

Supreme Court of India

Sant Raj vs State Of Haryana on 17 December, 1997

Equivalent citations: (1998) 8 SCC 605

Bench: M Punchhi, A Misra

JUDGMENT

1. The appellant has been found guilty for offences under Sections 304-B, 306, 498-A and 201 of the Indian Penal Code by both the courts below on the allegation that he had maltreated his wife, the deceased, on account of her bringing insufficient dowry which caused her death by her committing suicide which he had abetted, and that he inflicted cruelty on her and finally destroyed evidence of the offence by putting her body to flames without informing her parental family. Legal presumptions have been raised from the fact that the appellant had married the deceased within 7 years of her death, and that whenever she visited her parental house, she was found complaining about the ill-treatment meted out to her by the appellant. The last complaint on that account was revealed from her visit to her parental family about a month prior to the date of her death. PW 4, the brother and PW 5, the mother have deposed to that effect setting in motion the presumption reusable under Section 304B IPC. Under that provision, where the death of a woman occurs otherwise than under normal circumstances within 7 years of her marriage and it is shown that soon before her death she was subjected to cruelty or harassment by her husband for demand of dowry, such death shall be called "dowry death" and such husband deemed to have caused her death. (The provision herein in extracted form has been recorded.) The deceased was known to be healthy. Her death occurred in abnormal circumstances. No effort was made by the appellant to send a messenger to her parental family informing them of the death of the deceased. No effort was made to report it either to a magistrate. The husband on the contrary has maintained that his wife had stomach-ache and on that account had died a natural death. This explanation has not been accepted by the courts below for there was no evidence to give support thereto. Per se, stomach-ache would not cause death unless it was due to a dreadful disease with a history regarding which precedent evidence could have been available but there is none. Thus from the facts and circumstances, we are satisfied that the appellant was rightly convicted under Section 304B IPC. His sentence of life imprisonment imposed thereunder by the courts below appears to us to be excessive. We reduce it to the minimum, i.e., seven years' rigorous imprisonment. Ordered accordingly. The conviction and sentences on other counts shall sustain as ordered by the courts below. All the sentences imposed on the appellant would run concurrently.

2. The appeal stands partially allowed in this manner.