

SUPREME COURT OF INDIA

Jagjit Singh

Vs.

State of Punjab

CrI.A.No.444 of 2009

(Dr. Arijit Pasayat and Dr. Mukundakam Sharma JJ.)

06.03.2009

JUDGMENT

Dr. Arijit Pasayat, J.

1. Leave granted.

2. Challenge in this appeal is to the judgment of a Division Bench of the Punjab and Haryana High Court allowing the appeal filed by the State questioning the judgment of acquittal recorded by Additional Sessions Judge, Amritsar. The appellant and two others faced trial for alleged commission of offences punishable under Sections 304-B and 498-A of the *Indian Penal Code, 1860* (in short the `IPC').

3. Prosecution version in a nutshell is as follows: One Avtar Singh (Complainant) made a statement Ex P.A. before the police on 18.3.1995 that his daughter Jasprit Kaur aged about 26 years was married to accused Jagjit Singh on 26.12.1993 at Amritsar. Avtar Singh stated that he had given dowry to Jasprit Kaur at the time of her marriage according to his capability. The accused Jagjit Singh, his father Gurmukh Singh and his mother Raminder Kaur were not happy with the dowry given by the parents of Jasprit Kaur and they used to taunt her off and on for bringing lesser dowry at the time of her marriage. The accused started maltreating Jasprit Kaur in connection with the demand of dowry. Jasprit Kaur informed her father Complainant Avtar Singh and other family members that the accused were greedy and they were not behaving properly with her. One Baba Charan Singh who was the mediator in the marriage of Jasprit Kaur with Jagjit Singh was approached by the parents of Jasprit Kaur. He was informed about the maltreatment and harassment given to Jasprit Kaur by the accused. Baba Charan Singh also advised and told the accused to treat Jasprit Kaur property. Avtar Singh stated that on 17.3.1995 in the evening at about 5/6 P.M. Jasprit Kaur came to the house of the Complainant. She was frightened and was depressed. She informed her parents that the accused had asked her that they were to purchase a new house and that Jasprit Kaur should bring money from her parents. Jasprit Kaur had also informed her father that the accused had made her life miserable at their house and had made living there impossible. The complainant Avtar Singh and his wife consoled Jasprit Kaur and sent

her back to the house of the accused by telling her that they will inform her about the demand in a day or two. Jasprit Kaur had given birth to a son on 25.12.1994 when also Avtar Singh had spent sufficient amount. But neither Jagjit Singh nor his parents became happy. On 18.3.1995 at about accused 3.30 P.M. Baba Charan Singh came to the shop of the Complainant and informed him that Jasprit Kaur had been killed by the accused by strangulation. The Complainant accompanied by his wife and his son went to the house of the accused Jagjit Singh where they found that the dead body of Jasprit Kaur was hanging from the ceiling fan by a cloth wrapped around her neck. At that time mother of the accused Jagjit Singh namely, Raminder Kaur, was present at the house, while the other members of the family were absent. The Complainant left his wife and son Inderjit Singh near the dead body of Jasprit Kaur and proceeded to lodge a report with the police. The police met Avtar Singh in Chowk Lachhmansar, Amritsar, where he made statement before the police which was read over to him and was signed by him in token of its correctness. The Investigating Officer S.I. Avtar Singh made his endorsement Ex.P.A./2 on the same and sent it to the Police Station `C' Division where formal FIR Ex.PA/1 was recorded by AS.I. Charanjit Singh. The Investigating Officer accompanied by the Complainant Avtar Singh went to the house of the accused where on the top floor of the house, the dead body of Jasprit Kaur was hanging with the ceiling fan in the room. The photographs of the dead body were taken by the photographer as directed by the Investigating Officer and after removing the dead body from the ceiling fan, the cloth wrapped around the neck of the deceased was taken into police possession. The inquest proceedings of the dead body was prepared and the same was sent for post mortem examination through H.C. Lakhwinder Singh and Constable Suba Singh. After post mortem examination of the dead body, the clothes removed from the dead body were taken into police possession by the Investigating Officer. All the accused were arrested and on completion of the investigation they were challaned by SI. Paramjit Singh, S.H.O. P.S. `C' Division, Amritsar. On their appearance before the committing Magistrate, the accused were furnished copies of the documents mentioned in Section 207 of the *Code of Criminal Procedure, 1973* (in short the `Code') and the case against them was committed for trial. The trial Court found that the evidence was insufficient to fasten the guilt on the accused. Questioning the correctness of the judgment of acquittal, the State filed an appeal. By the impugned judgment the High Court found that the co-accused Gurmukh Singh and Raminder Kaur were staying separately and, therefore, there was doubt about their participation in the commission of the offence. But the present appellant was found guilty of offence punishable under Section 304-B IPC and sentenced to suffer RI for seven years.

