

SUPREME COURT OF INDIA

Ashok Kumar

Vs.

State of N.C.T. of Delhi

Crl.A.No.552 of 2002

(Dr. Arijit Pasayat and P.P. Naolekar JJ.)

12.06.2007

JUDGMENT

DR. ARIJIT PASAYAT, J.

Having heard the learned counsel for the respondent-State, we find that the conviction of the appellant cannot be maintained. It is to be noted that the co-accused persons were acquitted of all the charges as evidence was not sufficient to substantiate the accusation. Additionally burden has been put on the accused-appellant to show as to under what circumstances the death was caused. The presumption in such matters is relateable to a death occurring within seven years of marriage. Admittedly, the marriage in the present case was solemnised more than 10 years before the date of occurrence. That being the position, the order of the High Court is not sustainable and the same is set aside. The appellant is entitled to acquittal. The bail bonds of the accused executed for the purpose of bail in terms of the order dated 15.07.2002 shall stand discharged.