

IN THE COURT OF MS. CHARU AGGARWAL : ADDL. SESSIONS JUDGE 02 :
CENTRAL DISTRICT : TIS HAZARI COURTS : DELHI

State Vs. Vijay etc.

CNR No. DLCT01-001317-2014

FIR No. 19/14

SC No. 27789/2016

PS DBG Road

U/s 498-A/304B/306/34 IPC

1. SC No. of this case : 27789/2016
2. Date of commission of offence : 11.01.2014
3. Name and address of accused:
 1. Vijay S/o Dayanand R/o H. No. 9584,Gali
Kuai Wali, Gaushala Baradari, Kishan
Ganj, Delhi.
 2. Lajwanti W/o Dayanand R/o H. No. 9584,
Gali Kuai Wali, Gaushala Baradari, Kishan
Ganj, Delhi.
 3. Manoj Kumar S/o Dayanand R/o H. No.
9584, Gali Kuai Wali, Gaushala Baradari,
Kishan Ganj, Delhi.
4. Offence complained of : 498-A/304B/306/34 IPC
5. Plea of accused : Pleaded not guilty and claimed trial.
6. Final order : Acquitted.
7. Date of institution : 04.12.2015
8. Date of such order : 08.03.2021

JUDGEMENT

1. All three accused namely Vijay, Manoj and Lajwanti have faced trial for committing offence u/s 498 A/304 B and 306 Indian Penal Code (*hereinafter referred to as "IPC"*). Accused Vijay is husband, Manoj is brother in law(Jeth) and Lajwanti is mother in law of deceased Rajwati respectively.

2. The case of the prosecution is that deceased Rajwati got married with accused Vijay on 10.12.2013 as per Hindu rites and ceremonies. On 11.01.2014 almost within a month of marriage she committed suicide by hanging herself with the fan at her matrimonial home. The allegations against the accused persons are that the deceased committed suicide under compelling circumstances due to harassment and cruelty upon her by the accused persons on account of demand of dowry. On 11.01.2014 at about 5 p.m., on receipt of DD No. 20 police post DBG Road regarding hanging of a lady by fan, inspector Satinder Mohan alongwith other police officials reached at the spot i.e. House No. 9584, first floor, Gao Shala, Bara Dari, where SI Dheeraj Mal was already present. The police officials found a lady lying on the bed in dead condition. It was revealed that the lady had hanged herself from the fan at her in-laws house. The information was given to concerned SDM who reached at the spot and made a formal inspection and inquiry. Parents of the deceased also reached there. Statement of parents of the deceased were recorded in the presence of SDM. The mother namely Bishi Devi of the deceased in her statement stated that she has four daughters and two sons. The deceased was her youngest daughter who on 10.12.2013 was got married with accused Vijay. Immediately, after the marriage the accused persons being husband, mother in law and brother in law of the deceased

started harassing her on account of demand of motorcycle. She further stated that on 11.01.2014 at about 5.30 p.m. her husband Ram Babu received a call from the in-laws of Rajwati that she (Rajwati) is not well. She (Bishi Devi) alongwith her husband reached at the matrimonial home of Rajwati at 7 p.m. and found she is lying dead on the bed. In her statement she shown her suspicion towards the accused persons that they have abated the suicide of Rajwati. The spot was inspected by the inspector. During inspection of the room, where dead body was lying, one suicide note was found on which it was written “ ***Ek mahine mein maine sab dekh liya ki yeh insaan kaisa hai. Mummy hamari ban nahi sakti aur roj roj ki ladai se acha hai ek bar ki shanti. Mummy kyunki aap ke paas aakar bhi koi fayada nahi hai isse to acha hai mar jana. Isliye main ye sab kar rahi hun. Ab Kuch kani bolna chahti main. Ab Sab Kuch Khatam.***”

The suicide note and the chunni including jewellery articles worn by the deceased were seized by the IO. Dead body was sent for post mortem. As per post mortem report, cause of death is opined as a result of Asphyxia due to hanging. The ligature mark is ante-mortem in nature, fresh prior to death in duration and caused by ligature material. There were no other injuries/marks or struggle on the body. Accused persons were arrested.

3. After completion of investigation, the charge sheet was filed in the concerned court of Ld. MM who after compliance of provisions of Section 207 Cr P C committed the case to Sessions Court.

4. Vide order dated 23.05.2014 charge u/s 498 A/304 B/306/34 IPC was framed against all the accused persons to which they pleaded not guilty and claimed trial.

