

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 126-127 of 2015

STATE OF HIMACHAL PRADESH

...Appellant(s)

Versus

VINIT SOOD ETC.

...Respondent(s)

O R D E R

Criminal Appeal No. 126 of 2015

This appeal by special leave is directed against the judgment and order passed by the High Court of Himachal Pradesh at Shimla, dated 23.07.2009, in Criminal Appeal No. 557 of 2008, whereby the High Court allowed the appeal preferred by Vinit Sood, husband of the deceased (respondent herein) against the judgment of the District Judge, convicting him of the offences under Sections 498-A, 306 read with Section 34 and Section 304-B of the Indian Penal Code, 1860 (in short 'the

IPC').

It appears from the record that the respondent-accused married the deceased in the month of November, 2000 and thereafter a baby girl was born in the month of December, 2002.

According to the prosecution story, the deceased had some misunderstanding with the mother-in-law, who was also one of the accused but was acquitted by the trial court.

About 2-3 months after the marriage, husband and in-laws started harassing and torturing the deceased for not bringing enough dowry and she was being subjected to cruelty in the process. It appears that the allegations of theft were made against the deceased and the harassment increased after the birth of the girl child.

On 29.07.2003, she had called her brother (P.W.-8) informing him about the harassment meted out to her for dowry and allegations of theft against her. Thereafter, she committed suicide by consuming insecticide on

30.07.2003.

After the trial, the trial court had acquitted mother-in-law on the ground that she had left for USA one and half months prior to the deceased committing suicide.

The trial court convicted the accused Vinit Sood and found him guilty of the offences punishable under Section 498-A, 306 read with Section 34 and 304-B IPC and sentenced him to undergo rigorous imprisonment for seven years with fine of Rs. 10,000/- under section 304-B IPC and also to undergo rigorous imprisonment of three years and to pay fine of Rs. 10,000/- under section 498-A of IPC, in default thereof, to undergo further simple imprisonment for a period of two months under each count. The substantive sentence was directed to run concurrently.

Aggrieved by the judgment passed by the trial court, the respondent-accused preferred the appeal before the High Court. Taking into consideration the facts and circumstances, the High Court acquitted the accused. Aggrieved thereby, the appellant-State is in appeal

before us.

As far as mother-in-law was concerned, she had already been acquitted by the trial court and the State has not filed any appeal against her acquittal. Therefore, the acquittal with respect to her has attained finality.

Learned Counsel appearing for the State submits that there is material to show that the deceased was harassed by the mother-in-law as well as by the husband-respondent herein which led her to commit suicide. Learned counsel has also relied upon the contents of the diary and the medical report, which shows that the deceased had three injuries by alleged beating given by the husband, which is also one of the reason for committing suicide.

Learned counsel appearing on behalf of the respondent submits that the diary which was produced by the prosecution is unbelievable, as the deceased was not in a habit of writing diary.

It is apparent that contents enunciated in the diary are only against mother-in-law. Apart from that, it is alleged that negotiations had taken place between the family members and the matter has been settled after the alleged writings in the dairy. Hence, no importance can be given to the contents of the diary. The prosecution also failed to prove that there was any demand for dowry. Further from the material available on record there was no allegation against the husband.

After hearing learned counsel for the parties and perusing the material placed before us, we are of the view that the case of the prosecution is two folds. One is that the accused was charged under section 304-B and the other pertains to Section 306 IPC. It is to be noted that the prosecution mainly relied upon Section 306 of IPC to establish the case of abetting suicide.

A reading of the diary clearly indicates that the main allegation is against the mother-in-law and not against the husband, who is the respondent herein. Admittedly, after the incident of committing suicide, he has taken the deceased to the hospital and tried to save

her life.

On the other hand the prosecution tried to establish that there was harassment so as to attract the provisions of Section 304-B. There is no separate medical evidence or any other evidence to that effect. The doctor, who has conducted the post mortem has shown only three injuries. Out of the three injuries, one was just an abrasion on the medial aspect of the upper arm. The other one was a small laceration on the right ear, near the hole for wearing earring, which does not support the theory of being beaten by the husband.

Taking into consideration all these facts, we are of the considered opinion that the view taken by the High Court in acquitting the accused was a possible one.

Hence, the High Court has rightly acquitted the accused respondent. Therefore, no interference is called for by this Court.

The appeal is, accordingly, dismissed.

Pending applications, if any, stand disposed of.

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It is stated at the Bar that the respondent-accused (father-in-law of the deceased) had expired on 02.05.2011, but the death certificate has not been filed so far.

In view of the statement made at the bar, this appeal stands abated.

.....J.
(N.V. RAMANA)

.....J.
(PRAFULLA C. PANT)

New Delhi,
August 24, 2017.

ITEM NO.103

COURT NO.10

SECTION II-C

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(s). 126-127/2015

THE STATE OF HIMACHAL PRADESH

Appellant(s)

VERSUS

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Date : 24-08-2017 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N.V. RAMANA
HON'BLE MR. JUSTICE PRAFULLA C. PANT

For Appellant(s)

Mr. D.K. Thakur, AAG
Ms. Seema Sharma, DAG
Mr. Varinder Kumar Sharma, AOR

For Respondent(s)

Mr. Vibhav Mishra, Adv.
Mr. Rajeev Kumar Dubey, Adv.
For Mr. Kamendra Mishra, AOR

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

Criminal Appeal No. 126 of 2015

This appeal is dismissed in terms of the signed order.
Pending applications, if any, stand disposed of.

Criminal Appeal No. 127 of 2015

This appeal stands abated in terms of the signed order.

(SUKHBIR PAUL KAUR)
AR CUM PS

(SHAKTI PARKASH SHARMA)
ASST.REGISTRAR

(Common signed order is placed on the file)