

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.2075 OF 2013

THE STATE OF MADHYA PRADESH

... Appellant(s)

VERSUS

VEER SINGH

... Respondent(s)

O R D E R

The judgment of acquittal dated 05.02.2010 passed by the High Court of Madhya Pradesh at Jabalpur in Criminal Appeal No.66 of 1995 is called in question in this appeal by the State.

It is not in dispute that the deceased was the wife of the accused and she died in the matrimonial home within seven years of marriage. The death was due to burn injuries. The Trial Court convicted the accused and the High Court acquitted him.

The High Court, in its detailed evaluation of the material on record, observes the improvements made by each of the witnesses, namely, Padamnarayan Singh (PW-6), Kumari Sarita (PW-7) and Parvati Bai (PW-8) in their depositions. Material improvements are found in the evidence of these witnesses. It is the specific case of the prosecution that the accused used to ask the deceased to prepare non-vegetarian food and pressurise her to take liquor but in the cross-examination of the family members of the deceased, it is admitted by each of them that such a story is not told by them before the Police during the course of investigation. Moreover, the Investigation Officer is not examined before the court which

frustrated the attempt of the defence to get the contradictions marked. The dying declaration (Exhibit D-2) supports the case of the defence and contradicts the case of the prosecution. The dying declaration is supported by the evidence of Dr. S.K. Gupta (DW-1), Surender Kumar Dwivedi (DW-3) and Dr. R.P. Gupta (DW-4). These witnesses have proved the dying declaration and have deposed that the deceased made such a statement while she was in a fit condition to make the statement.

The First Information was lodged after 15 days of the incident in question and no explanation whatsoever is forthcoming on behalf of the prosecution. Be that as it may, the material on record does not prove the case of the prosecution beyond reasonable doubt inasmuch as the material is not sufficient to bring home the guilt as against the accused for the offence under Section 304-B of the Indian Penal Code. Since this appeal being an appeal against acquittal and as we find that the view taken by the High Court is one of the possible views on facts, this appeal deserves to be dismissed.

Accordingly, the appeal stands dismissed.

....., J.
(Mohan M. Shantanagoudar)

....., J.
(R. Subhash Reddy)

New Delhi;
December 03, 2019.

ITEM NO.104

COURT NO.12

SECTION II-A

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). 2075/2013

THE STATE OF MADHYA PRADESH

Appellant(s)

VERSUS

VEER SINGH

Respondent(s)

Date : 03-12-2019 This appeal was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR
HON'BLE MR. JUSTICE R. SUBHASH REDDY

For Appellant(s) Mr. Varun K. Chopra, Adv.
Mrs. Swarupama Chaturvedi, AOR

For Respondent(s) Mr. Kedar Nath Tripathy, AOR

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

The appeal stands dismissed in terms of the signed order.

(GULSHAN KUMAR ARORA)
COURT MASTER

(R.S. NARAYANAN)
COURT MASTER

(Signed order is placed on the file)