5. In order to prove its case prosecution has examined as many as 18 witnesses.

Public witnesses :-

6. **PW1 and PW2** are father and mother of the deceased, who both have stated that they got their daughter Rajwati married with accused Vijay on 10.12.2013. PW1 Sh. Ram Babu, father of deceased stated that four days prior to the marriage, accused Lajwanti demanded motorcycle from him through Mediator Thakur Dass but the said demand was denied by this PW on the ground that he has not given motorcycle to his any other daughter, therefore, he would not give the same even to Rajwati. He has further deposed that after marriage her in-laws started harassing her on account of dowry/motorcycle. On 25.12.2013 accused Vijay turned Rajwati out of her matrimonial home after giving her beating which was informed by accused Lajwanti to this PW telephonically. This PW asked the Mediator to verify the same and after verifying, the Mediator informed him that no such incident has taken place. He has further stated that on 11.01.2014 at about 5.30 p.m. he received information from police that his daughter is not well and asked him to reach the matrimonial home. On receiving this information, he alongwith his wife, Mediator and other relatives reached there where they found their daughter dead. He has stated that he identified dead body of his daughter. Police carried out the investigation and seized certain articles.

PW2 has also stated on the same lines as deposed by PW1 that after the marriage her daughter informed her that she was harassed and tortured by her husband and other accused persons on account of dowry and they were

demanding cash and motorcycle. She has also reiterated the incident of 25.12.2013 as stated by PW1. Apart from that she has also stated that on 26.12.2013 she made a call to her daughter who told her that she (deceased) want to settle the dispute, therefore, she instructed them not to approach the police. This PW also deposed regarding the information received by her and her husband on 11.01.2014 regarding the death/illness of her daughter.

7. **PW3 is Devki Nandan**, brother of deceased, who has also deposed regarding the factum of marriage of deceased Rajwati with accused Vijay. He has stated that after the marriage his sister was subjected to cruelty and harassment by the accused persons on account of demand of motorcycle and cash. He has also stated about the information received by the family of deceased on 11.01.2014 about the illness/death of deceased.

8. **PW4 is Bhoj Ram** other brother of deceased who identified the dead body of his sister.

9. **PW5 is Sh. Thakur Dass**, who was the Mediator in the marriage of deceased and accused Vijay. He has stated that at the time of marriage PW 1 Ram Babu (father of deceased) gave sufficient dowry, however, accused were demanding motorcycle in lieu of other household articles regarding which this PW talked to Ram Babu but he shown his inability to fulfill the demand of motorcycle as he had already solemnized the marriage of his three daughters to whom he had not given the motorcycle. He has further stated that on 25.12.2013 he received a telephonic call from accused Lajwanti who complained that ***“Aap Ne Kaisi Ladki Palle Bandh di aur ladki ghar se bhag gayee.”*** Hearing the same, this PW told accused Lajwanti that there would be some reason that is

why the girl left the matrimonial home. On this, Lajwanti said that “***aisi koi baat nahi hai aur aap ladki se hi poochna***”. He has stated that thereafter, he visited the house of PW1 Ram Babu and narrated the entire incident to him who said that he had talked with Rajwati and now the matter has been settled. This PW has also stated regarding the information received by him from PW1 Ram Babu on 11.01.2014 that deceased was extremely well, therefore, he asked him to accompany him to her matrimonial home. This PW alongwith parents of the deceased reached at the matrimonial home of the deceased.

Police witnesses:

10. PW6 Inspector Dheeraj Singh and PW12 HC Shelender have deposed on the same lines that on 11.01.2014 on receipt of DD No. 20 PP they alongwith other police officials reached at house No. 9584, first floor, Gaushala, Baradari where they found one lady namely Rajwati was lying dead on the bed. The information was given by PW6 Inspector Dheeraj Singh to SDM. One piece of Chunni was hanging on the ceiling fan and other piece of chunni was lying near the head of the dead body. Crime team and SHO were also called. One suicide note was recovered at the spot. Crime team inspected the spot. Photographs were taken. Parents of the deceased also reached there. SDM recorded their statement. Case property like chunni, suicide note etc. were seized. Dead body was sent to Mortuary. Site plan was prepared.

11. PW7 is ASI Kulbir Singh, Duty officer, who registered the FIR on the basis of ruqqa.

12. PW8 is SI Pankaj who on 11.01.2014 was posted as incharge crime team. On receiving message from Central Control room he alongwith HC Ajay

(photographer) and HC Hari(finger print professional) reached at the spot. He inspected the crime team. Photographer HC Ajay took the photographs. The suicide note was recovered. This PW prepared his report EX. PW8/A.

