counsel next contended that the deceased had written five or six letters to her parents but none of them has been produced. We have to see whether the evidence placed before Court is sufficient to prove the charges. The absence of the said letters does not disprove the case of the prosecution. The next argument is that there is no mark on the dead body to evidence the alleged beating. There is ample evidence to prove that there was harassment by the appellants. The same has been believed by the Courts below. We see no infirmity in the discussion or appreciation of evidence by the Courts below.

7. In the circumstances, we do not find any justification to interfere with the concurrent findings of the Courts below. The appeal fails and is hereby dismissed.