

Meka Ramaswamy

Vs

Dasari Mohan and Ors.

(G. T. Nanavati, S. S. M. Quadri JJ)

08.01.1998

JUDGEMENT

Nanavati, J.

1.This appeal is filed by the father of Rajeeva, who was married to respondent No.1, in the month of May, 1987 and who committed suicide within four months. This appeal is filed against three respondents who were tried for the offences punishable under Sections 306, 304 Part B and 498A IPC and acquitted by the trial court and whose acquittal is confirmed by the High Court.

2.The fact that marriage of Rajeeva with respondent No.1 took place on 18.5.87 is not in dispute. It is also not in dispute that she committed suicide on 4.9.87.

3.It was the prosecution case that she had committed suicide as a result of cruelty practiced by the respondents. It was alleged that respondent No.1-the husband was having an affair with another women and for that reason he also used to beat her often. It was also alleged that respondent Nos.2 and 3 were demanding dowry from her and her father and as the articles demanded were not given they were ill-treating her. In order to prove its case, the prosecution examined the parents of Rajeeva, her sister and her friend.

4.The trial court after appreciating that evidence came to the conclusion that their evidence was not consistent and it did not inspire any confidence as regards the demand of dowry and ill-treatment. The trial court also held that the act of coming late at night by the husband did not amount to an act of cruelty. It, therefore, acquitted the accused of all the charges leveled against them.

5.The High Court after reappreciating the evidence confirmed those findings. The High Court has held that the whole story regarding demand of dowry was unnatural and improbable in view of the fact that Rajeeva was married to respondent No.1 at the instance of respondent Nos.2 and 3 and that before or at the time of marriage they had not demanded any dowry and that they also knew that financial condition of the father of Rajeeva was not such that he could have given a scooter, a fridge, an almirah, a water filter and cash of Rs.2000/-.

6.On going through the judgments of both the courts and the evidence, we find that the reasons given by the two courts for not placing reliance upon the aforesaid two witnesses are not at all improper.PW 1-father of Rajeeva, happened to be a friend of respondent Nos.2 and 3.His daughter was married to respondent No.1 at the instance of respondent Nos.2 and 3.It was also not disputed that while fixing the marriage, no demand for dowry was made. In view of these facts and circumstances. It is not believable that within seven days of the marriage, they would have started

demanding such articles. Even in the letter, Ex.P.4 produced by the friend of Rajeeva-PW 5, there is no mention of demand of dowry or ill-treatment, by any of respondents.

7.The appeal is, therefore, dismissed.

8.The bail bonds are ordered to be cancelled.

