

Delhi High Court

Seema Puri vs State on 28 August, 1989

Equivalent citations: 40 (1990) DLT 107

Author: R Gupta

Bench: R Gupta

JUDGMENT R.L. Gupta, J.

(1) This application has been filed for grant of bail to the petitioner who is mother-in-law of the deceased Mrs. Rashmi Puri. I have heard Mr. I. U. Khan, counsel for the petitioner and Mr. R. P. Lao, counsel for the State and have given my careful consideration to all the circumstances argued before me. The petitioner was arrested in this case on 3-4-1989. The marriage of the deceased Rashmi Puri with the son of the petitioner took place on 17-2-1988 and she committed suicide on 3-4-1989 by driving two glasses of Kerosene oil and then by dousing her clothes with kerosene oil she set herself ablaze. The occurrence actually took place, at about 8.30 A.M. She was taken to the hospital and medically examined at about 8.45 A.M. She was removed to the hospital by her father-in-law D. R. Puri who is also confined in jail. It is mentioned in the medical report that the patient herself gave the history of sustaining burn injuries. She mentioned before the doctor that she wanted to commit suicide by putting on fire after pouring kerosene oil on herself at. about 8.30 A.M., the same day. Prior to that she took two glasses of kerosene oil by mouth and at the time of the said incident she was alone in her house. It may be noted that if the occurrence took place at about 8.30 A.M. and she was brought to the hospital by her father-in-law at about 8.45 A.M., this will show that the father-in-law was either in the house itself or quite near because otherwise it would not have been possible to bring her within 15 minutes from R. K. Puram to Safdarjung Hospital. The deceased suffered 98 per cent burns. At about 10.05 A.M. her father was informed by somebody on telephone that his daughter had been taken to the Safdarjung Hospital with burn injuries. Immediately the father and brother of the deceased reached the hospital. On the basis of the statement of the father, the Fir was recorded at about 11.20 A.M. It has been pointed on behalf of the State that the statement of the father was recorded between 10.30 and 10.45 A.M. Since the Fir came into existence within such a short time of the arrival of the father in the hospital, it does not seem probable at this stage if the father could make any tutored or prepared statement to the police. In his statement he has clearly mentioned that even on the proceeding day i.e. on 2nd April, 1989 the husband had given bearings to the deceased-wife and this fact was told to him by his nephew Sanjiv Oberoi who had visited the matrimonial home on that day. The father has then mentioned in his statement that his daughter used to be harassed by the petitioner, her husband and son (husband of the deceased) by giving her taunts like 'KIN Kanglo Ke Yahan Ladka BYAHAYA.' Her dying declaration was also recorded by Sdm, New Delhi at 11.30 A.M. Besides asking other things, the deceased was asked by learned Sdm as to which person of her in-laws' side used to harass her. In answer to that question she replied that all the three i.e. the petitioner. Navin Puri (her husband) and Dev Raj Puri (father-in-law) used to harass her. They wanted her death only. In answer to another question she said that her husband always used to beat her and taunt her. She entreated the Sdm that she may be given a,n injection so that she may die because she did no want to live. Even the police recorded her statement in which also she made serious allegations against the petitioner and others. She even told the police that she had made a statement to her father. That will show that whatever was incorporated in the statement of the father as told to him by Rashmi Puri, close to her

death. must be prima facie correct.

(2) Learned counsel for the petitioner urged that actually the things were different. He filed on record a medical certificate purported to be issued by Dr. A. K. Gupta of Madan's Ultrasound Centre. My specific attention was drawn to the following observations recorded in Ultrasound report. "UTERUS appears to be large on a multiparous cut."

On the basis of the above, learned counsel said that actually the deceased had suffered about six abortions before her marriage and on that account enquiries used to be made from her and when she found that she is likely to be exposed of her pre-marital relations, she thought of committing suicide. I may point out that the word used in this note is actually 'nulliparnus' and not 'multiparous'. I say this on the strength of reading it properly and also the verification made by the Investigating Officer from. Dr. A. K. Gupta of the Madan's Ultrasound Centre, in which he has clearly mentioned the word 'Nulliparnus' and not 'multiparous'. Nulliparnus means a woman who has never born a viable child. Therefore, I think the reading of the word as multiparous by learned counsel for the petitioner in the said certificate is not correct. Therefore, the foundation of his argument that Rashmi Puri committed suicide on account of her exposure completely falls to the ground.

(3) It was then argued that actually the petitioner used to deposit Rs. 1000 per month in the account of the deceased commencing from September, 1988 regularly and photo copies of six such receipts of the bank have been placed on record. On the other hand, it is argued by counsel for the State that these deposits were made by the deceased herself during her life time. She was working in the Customs Department and getting a salary of about Rs. 1400 to Rs. 1500 per month and. therefore, she was making these savings out of her salary. This circumstance, in my opinion, cannot give any benefit to the petitioner because it is yet to be established by evidence whether it was the deceased or whether it was the petitioner who used to deposit these amounts. The prosecution has also recorded statement of a neighbour, residing at the above floor, Mrs. Saraswati who heard noise of Larai Jhagra and scolds on 2-4-1989 from the house below. She tried to see but inspite of coming close to the place she could not see. The argument that she did not mention to the Sdm in her dying declaration that there were demand of dowry also from the side of the petitioner and her relations is also not convincing for the reason, that she was at that time suffering 98 per cent bums and normally such a person who is very close to death will not be able to give complete details. However, in spite of that she clearly indicated that the petitioner, her husband and father-in-law wanted her death and there had been a quarrel with her husband even prior to her death. Therefore, prima-facie it seems to be a case of suicide due to frustration on account of demand of dowry and harassment from the petitioner and other relations mentioned earlier.

(4) It was then argued that the petitioner was actually heart patient since 1984. Voluminous photo copies of treatment of the petitioner in Ram Manohar Lohia Hospital and Safdarjung Hospital have been filed on record. There is no evidence to show that she ever remained admitted in any hospital. Moreover the taunts, harassment and dowry demand are attributed to the petitioner when she is alleged to be suffering from all these ailments and all these ailments could not deter her from giving all these taunts etc. which actually compelled the deceased to undertake the fatal step of suicide and

thus it may not flourish any good ground to the petitioner for grant of bail.

(5) Taking all the circumstances into consideration, I am of the view that it is not a fit case for grant of bail. Petition is, therefore, dismissed. However, any observations made while disposing of this petition shall not prejudice the trial.