

Dinesh Kumar Singh Vs. State of U.P.

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Court : Allahabad

Decided On : Nov-14-1994

Reported in : I(1995)DMC57

Judge : S.K. Verma, J.

Acts : [Code of Criminal Procedure \(CrPC\) , 1973](#) - Sections 437; Indian Penal Code (IPC) - Sections 498A; Dowry Prohibition Act - Sections 3 and 4

Appeal No. : Criminal Misc. Bail Application No. 9040 of 1994

Appellant : Dinesh Kumar Singh

Respondent : State of U.P.

Advocate for Def. : G.A.

Advocate for Pet/Ap. : Amar Saran and ;Vinay Saran, Advs.

Disposition : Application allowed

Judgement :

S.K. Verma, J.

1. Heard learned Counsel for the parties and perused the Case Diary and other relevant documents on record. The Post Mortem indicates that it is a case of hanging. It has been argued that the deceased was a lady of sensitive nature and

she committed suicide for that reason. Sharad v. Maharashtra, 1984 CrLJ 1738 has been cited and reliance has been placed on paragraph 40 to 45 and paragraph 180 of the same. Reliance has also been placed on the decision in Babaji Charan Barik v. State 1994 CrLJ 1684 to show that there must be material to show that soon before her death the victim must have been subjected to cruelty and harassment and there is no prima facie evidence of the same in this case. Reliance has also been placed on a decision in C. Veerudu and Anr. v. it has been argued that (i) the standards of proof of cruelty is higher in degree in criminal law than in civil law under the matrimonial causes, (ii) the intention or mens rea on the part of one spouse to injure the other is not a necessary element of cruelty in civil law for matrimonial causes while it is an essential element in criminal law, (iii) it is enough if cruelty is proved by preponderance of probabilities in civil law while in criminal trials the conduct of cruelty has to be proved beyond all reasonable doubt, (iv) it is immaterial in civil law whether the respondent's conduct was aimed at the other spouse or is due to unwarranted indifference attributable, perhaps, to selfishness or laziness while it is very much material in criminal proceedings, and (v) for the relief of matrimonial causes in civil law the conduct of the spouse need not necessarily result in danger of life, limb or health, but a reasonable apprehension of such a danger is enough, whereas Section 498A IPC contemplates such a conduct besides being 'wilful' to result in the likelihood of driving the women to commit suicide or to cause grave injury or danger to a life limb or health.

2. Having considered the submission made by the learned Counsel for the parties I find it a fit case for bail. Let applicant Dinesh Kumar Singh involved in Case Crime No. 653 of 1993 Under Section 304B, 498A IPC and Under Section 3/4 Dowry Prohibition Act, P.S. Line Bazar, Jaunpur is released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the C.J.M. Jaunpur.