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Rs.2,50,000/- from the complainant i.e. mother of the deceased. In January, 2000, the deceased also spoke with the complainant on call and informed her of the harassment being meted out to her. Subsequently, on 26.02.2000, the complainant found out that the Jasvinder Kaur had died of poisoning. The complainant reached the village Nissing but the deceased had already been cremated by them.

3. After assessing all the material available on record, the learned trial Court convicted the appellant vide judgment dated 14.10.2004. Vide order of sentence dated 16.10.2004, the appellant was sentenced as mentioned below:

Offence	Punishment
Section 306 IPC	Rigorous imprisonment of 04 years and a fine of Rs.5000/-, in default of which further rigorous imprisonment of 06 months.
Section 498-A IPC	Rigorous imprisonment of 02 years and a fine of Rs.2000/-, in default of which further rigorous imprisonment of 03 months.

4. Learned Senior counsel for the appellant *inter alia* contended that the father (Raja Singh) and brother (Inderjit Singh) of the deceased participated in the inquest proceedings led by SI Jagdev Singh. They had deposed therein that the deceased was already suffering from jaundice and passed away due to accidental ingestion of a poison containing the compound aluminium phosphate. Importantly, no allegations were levelled by them against the appellant-accused. Further, the FIR(supra) was registered based on a complaint under Section 156(3) of the Cr.P.C., moved by the complainant after a delay of 10 days. However, Raja Singh and Inderjit Singh, the father and brother of the deceased, respectively, were not joined in the investigation, nor were they presented as witnesses during the trial. The learned trial Court also failed to



recognize this glaring lacuna in the case of the prosecution. Furthermore, the complainant is not a reliable witness herself as she denied her signatures on the complaint under Section 156(3) Cr.P.C. Moreover, as PW8, she deposed that she is not aware of the contents of the said complaint as it was drafted by her counsel.

5. He further contended that the learned trial Court has observed that the demand of Rs.2,50,000/- made by the appellant does not count towards dowry, therefore, ingredients of Section 304-B IPC are not satisfied. However, the appellant has been held guilty of the offence under Section 498-A IPC, in spite of specific observation that there was no demand made for dowry. Further still, the prosecution has failed to prove the guilt of the appellant beyond reasonable doubt as no proximate cause has been indicated to justify invocation of Section 306 IPC. Learned trial Court has fallen into grave error by conducting proceedings as a silent spectator as would be reflected by the disjointed findings rendered by it. Learned Senior counsel places reliance on the judgments rendered by the Hon'ble Supreme Court in *Kuldeep Singh vs. State of Punjab 1992 Supp(3) SCC 1*, *Rahul vs. State of Delhi Ministry of Home Affairs and another (2023) 1 SCC(Cri) 305*, *Gaurav Maini vs. The State of Haryana 2024 AIR SC 3601*, *Amar Singh vs. State of Rajasthan (2010) 9 SCC 64*, *Bhola Ram vs. State of Punjab AIR 2014 SC 241*, *Asha and another vs. State of Uttrakhand (2014) 4 SCC 174*, *Bakshish Ram and another vs. State of Punjab (2013) 4 SCC 131*, *Vipin Jaiswal (A-I) vs. State of Andhra Pradesh (2013) 3 SCC 684*, *Pournima Suryakant Pawar vs. State of Maharashtra and others (2013) 3 SCC 690* and *Sunil Bajaj vs. State of M.P.*



(2001) 9 SCC 417 and this Court in *Om Prakash vs. State of Haryana 2004(3) R.C.R.(Criminal) 508*.

6. *Per contra* learned State counsel submitted that the delay in filing the complaint is duly explained by the prosecution as the complainant approached the concerned Superintendent of Police before approaching the Magistrate under Section 156(3) Cr.P.C. Moreover, the maternal uncle of the appellant was a Minister in the Haryana government, which made it difficult for the complainant to have her concerns heard. Further still, the defence taken by the appellant that the deceased was habitual of self-medicating and accidentally consumed *sulphas* tablets also remains uncorroborated as the said tablets have a peculiar and unmistakable look and odour. In fact, no evidence has been presented to confirm that the deceased was suffering from jaundice. Further still, the inquest report is not an admissible piece of evidence especially in absence of examination of the inquest officer. Lastly, it is apparent that the deceased was constantly harassed for dowry that prompted her to end her life. As such, the learned trial Court has correctly assessed the facts and the law to convict the appellant under Sections 306 and 498-A IPC.

7. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance, it transpires that the appellant and the deceased got married on 19.01.1997. Within three years of marriage, on 26.02.2000, it was discovered that the deceased had passed away. On analysis of the viscera, it was concluded that the death was caused by aluminium phosphate poisoning, a substance commonly found in *sulphas* tablets.