13.PW10 is Sh. Pawan Kamra, who in the year 2014 was SDM, Karol Bagh. He has stated that on receiving the phone call from PS DBG Road, he immediately reached at the spot where he found dead body of Rajwati lying on the bed. Suicide note was found lying there. He recorded statement of parents of the deceased.

14.PW11 is const. Naresh who deposited 10 documents in FSL, Rohini.

15.PW13 is HC Ajay who took the photographs Ex. PW13/A1 to Ex. PW13/A18 of the spot.

16.PW14 is MHC(M).

17. PW15 is Inspector V.K. Sharma to whom further investigation was handed over on 15.03.2014. He sent the admitted handwriting of the deceased alongwith the suicide note to FSL. He prepared the chargesheet and filed in the Court.

18.PW16 is Lady const. Kokil who arrested accused Lajwanti.

19. PW18 is Inspector Satinder Mohan, first IO of the case who has deposed regarding investigation carried out by him, arrest of the accused persons, recovery of case property including the suicide note, recording of the statement of witnesses by him and the SDM.

Forensic Expert witness :

20. PW17 is Dr. Sayad Ahmad Ali who prepared the FSL report Ex.

PW17/X1, Ex. PW17/X2 and Ex. PW17/X3.

Medical witness :

21. PW9 is Dr. Jyoti Barwa, who conducted the post mortem of the dead body of deceased Rajwati and prepared her report Ex. PW9/A.

All the witnesses were cross-examined by the Ld. Defense counsel for all three accused persons.

22. After completion of prosecution evidence, statement u/s 313 Cr P C of the accused persons was recorded in which they pleaded their innocence and stated that they have been falsely implicated in this case.

23. Accused persons have also led their defence evidence by examining three witnesses.

24. DW1 is accused Lajwanti herself who has testified regarding the marriage of deceased with her son Vijay. She has stated that on 25.12.2013 deceased herself left her matrimonial home and on the request of family of this DW, the deceased came back to her matrimonial home. However, the information of incident of 25.12.2013 was given by her to the parents of the deceased who alongwith brother of the deceased reached at their home and made her understand. She has also stated that her husband was hospitalised from 08.01.2014 to 13.01.2014 whose discharge summary is Ex. DW1/1. She has stated that on 11.01.2014 she received a call from her daughter that Rajwati was hanging on the ceiling fan with chunni. On hearing this she immediately reached there. She has stated that she and her family has never demanded any

dowry from the parents of the deceased either prior or after her marriage. She has further stated that at the time of marriage of accused Vijay they were having two motorcycles. Vijay used to take care of deceased with love and affection, however, deceased herself used to talk with someone else on mobile phone.

25. DW2 is accused Vijay who has also testified about his marriage with the deceased. He has stated that on the day of marriage when deceased came to his house she did not talk to him and when he asked her the reason of not talking with him she said I do not know you and I did not want to marry with you and she also said that she married with him without her consent and under pressure. He has also stated that on 11.12.2013 he purchased a new mobile phone for deceased. He has proved the invoice of the phone as Mark A. He further stated that one day he found deceased talking with someone else on the mobile and when he enquired from her she said that she was talking with her male friend. He has stated that on 25.12.2013 when he reached at home deceased started quarrelling with him and left the home. He alongwith his family followed her and took her back on a motorcycle. His family made a call to family members of RAjwati who thereafter, came at their house and made RAjwati understand that there is no fault of Vijay. He has stated that he is settled in his business, therefore, he had never demanded any dowry from his wife.

26. DW3 is Smt. Sunita, sister in law (Bhabhi) of accused Vinay and daughter in law (Bahu of accused Lajwanti and wife of accused Manoj) who has stated that she got married with accused Manoj in April, 2009. After her marriage her mother in law (accused Lajwanti) always treated her like her daughter. She has further stated that all her in laws love and take care of her. On 10.12.2013 her brother in law got married with deceased. Deceased always used to talk on

phone. When this DW asked her the reason of continuously talking on phone she said that she was in love affair with someone. This DW stated that her in laws never demanded dowry from deceased or her parents. She has further stated that deceased informed her that her marriage was without her wishes and consent.

