

**SUPREME COURT OF INDIA**

Sushil Kumar

Vs.

State of Haryana

Crl.A.No.316 of 2004

(B. N. Agarwal and H. K. Sema JJ.)

10.08.2004

**ORDER**

1. Heard the parties.

2. The sole appellant along with other two accused persons was tried and by judgment rendered by trial Court while other two accused persons were acquitted, the appellant was convicted under Section 304B and Section 498A of the Penal code and sentenced to undergo rigorous imprisonment for a period of seven years and one year respectively. Both the sentences were, however, ordered to run concurrently. Against the order of acquittal, no appeal was preferred by the State of Haryana whereas appeal preferred by the appellant has been dismissed and his convictions have been upheld by the High court of Punjab & Haryana. Hence, this appeal by special leave.

3. Learned counsel appearing on behalf of the appellant submitted that on the facts alleged and proved, no offence under Section 304B of the Penal Code is made out as there is no evidence, whatsoever, to show that the woman was subjected to cruelty or harassment soon before her death which is a condition precedent for commission of offence under Section 304B. So far as conviction of the appellant under Section 498A is concerned, it has been submitted that there is no evidence to show that the victim was harassed with a view to coercing her or coercing any other person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand. In the absence of any evidence to show that the victim was subjected to cruelty or harassment soon before the death, no offence under Section 304B of the Penal Code is made out. Similarly, there being absolutely no evidence of coercion, the conviction under Section 498A of the Penal Code becomes unwarranted. # For the foregoing reasons, we are of the view that the prosecution has failed to prove its case beyond reasonable doubts and the High Court was not justified in upholding convictions of the appellant.

4. Accordingly, appeal is allowed, convictions and sentences of the appellant are set aside and he is acquitted of the charges. The appellant who is in custody, is directed to be released forthwith, if not required in connection with any other case.