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Cr1.A.No. 571 OF 1999  
ITEM No.111

Court No. 4

SECTION II-A

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

CRIMINAL APPEAL NO.571 OF 1999

Nirmala Appellant(s)

VERSUS

State of Haryana

Respondent(s)

Date : 27/04/2004 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DORAISWAMY RAJU  
HON'BLE MR. JUSTICE ARIJIT PASAYAT

For Appellant (s)Mr. Ugra Shankar Prasad,Adv.(N.P.)

For Respondent (s)Mr. Sanjay Jain,Adv.  
Mr. V.K. Garg,Adv.

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

The appeal is allowed in terms of the signed order.

(Neena Verma) (Vijay Aggarwal)  
Court Master Court Master  
Signed order is placed on the file.  
IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.571 OF 1999

Nirmala  
...Appellant

Versus

State of Haryana  
...Respondent

O R D E R

Heard learned counsel for the respondent-State. No one was present for the appellant when the matter was taken up.  
Learned counsel for the respondent-State argued at length defending the judgments of the Trial Court and the High Court so far as the conviction of the present appellant is concerned for a llegal commission of offences punishable under Sections 306 and 498-A of the Indian Penal Code , 1860 (in short 'the IPC').  
On 09.09.1996, the deceased in this case died an unnatural death. Two persons, i.e., the pres ent appellant (the mother-in-law of the deceased) and another (the sister-in-law of the deceas

ed) faced trial. The Trial Court found both of them guilty and convicted each to undergo imprisonment for five years for the offence relatable to Section 306 IPC and a fine of Rs.200/- with default stipulations and for the offence relatable to Section 498-A IPC, sentenced each to one year imprisonment with a fine of Rs.100/- with default stipulations. The matter was carried in appeal before the Punjab and Haryana High Court, which by the impugned judgment upheld the conviction so far as the present appellant is concerned but set aside the conviction of the co-accused.

From the judgments and the evidence on record, it appears that the husband of the deceased was also seriously injured. He was examined as DW-1. According to him, the deceased accidentally caught fire while cooking in the kitchen. The Trial Court and the High Court proceeded on the basis that the suicide was on account of dowry tortures. Even though they referred to the suicide note which was found, it was held that mere absence of any indication of dowry torture in the suicide note, was not sufficient as the deceased may have committed suicide being fed up with the dowry torture. The aforesaid conclusion is clearly based on surmises and conjectures. The suicide note reads as follows:

"Whatever I am doing, I am doing of my own accord. I am tired of my life and for this reason, I select this way. Neelam."

It does not refer to any dowry torture or demand. On mere hypothesis that the deceased may have committed suicide because of dowry torture, in the absence of any concrete material for such a conclusion, the conviction cannot be maintained. The suicide note clearly states that the deceased was committing suicide on her own will, as she was fed up with her life and for that reason alone, she chose to commit suicide. The evidence with regard to alleged dowry demand is scanty and not sufficient to fasten guilt on the accused.

Above being the position, the hypothetical conclusions of the Trial Court and High Court for conviction of the accused-appellant cannot be maintained. The conviction is accordingly set aside and the appeal is allowed. The appellant is on bail. Her bail bonds be discharged.

.....J.

(DORAISWAMY RAJU)

.....J.

(ARIJIT PASAYAT)

New Delhi,  
April 27, 2004.