27. I have heard Ld. Addl. PP for State and Sh. Varun Dhingra, Ld. Counsel for all three accused persons.

28. Ld. Addl. PP has argued that prosecution has proved its case beyond reasonable doubt against all the accused persons as PW1, PW2, PW3 and PW5 have specifically stated that the deceased was subjected to harassment and cruelty on account of demand of dowry/motorcycle by all three accused persons. He has argued that the deceased committed suicide within a month of her marriage and there is presumption u/s 113 A of Evidence Act against the accused persons and here the prosecution from the testimony of parents and brother of the deceased have duly proved all the ingredients required for the offence u/s 304 B IPC as well as of 306 IPC that deceased was subjected to

cruelty to such an extent by accused persons that abated the deceased to commit suicide.

29. Ld. Counsel for accused persons have argued that there are material contradictions in the testimony of PW1, PW2 and PW5 which goes to the root of the case and demolished the entire case of the prosecution. He has argued that in the initial statement of Smt. Bishi Devi she stated that accused persons used to harass the deceased only on account of demand of motorcycle, however in Court Smt. Bishi Devi (PW3) had improved her statement and added the

demand of cash which was not so stated by her in her initial complaint. He has also stated that PW5 Mediator of marriage of deceased with Vijay have also deposed in his testimony that marriage took place without any dowry which was proved and corroborated by PW 2 Bishi Devi that deceased got married with Vijay since there was no demand of dowry from the accused persons.

30. I have considered the rival contentions made by Ld. Addl. PP and Ld. Defence counsel and perused the record including written arguments filed by Ld. Defence counsel.

31. In the present case, the marriage between deceased and accused Vijay is admitted. It is also not disputed that the deceased expired within a month of her marriage by hanging herself at her matrimonial home. The death of the deceased was unnatural due to hanging by fan.

32. Many of us are familiar with the famous proverb "**Rome was not built in a day**". Probably, this proverb also applies to the marriage institution between two individuals. A successful marriage needs love, respect, mutual understanding and trust on each other. All these factors make two individuals as one couple not in a day or two but with passage of time, the couple spent together under one roof. In the initial period of marriage, if not all, but most of the marriages, be it love or arrange marriage, face various challenges. After marriage lot of things get changed, even if it is love marriage. The solution to these challenges lies equally in the hands of both boy and a girl and the said solution is only patience and calmness of the couple. If a bride/girl commits suicide in unnatural circumstances within few days or month of her marriage, the law raises presumption against boy's family but doesn't it also show hyper

sensitivity of a girl who did not give time to this pious relationship. In “ **Rani Vs. State of NCT of Delhi**” **Criminal appeal No. 93/2004 decided on 02.12.2010**, the Hon’ble Delhi High Court has observed that every suicide after marriage cannot be presumed to be a suicide due to dowry demand. The tendency of the Court should not be “**that since any bride had died after marriage, now somebody must be held culprit and the noose must be meted to fit some neck**”. This case also narrates the unfortunate state of affair where a girl almost within a month of her marriage committed suicide at her matrimonial home by hanging herself, thereafter, her husband and other in laws were accused of harassing and torturing her for demand of dowry as well as for abating her to commit suicide.

33. In this case, the accused persons apart from Section 306 IPC are also charged for the offence u/s 498 A and 304 B IPC. Both these offences are distinct, however, the cruelty is common ingredient in both the offences. To bring home the guilt of the accused persons for the offence u/s 304 B IPC the prosecution in addition to prove cruelty was also required to prove dowry demand by the accused persons from the deceased or her family members. Before coming to the ingredient of cruelty, I would first like to examine the demand of dowry alleged against the accused persons.

34. The testimony of PW1, PW2, PW3 and PW5 is most relevant to decide the present case for all the offences charged against the accused persons. PW1 and PW2 are parents, being father and mother respectively of the deceased, PW3 is brother of the deceased and PW5 is the Mediator who fixed the marriage between the deceased with accused Vijay. The FIR of this case was lodged at

