

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.955 OF 2009

SUNDAR LAL

Appellant (s)

VERSUS

STATE OF HARYANA

Respondent(s)

O R D E R

This appeal arises of the following facts:

Meena Devi and Jagdish Lal were married in March, 1994, and soon after the marriage, the relations between them become estranged on account of demands for various goods. Meena Devi, thereupon, conveyed the fact of harassment to her parents, particularly to her father, PW-1, Tulsi Ram and PW-2, Naresh Chand Sharma. On the efforts of various well wishers of the family, a compromise was effected on the 3rd of July, 1994, and an assurance was given by all the accused that they would not harass her in future. On the 14th July, 1994, at about 1.30 p.m., Tulsi Ram (PW) received a message that Meena Devi had died due to burn injuries, on which he along with his wife Ratni Devi, Naresh Chand Sharma, as well as several other persons went to Meena Devi's home in Naraingarh. On reaching there, they

2

found her dead in the latrine and in a burnt condition. Tulsi Ram, accordingly, made statement to the police and an FIR for an offence under Section 304B IPC was registered at 6.05 p.m. on the 14th July, 1994. The initial investigation was carried out for the aforesaid offence but after the charge sheet had been filed, the accused Sundar Lal, who is the appellant herein, Meena Devi's father-in-law, her

husband Jagdish Lal, her brother-in-law Gulshan Lal, Sarupi Devi, her mother-in-law and two other relatives Yashpal and Om Prakash were brought to trial for offences punishable under Section 302 read with Section 34 IPC and in the alternative under Section 304-B of the IPC.

During the course of the trial, PW-1 and PW-2 resiled from their police statements. The Trial Court, accordingly, examined the other material evidence in the case, which included the statements of Mohindro Devi (PW-3) and Roshini (PW-4), as well as that of the doctor who had carried out the postmortem examination, which revealed that the death had been caused by strangulation and the body had been burnt thereafter. The Trial Court nevertheless held that the allegations of murder or of dowry death had not been proved in the absence of any cogent evidence in that direction. The Trial Court, accordingly, acquitted all the accused.

The matter was thereafter taken in appeal against all the accused by the State of Haryana. During the pendency of the appeal, both Jagdish Lal and Gulshan Lal died and the

3

appeal qua them abated. The High Court found that the circumstantial evidence, as supported by the evidence of PW-3 and PW-4, clearly spelt out a case of murder. The High Court has, accordingly, set aside the acquittal of the appellant, Sundar Lal and convicted him for the offence of murder and awarded him a sentence of life imprisonment, whereas the acquittal of the other accused has been maintained. It is in this situation, that the present appeal is before us at the instance of Sundar Lal.

At the very outset, it must be pointed out that we are dealing with a conviction under Section 302 IPC and the presumption under Section 113B, therefore, cannot be applied in the present case. It is true that the evidence of the doctor, PW-5, Ramesh Kumar, who had conducted the postmortem examination on the dead body does reveal a case of murder.

The question, however, is that in the face of no other evidence other than the statements of PW-3 and PW-4, can it be said with certainty that a case of murder was made out against the appellant herein. We have perused the statements of PW-3 and PW-4 and see that they were living in a street some distance away from the house of the appellant and that their arrival at the site to become eye-witnesses was thus suspicious. They stated that they had absolutely no connection with the family of Sundar Lal or any interaction with them at any point of time. In any case, the allegations levelled by them are also very general in

4

nature and are to the effect that on hearing the sounds of 'bachao bachao', they had rushed to the house of Sundar Lal and his family but had been restrained from entering the house by all the accused together and after a short-while the accused had run away from the house. There is no allegation whatsoever that the appellant alone was responsible under the circumstances. The High Court has noticed that the appellant was called upon to furnish an explanation as to the circumstances in which Meena Devi met her death in the light of Section 106 of the Indian Evidence Act, 1872. It is true that this would normally be the situation but we see that Sundar Lal was one of four persons living in the house, the others being the husband, the brother-in-law and the mother-in-law along with the deceased. We also see that the opinion rendered by the Trial Court was possible on the evidence. We, accordingly, feel that the High Court should not have interfered in the matter qua the appellant herein, who was the father-in-law. As already mentioned above, Meena Devi's husband Jagdish Lal and his brother Gulshan Lal died while the State appeal was pending in the High Court. The present appeal is accordingly allowed, the judgment of the High Court is set aside and the appellant acquitted.

.....J.
(HARJIT SINGH BEDI)

5

.....J.
(CHANDRAMAULI KR. PRASAD)

New Delhi;
April 27, 2011.

6

REVISED

ITEM NO.117

COURT NO.6

SECTION IIB

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS
CRIMINAL APPEAL NO(s).955 OF 2009

SUNDER LAL

Appellant (s)

VERSUS

STATE OF HARYANA

Respondent(s)

(With office report)

Date: 27/04/2011 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HARJIT SINGH BEDI
HON'BLE MR. JUSTICE CHANDRAMAULI KR. PRASAD

For Appellant(s) Mr. Pardeep Gupta, Adv.
Mr. Suresh Bharti, Adv.
Mr. K.K. Mohan, Adv.

For Respondent(s) Ms. Anubha Agrawal, Adv.
Ms. Naresh Bakshi, Adv.

UPON hearing counsel the Court made the following
O R D E R

The appeal is allowed in terms of the signed order.

(Chetan Kumar)
Court Master

(Vinod Kulvi)
Court Master

(Signed order is placed on the file)