8. The learned trial Court has noted that the demand for Rs. 2,50,000/- made by the appellant after marriage cannot be equated with a demand for dowry. The complainant claimed that the deceased spoke to her telephonically and informed her that she is being threatened by her in-laws for dowry. However, no complaints were ever made by the deceased or her family prior to this incident, regarding any instances of cruelty. As a matter of fact, not even a relative or the panchayat were roped in to mediate the matter. It would be against the interest of justice to invoke Section 498-A IPC merely on the *ipse dixit* of the complainant, who is a highly interested and unreliable witness.

9. While the FIR was registered under Section 304-B IPC, the trial Court was of the opinion that the same is not made out as no overt act has been attributed to the appellant soon before death of the deceased. Therefore, the appellant was convicted under Section 306 IPC instead, citing continuous wilful negligence on part of the husband. It is curious as to how harassment for dowry has been used to establish abetment while also stating that dowry was not demanded. Additionally, in order to attract the offence under Section 306 IPC, the instigation requires active participation of the accused and thereby, necessitates direct action attributable to the accused. In the case at hand, there is no proximity between any act of the accused-respondent and suicide of the deceased. A two Judge bench of the Hon'ble Supreme Court in ***Gangula Mohan Reddy vs. State of Andhra Pradesh 2010(1) SCC 750***, speaking through Justice Dalveer Bhandari, held as follows:

"19. This court in Chitresh Kumar Chopra v. State (Govt. of NCT of Delhi), 2009(4) RCR (Criminal) 196 : 2009(5) RAJ 278 : 2009(11) SCALE 24 had an occasion to deal with this aspect of abetment. The court dealt with the dictionary meaning of the word



"instigation" and "goading". The court opined that there should be intention to provoke, incite or encourage the doing of an act by the latter. Each person's suicidability pattern is different from the others. Each person has his own idea of self esteem and self respect. Therefore, it is impossible to lay down any straight-jacket formula in dealing with such cases. Each case has to be decided on the basis of its own facts and circumstances.

20. Abetment involves a mental process of instigating a person or intentionally aiding a person in doing of a thing. Without a positive act on the part of the accused to instigate or aid in committing suicide, conviction cannot be sustained.

21. The intention of the Legislature and the ratio of the cases decided by this court is clear that in order to convict a person under section 306 Indian Penal Code there has to be a clear mens rea to commit the offence. It also requires an active act or direct act which led the deceased to commit suicide seeing no option and this act must have been intended to push the deceased into such a position that he committed suicide."

10. Recently, a two Judge bench of the Hon'ble Supreme Court in ***Mohit Singhal and Another vs. State of Uttarakhand and others (2024)1 SCC 417***, speaking through Justice Abhay S. Oka, made the following observations:

"9...Hence, the question is whether the appellants instigated the deceased to commit suicide. To attract the first clause, there must be instigation in some form on the part of the accused to cause the deceased to commit suicide. Hence, the accused must have mens rea to instigate the deceased to commit suicide. The act of instigation must be of such intensity that it is intended to push the deceased to such a position under which he or she has no choice but to commit suicide. Such instigation must be in close proximity to the act of committing suicide.

10. In the present case, taking the complaint of the third respondent and the contents of the suicide note as correct, it is impossible to conclude that the appellants instigated the deceased to commit suicide by demanding the payment of the amount borrowed by the third respondent from her husband by using abusive language and by assaulting him by a belt for that purpose. The said incident allegedly happened more than two weeks before the date of suicide. There is no allegation that any act was done by the appellants in the close proximity to the date of suicide. By no stretch of the imagination, the alleged acts of the appellants can amount to instigation to commit suicide."



11. Further still, Raja Singh, father of the deceased, and Inderjit Singh, brother of the deceased, participated in the inquest proceedings and signed their statements wherein no mention of harassment at the hands of the appellant was made. The inquest report holds certain probative value as it records the attending circumstances at the initial stage. Moreover, the fact that it is signed by the witnesses makes it an important document to consider. As such, it becomes all the more relevant that the father and brother of the deceased were not produced in the Court. In fact, this conduct is rather unnatural of their part as they had lost a daughter and a sister, respectively, due to alleged harassment by the appellant. The narrative put forth by the prosecution does not adequately explain their omission either when they were found to be competent inquest witnesses. Thus, this lapse ought to be read in favour of the appellant.

12. Curiously, the learned trial Court also did not find it appropriate to intervene and endeavour to seek out the truth by summoning the father and brother of the deceased who had in fact seen the dead body and signed the inquest report. Instead reliance has been placed solely on the testimony of the complainant who appeared as PW-8, who has taken multiple U-turns during the trial. It is trite law that the Court must not act as an umpire observing the proceedings passively. The aim of the trial is discovery of the truth and the Courts are duty bound to ensure that relevant facts are not skipped over.

13. In view of the discussion above, this Court finds that the prosecution has failed to prove its case beyond reasonable doubt. Accordingly, the present appeal is allowed. The impugned judgment dated 14.10.2004 and order of sentence dated 16.10.2004 passed by the learned Additional Sessions



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Judge, Karnal, are hereby set aside and the appellant is acquitted of the charges framed against him. His bail/surety bonds also stand discharged.

14. Pending miscellaneous application(s), if any, also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

24.07.2025

Neha

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No