4. Learned counsel for the appellant submitted that the judgment of the trial Court was well reasoned and the High Court should not have interfered with the judgment of acquittal recorded, more particularly, when the acquittal in respect of co-accused persons was affirmed.

5. Learned counsel for the respondent-State on the other hand supported the judgment of the High Court.

6. It is to be noted that the deceased breathed her last within about one year and three months from the date of marriage while living in the house of her in laws. She was not suffering

from any ailment prior to marriage and even after the marriage she continued to be hale and hearty. The evidence of PW-3, the father of the deceased is very significant. According to him on 17.3.1995 the deceased came to his house. She informed him that the accused was torturing her as they had to purchase a new house they were demanding Rupees one lac from her. To the similar effect is the evidence of PW-4 the brother of the deceased. Prosecution had pressed into service the agreement deed Ex.PB for the purchase of house by Gurmukh Singh from one Sapan Dass (PW-2). Said agreement reveals that it was executed on 8.2.1995 and the sale deed was to be executed on 8.5.1995. The High Court noted that this document amply established that the family required money for purchase of plot from Sapan Dass. The High Court further noted that there was no material brought on record to show that the agreement was performed by the accused persons. The High Court found that the presumptuous conclusion of the trial Court that there was no link of the demand for dowry with the said agreement. The High Court also noted that the trial Court had erroneously concluded that the accused persons were rich persons and, therefore, there was no need for asking any dowry.

7. In *Appasaheb and Anr. v. State of Maharashtra*¹ it was inter-alia held as follows:

“9. Two essential ingredients of Section 304-B IPC, apart from others, are (i) death of woman is caused by any burns or bodily injury or occurs otherwise than under normal circumstances, and (ii) woman is subjected to cruelty or harassment by her husband or any relative of her husband for, or in connection with, any demand for "dowry".

The explanation appended to sub-section (1) of Section 304-B IPC says that "dowry" shall have the same meaning as in Section 2 of the *Dowry Prohibition Act, 1961*.”

10. Section 2 of the Dowry Prohibition Act reads as under:

"2. Definition of 'dowry'.--In this Act, 'dowry' means any property or valuable security given or agreed to be given either directly or indirectly-- (a) by one party to a marriage to the other party to the marriage; or (b) by the parents of either party to a marriage or by any other person, to either party to the marriage or to any other person, at or before or any time after the marriage in connection with the marriage of the said parties, but does not include dower or mahr in the case of persons to whom the Muslim personal law (Shariat) applies.

11. In view of the aforesaid definition of the word "dowry" any property or valuable security should be given or agreed to be given either directly or indirectly at or before or any time after the marriage and in connection with the marriage of the said parties. Therefore, the giving or taking of property or valuable security must have some connection with the marriage of the parties and a correlation between the giving or taking of property or valuable security with the marriage of the parties is essential. Being a penal provision it has to be strictly construed. Dowry is a fairly well-known social custom or practice in India. It is well-settled principle of interpretation of statute that if the Act is passed with reference to a particular trade, business or

transaction and words are used which everybody conversant with that trade, business or transaction knows or understands to have a particular meaning in it, then the words are to be construed as having that particular meaning. (See *Union of India v. Garware Nylons Ltd. and Chemical and Fibres of India Ltd. v. Union of India.*) A demand for money on account of some financial stringency or for meeting some urgent domestic expenses or for purchasing manure cannot be termed as a demand for dowry as the said word is normally understood. The evidence adduced by the prosecution does not, therefore, show that any demand for "dowry" as defined in Section 2 of the Dowry Prohibition Act was made by the appellants as what was allegedly asked for was some money for meeting domestic expenses and for purchasing manure. Since an essential ingredient of Section 304-B IPC viz. demand for dowry is not established, the conviction of the appellants cannot be sustained.”

8. The High Court has analysed the evidence of the witnesses clearly keeping in view the parameters relating to the scope of interference with the judgment of acquittal. The analysis does not suffer from any infirmity to warrant interference. Since the minimum sentence has been awarded we find no scope to interfere in this appeal. The same is dismissed accordingly.

¹(2007 (9) SCC 721)