

State Of Haryana vs Inder Singh And Ors. on 29 January, 2002

Equivalent citations: JT2002(2)SC169, (2002)9SCC537, AIR ONLINE 2002 SC 627

Bench: R.P. Sethi, Bisheshwar Prasad Singh

ORDER

1. For the death of Smt. Rano@ Amarjeet Kaur allegedly under abnormal circumstances, the respondents were tried and convicted under Sections 304B and 498A of the Indian Penal Code. They were sentenced to undergo rigorous imprisonment for a period of seven years for the commission of the offence under Section 304-B and 2 years for the offence under Section 498A IPC besides a fine of Rs. 100/-, each. The appeal preferred by the accused respondents was allowed by the High Court vide the judgment impugned in this appeal by way of special leave.

2. The facts of the case are that deceased Smt. Rano aged 20-21 years was married to Roshan, respondent no. 2, about 1-1/2 years before the date of occurrence. After the marriage, respondent Inder Singh, father-in-law of deceased and Roshan, her husband are alleged to have started demanding dowry and upon the failure of the deceased to fulfill their demands, harassing her. On 19.7.1990, Dhanna Singh -PW4, father of the deceased got information that her daughter had committed suicide by taking poison allegedly on account of not being in a position to satisfy the demands of her in-laws. Dhanna Singh went to Kaithal, where the deceased was married, and saw her dead body. He reported the matter to the police alleging that his daughter ended her life by taking poison as she was tortured by the respondents accused for bringing inadequate dowry. On the basis of the statement of Dhanna Singh - PW4, formal FIR was recorded and the investigation commenced. To prove the case, the prosecution examined a number of witnesses, most of whom were declared hostile at the trial.

3. The trial court relying upon the sole testimony of Dhanna Singh - PW4 convicted the accused and sentenced them to imprisonment as noted earlier. In appeal, the High Court depreciated the evidence and for reasons recorded in the impugned judgment thought it not fit to rely upon the testimony of PW4 and thus, acquitted the accused persons.

4. We have heard the learned counsel appearing for the parties and perused the records.

5. There is no denial of the fact that it is not the quantity but the quality of the witnesses which matters for determining the guilt or innocence of the accused in the criminal cases. However, it is equally true that when a case is based upon the testimony of the only witness, his statement must be confident and inspiring, leaving no doubt in the mind of the court being above from all suspicions, particularly, when one of the courts on facts has held that his testimony is not reliable. We have perused the statement of Dhanna Singh - PW4 and find that High Court was not completely wrong in finding that conviction could not be based upon his testimony as he stood contradicted in

material particulars as deposed by him before the investigating officer and thereafter in the court. Had the High Court not taken the view of PW4 being not reliable, the position would have been different.

But if two views are possible, one which is favourable to the accused has to be accepted. Dhanna Singh, PVV4 had stated that the demands of dowry made by the respondents were satisfied by making payments through his son Gurmail Singh, PW7. In his statement recorded in the court Gurmail Singh, brother of the deceased has not supported his father, Dhanna Singh, PW4. Similarly, Ram Singh, the brother of Dhanna Singh has categorically stated that the accused-respondents never demanded any item of dowry or amount from the father or relatives of Rano, deceased. No cash or buffalo was given to anyone of the accused persons by Dhanna Singh. Ramesh Singh, PW6 who is the cousin of the deceased also did not support the case of the prosecution. He deposed that he informed his maternal uncle about the death of Rano but did not tell the police regarding any demand of dowry or harassment. He went to the extent of stating that he did not at all make any statement before the investigating agency.

6. In the circumstances of the case, we feel that it would not be safe to rely upon the sole testimony of PW4 for holding the accused guilty of the commission of the offence with which they were charged by the trial court. The view taken by the High Court is sound and reasonable with which we do not intend to interfere. There is no merit in the appeal. It is accordingly dismissed.