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Court : Allahabad

Decided On : Oct-14-1932

Reported in : AIR1933All160; 145Ind.Cas.880

Appellant : Kinder Singh and ors.

Respondent : Emperor

Judgement :

Banerji, J.

1. This is an appeal by three persons who have been convicted by the Sessions Judge of Cawnpore under Section 306, I.P.C., and sentenced to three years rigorous imprisonment. In village Kudauli in the district of Cawnpore lived one Bhure Singh Thakur. He died on the night of 12th January 1932. The charge against the accused is that they abetted the suicide of the widow of Bhure Singh by helping her in immolating herself by burning on her husband's funeral pyre. The accused Kinder Singh was the head of the family and the two other appellants are the relations of the deceased. The facts are undoubted that the widow of Bhure Singh burnt herself on the funeral pyre of Bhure Singh at about 2 in the afternoon in village Kudauli. The evidence for the prosecution makes it abundantly clear. The only question is whether the appellants did anything or omitted to do anything by reason of which they could be convicted of the offence under Section 306, I.P.C.

2. It is undoubtedly true that the Mukhia of the village, Gulzar Singh, went to the police station and made a report that the widow of Bhure Singh Thakur was about to burn herself on the funeral pyre of her husband and that the brothers of Bhure Singh were trying to induce her not to do so. After an examination of the evidence for the defence and the prosecution it is clear to me that a large body of men had collected together in this village from the adjoining villages and that if Bhure Singh's dead body would have been taken to the usual cremation ground seven miles away the poor widow of Bhure Singh might have been alive. But it appears that the villagers decided that the funeral pyre was to be laid in the village; and it is in-conceivable to me that the large body of men that had collected, if they had wished, could not have prevented the widow from committing suicide. Be that as it may, the evidence in the case indicates that Kinder Singh was the leader of the party that desired the woman to become Sati, and although they may have ostensibly pretended that they were preventing the widow from burning herself, it appears to me that everyone of them desired that woman should become a Sati and thus get merit after death. The evidence which has been believed by the learned Sessions Judge proves that Kinder Singh was the person who really was responsible as the head of the family for the woman committing suicide. One of the most curious things about the case is that the suggestion for the defence is that the funeral pyre practically automatically got lit which, to my mind, is an absurd statement. It is stated that the son of the deceased set fire to the funeral pyre at one or two places but the pyre did not catch fire but as soon as the woman came and sat down and shouted 'satnam' suddenly the fire blazed up and destroyed her.

3. The learned Government Pleader has brought to my notice the case of Emperor v. Ram Dayal AIR 1914 All 249, in which all the cases on the subject have been referred to and I agree with everything that is said in that case. I am satisfied that the appellants have been rightly convicted. The sentence is by no means severe. I see no necessity of a fine being inflicted and I set aside the sentence of fine. The fine if paid will be refunded.