the behest of mother (PW2 Bishi Devi) of the deceased. The statement of Bishi

Devi (PW2) and father (PW1) of the deceased was recorded in the presence of SDM. In their initial statements recorded by the SDM, they both stated that accused persons immediately after the marriage started demanding motorcycle from the deceased. However, PW1, father of the deceased in his deposition in the Court stated that the accused persons were demanding motorcycle four days prior to the marriage of their daughter Rajwati with the accused Vijay. This was also so stated by PW5 Mediator of the marriage that the accused persons were demanding motorcycle prior to the marriage. Surprisingly, these witnesses nowhere during investigation made any such allegation against the accused persons but the demand of motorcycle prior to marriage was first time added by them in the Court. During cross-examination of PW2, she has specifically admitted that marriage of deceased Rajwati and accused Vijay was solemnised since the accused persons agreed to marry her without dowry. PW5 has also admitted in his cross-examination that at the time of fixing of marriage there was no demand of dowry from the side of accused persons. PW1 in his chief examination has stated that accused persons used to demand dowry from Rajwati, however, during his cross-examination, he admitted that the deceased being his daughter hardly had any interaction with him after her marriage except once and when he enquired from her she told that she is happy in her matrimonial home. This admission of PW1 clearly shows that the statement given by him in his chief examination that the accused persons used to demand dowry from the deceased is hear say evidence qua this PW. Similarly, PW2 has also stated that her daughter used to complain her that accused persons are demanding cash and motorcycle from her. As already observed that PW2 has improved her statement in the Court since in her initial statement Ex. PW2/A she

stated that accused persons were demanding only motorcycle but in the Court she added that accused persons used to demand cash also. The statement of PW2 Bishi Devi regarding demand of cash belies from the admission of PW, father of the deceased, who during his cross-examination categorically admitted that the accused persons were not demanding anything except the motorcycle. The prosecution from the testimony of all these PWs failed to prove any demand of dowry be it motorcycle or cash by the accused persons either from the deceased or her parents.

35. It is again reiterated here that the star witness of the prosecution are PW1, PW2, PW3 and PW5. All these PWs in their respective testimonies have deposed that accused persons used to harass and torture the deceased for the demand of dowry. However, perusal of their testimonies show that these PWs have nowhere clarified that in what manner the deceased used to be harassed and tortured by the accused persons, was she abused, beaten, taunted or thrown out of her matrimonial house. Mere using of words torture and cruelty by PWs is reproduction of language of Section 304 B and 498 A IPC but that does not fulfil the requirements of either of these provisions. There is no specific allegation of cruelty and harassment meted out on the deceased by the accused persons on any count, what to say on account of dowry demand. Otherwise also, in order to prove charge u/s 304 B IPC, the prosecution had to prove that soon before death the deceased was subjected to cruelty. But here, the testimony of PWs reflects that deceased prior to her death was happily living in her matrimonial home. PW1, father of the deceased, during his cross-examination specifically stated that 2-3 days prior to death of the deceased, he

visited her house to meet her father in law who was admitted in the hospital and at that time the deceased informed him that she is happily living in her matrimonial home. Similarly, PW5, Mediator of the marriage, also stated that he on 15.12.2013 visited the matrimonial home of the deceased and at that time he found deceased living happily in her matrimonial home. All these PWs have mentioned the incident of 25.12.2013 when the deceased left her matrimonial home due to quarrel. The incident of 25.12.2013 narrated by these PWs nowhere

shows that the deceased was either beaten or harassed by the accused persons for demand of dowry. It seems that the incident of 25.12.2013 was the normal wear and tear in the family which generally happens in the initial period of marriage between the couples. PW2 mother of the deceased, during her cross-examination admitted that the deceased was not having mobile phone prior to her marriage but after her marriage she was having the same. Accused Vijay has deposed in his testimony that mobile phone was given by him to the deceased and this testimony of accused Vijay remained unrebutted, therefore, proved that the mobile phone was given to the deceased by her husband which further established that deceased was having more facilities at her matrimonial home than what she was having at her parental house. Furthermore, the testimony of father of deceased that he just 2-3 days prior to death of his daughter went to meet her daughter's father in law who was admitted in hospital further proves that the relationship between both the families were cordial. From the material on record, the prosecution has miserably failed to prove that soon before the death of the deceased she was subjected to cruelty or harassment by the accused persons for demand of dowry.

36. As per prosecution case, one suicide note was found near the dead body of the deceased. The said suicide note reads as under : -

“Ek mahine mein maine sab dekh liya ki yeh insaan kaisa hai. Mummy hamari ban nahi sakti aur roj roj ki ladai se acha hai ek bar ki shanti. Mummy kyonki aap ke paas aakar bhi koi fayada nahi hai isse to acha hai mar jana. Isliye main ye sab kar rahi hun. Ab Kuch kani bolna chahti main. Ab Sab Kuch Khatam.”

37. Though the suicide note has not been proved by the prosecution as per the Evidence Act since the said suicide note was sent to FSL but no conclusive report by the FSL on the suicide note that it was in the handwriting of the deceased. But PW1, father of the deceased, has admitted that the said suicide note was in the handwriting of his daughter, therefore, it becomes important piece of evidence for the prosecution. But reading of this suicide note also nowhere shows that deceased was subjected to cruelty and harassment by the accused persons for demand of dowry. The suicide note only indicates that there was some misunderstanding between the deceased and her husband i.e. accused Vijay but nothing else.

