

Mangleshwar Vs. State of M.P.

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Court : Madhya Pradesh

Decided On : Jan-16-1992

Reported in : I(1995)DMC502

Judge : N.P. Singh, J.

Acts : [Indian Penal Code \(IPC\), 1860](#) - Sections 306

Appeal No. : Crl. Appeal No. 1260 of 1994

Appellant : Mangleshwar

Respondent : State of M.P.

Advocate for Def. : A.G.

Advocate for Pet/Ap. : G.S. Baghel, Adv.

Disposition : Appeal allowed

Judgement :

N.P. Singh, J,

1. The appellant alongwith his parents were tried for the offence under Section 306 of the Indian Penal Code by the 3rd Additional Sessions Judge, Rewa in Session Trial No. 150/90 on the allegation that deceased Basanti Bai, wife of the appellant committed suicide on 10-8-91 by hanging herself with the ceiling of the house of

means of a rope on account of physical and mental torture subjected to her by the appellant and his parents for not bringing shebuffalo in dowry and the appellant was convicted thereunder and sentenced to undergo RI for five years and to pay a fine of Rs. 200/- in default to undergo RI for further 15 days.

2. Mr. G.S. Baghel, learned Counsel for the appellant, has contended that there is no legal evidence to sustain the conviction of the appellant. The appellant has been convicted by the learned Trial Court on mere conjectures and surmises. No independent witness has corroborated the testimony of Ramdas Tiwari (PW-9) father Ramkeshari(PW-10) mother and Rajan Prasad (PW-4) brother of the deceased and Anant Prasad Mishra (PW-6) Samdhi of Ramdas (PW-9). Anant Prasad Mishra (PW-6) was not examined by the I.O. during the investigation of the case and there is no explanation for his non-examination during the investigation of the case. Therefore, no reliance could be placed on the testimony of Anant Prasad Mishra (PW-6) that the deceased was subjected to physical and mental torture by the appellant as a result of which the deceased committed suicide.

3. It appears that the statement of Rajan Prasad (PW-4), Ramdas Tiwari (PW-9) and Ramkeshari (PW-10) were recorded by the police after inordinate delay of 14 days of the occurrence. The parents and brother of the deceased would not have remained silent for such a long period, had the appellant been responsible for suicidal of the deceased. The information was immediately lodged after the occurrence by Sankata Prasad (PW-1) uncle of the appellant.

4. On a careful consideration of the evidence available on record, I find that the allegation made against the appellant that the deceased committed suicide on account of ill-treatment subjected to her by the appellant is not based on any reliable and cogent evidence. Therefore, the conviction and sentence of the appellant cannot be sustained. Accordingly it is set aside and in the result the appeal is allowed. The appellant is directed to be set at forthwith if not required in any other case.