

State of Madhya Pradesh

v.

Amar Singh & Another

(Supreme Court Of India)

HON'BLE DR. JUSTICE B.S. CHAUHAN HON'BLE MR. JUSTICE S.A. BOBDE

Criminal Appeal No. 227 Of 2008 | 23-07-2013

DR. B.S. Chauhan & S.A. Bobde, JJ.

This appeal has been preferred by the State against the impugned judgment and order dated 6.12.2005 passed by the High Court of Madhya Pradesh (Gwalior Bench) in Criminal Appeal No. 17 of 1992, by which the High Court has acquitted the Respondents of the charge under Section 498A of the Indian Penal Code, 1860 (hereinafter referred to as 'the Indian Penal Code'), though in the same appeal, the conviction of another Appellant Smt. Kaliya under Section 302 Indian Penal Code has been upheld.

2. Guddi, the deceased, is the wife of Amar Singh, the Appellant; Bheema, her father-in-law and Kaliya, her mother-in-law, had been prosecuted for the offences punishable under Sections 302 and 498A Indian Penal Code for causing death of Guddi by setting her ablaze on 18.6.1984. Guddi was then admitted in J.A. Hospital, Gwalior in a burnt condition. Her dying declaration was recorded, and she died because of the injuries caused by burning.

3. The prosecution examined a large number of witnesses including the doctor in whose presence, the dying declaration was recorded. The doctor certified that she was under a satisfactory mental state and capable of giving her dying declaration. The trial court after conclusion of the trial convicted Smt. Kaliya, mother-in-law of deceased Guddi, under Section 302 Indian Penal Code and sentenced her to life imprisonment, while Amar Singh and Bheema, the other Respondents herein, were convicted under Section 498A Indian Penal Code and sentenced to a period of three years RI with a fine of Rs.200/-, in default, to undergo three months RI to each of the said Respondents.

4. Aggrieved, the Respondents preferred appeal alongwith Smt. Kaliya. The High Court vide impugned judgment and order dated 6.12.2005 upheld the conviction of Smt. Kaliya, mother-in-law. However, it acquitted the other Respondents of the charges under Section 498A Indian Penal Code and set aside their sentence also. The High Court had given cogent reasons for acquitting the Respondents other than Smt. Kaliya of the offence under Section 498A of the Indian Penal Code. The reasoning given by the trial court for conviction of the Respondents was that their conduct had been of such a nature that it was likely to drive Guddi to commit suicide. The High Court reappreciated the evidence, particularly that of Smt. Sumitra (PW.6), mother of Guddi, deceased, who did not make any allegation against the said Respondents. Prema Bai (PW.9), sister of Guddi, deceased, also did not make any specific allegations of harassment or cruelty. Brindawan (PW.7), brother of Guddi, deceased, also did not allude to cruelty by the Respondents towards Guddi, deceased. The deposition of Brindawan (PW.7), revealed that the present Respondents never beat the deceased Guddi or kept her starving for several days. Prema Bai (PW.9), turned hostile and even in her examination-in-chief,

she did not say that Guddi had been harassed by the present Respondents or that she had been kept starving. There was no evidence on record to connect the said Respondents with offence under Section 498A. Keeping this in view, the High Court has acquitted the Respondents and maintained the sentence of Smt. Kaliya.

5. We do not see any reason to interfere against the well reasoned judgment and order of acquittal of the High Court. The incident alleged to have been occurred on 18.6.1984, a span of almost three decades has lapsed.

In the facts and circumstances of the case, we do not see any cogent reason to indulge this matter. The appeal lacks merit and is, accordingly, dismissed.