38. It is settled law that evidence led by accused persons has to be given same weightage as the evidence of the prosecution. Here, the accused persons have examined DW3 Sunita, wife of accused Manoj, sister in law (Bhabhi) of accused Vijay and daughter in law of accused Lajwanti. DW3 being daughter in law in the family is also having the same status in the family of the accused persons as the deceased was having. She, in her deposition, in the Court has specifically stated that her in laws have always treated her with love and affection and never demanded any dowry from her. DW3 was married with accused Manoj

way back in the year 2009 and since then she is residing happily in her

matrimonial home. There was no reason that when one daughter in law is residing happily and from her there is no allegation of demand of dowry then why accused persons will demand dowry from their another daughter in law.

39. Ld. Addl. PP has argued that deceased had died within 7 years of her marriage, therefore, presumption u/s 113 A of Evidence Act arises against accused persons that her suicide was abated by them. A bare perusal of this provision of Evidence Act shows that this presumption is not mandatory but only permissive as the employment of expression is “may presume”. Before presumption u/s 113 A can be drawn, the Court shall have to have regard to all other circumstances of the case as well. In **“Ramesh Kumar Vs. State of Chatisgarh,” 2001(9) SCC 618**, the Hon’ble Supreme Court held that a bare reading of Section 113 A shows that to attract applicability of this provision, the following must be shown that :-

- i. The woman has committed suicide ;
- ii. Suicide has been committed within 7 years from the date of her marriage ;
and
- iii. The husband or his relative subjected her to cruelty.

On existence of all the above circumstances, the Court may presume that the suicide has been abated by her husband or his relative. As already mentioned that this presumption is not mandatory and other facts and circumstances of the case are also relevant to be taken into consideration. In this case, the prosecution has miserably failed to prove that there was any demand of dowry from the deceased or her family by the accused persons and further prosecution failed in establishing any cruelty or harassment meted out to

the deceased by the accused persons, hence, presumption u/s 113 A of Evidence Act is not attracted on the facts of the present case.

40. The accused persons are also charged for the offence u/s 306 IPC. Before invoking provision of Section 306 IPC, it is necessary to establish that the deceased committed suicide and she was subjected to cruelty within the meaning of Section 498 A IPC but it is immaterial for Section 306 IPC whether cruelty or harassment was caused soon before her death or earlier. *Here, no* evidence whatsoever has come on record to suggest that accused persons demanded dowry from the deceased or subjected her to cruelty and harassment for any reason. Normal wear and tear in the family that too in such an initial period of marriage in which the deceased committed suicide, cannot amount that the deceased was tortured to such an extent that she was compelled to commit suicide. There is no averment in the testimony of either of the prosecution witnesses that any of the accused instigated the deceased to commit suicide. Even the suicide note recovered by the police agency also does not even remotely whisper any kind of instigation or incitement from the side of accused persons to the deceased. There is no direct or indirect evidence that any of the accused either aided or instigated the deceased to commit suicide or entered into any conspiracy to aid her in committing suicide. In '**Bisno Vs. State, 2011 II A.D. (Delhi) 501**', it is observed that there is always a reason behind an act committed by a person. Committing of suicide by deceased by hanging herself, that too within eight months of the marriage, does raise a suspicion that everything was not normal. This suspicion, however, cannot be a substitute for the proof of dowry demand or subjecting the deceased to harassment and

cruelty i.e., the requisite ingredient which constitute the offence under section 498A/304B or 306 IPC.

In this case also the deceased committed suicide almost within one month of her marriage, however, as already observed that nothing has come on record that the accused persons by their any act or action instigated the deceased to commit suicide. Even the suicide note found near the dead body of the deceased also does not remotely suggest that any of the accused at any point of time by any of their action ever instigated her to commit suicide. The suicide note only reflects normal wear and tear between deceased and her husband but nothing more than that.

41.In view of aforesaid discussion, the accused persons are acquitted u/s 498 A, 304 B and 306/34 IPC. Their bail bonds cancelled. Sureties are discharged. Accused persons are directed to furnish fresh bail bond to the tune of Rs.10,000/- each in compliance of Section 437 A CrPC at the earliest.

File be consigned to record room.

(Announced in the open court
on 08.03.2021)

(CHARU AGGARWAL)
ASJ-02, CENTRAL DISTRICT,
TIS HAZARI COURTS,
DELHI.