(2008) 01 P&H CK 0267

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal Appeal No. 205-DB of 1998

Jarnail Singh alias Titu and others		APPELLANT
	Vs	
State of Haryana		RESPONDENT

Date of Decision: Jan. 22, 2008

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 313
- Dowry Prohibition Act, 1961 - Section 2
- Evidence Act, 1872 - Section 114
- Penal Code, 1860 (IPC) - Section 304B, 306, 34, 498A

Citation: (2008) 1 RCR(Criminal) 925

Hon'ble Judges: Sham Sunder, J; J.S. Khehar, J

Bench: Division Bench

Advocate: Vinod Ghai, for the Appellant; J.S. Toor, A.A.G., Haryana, Mr. Baldev Singh with Mr. Arshwinder Singh, for the Respondent

Final Decision: Allowed

Judgement

Sham Sunder, J.

This appeal is directed against the judgment of conviction dated 17.4.1998, vide which the Additional Sessions Judge, Kurukshetra convicted Jarnail Singh alias Titu, husband, Shanti Devi, wife of Jagir Singh, mother-in-law and Jagir Singh s/o Krishan Singh, father-in-law of Sudha Rani, deceased, for the offences punishable under Sections 304-B and 498-A read with Section 34 IPC, and the order dated 20.4.1998, whereby all the accused (now appellants) were sentenced to undergo imprisonment for life each, for the offence punishable u/s 304-B read with Section 34 IPC and further sentenced them to undergo rigorous imprisonment, for two years each for the offence publishable u/s 498-A read with Section 34 IPC and to pay a fine of Rs. 1,000/- each, in default to undergo rigorous imprisonment for a period of six

months each. All the substantive sentences were ordered to run concurrently.

2. The facts, in brief, are that Surjan Singh, complainant was serving as Manager in Mini Bank, in village Chudiala, having three daughters and three sons. He married his younger daughter, Sudha Rani, on 4.5.1992 with Jarnail Singh alias Titu, s/o Jagir Singh, accused r/o Marcheri P.S. Ladwa, in accordance with the Hindu religious rites and ceremonies. At the time of marriage of Sudha Rani with Jarnail Singh, accused, Surjan Singh had given sufficient dowry, beyond his financial resources, to Sudha Rani, in the shape of Istri Dhan, so that she may be able to start her own house, in a comfortable manner. Jarnail Singh is an agriculturist. In the month of January, 1995, Jarnail Singh alias Titu, his mother Shanti Devi and father Jagir Singh gave too much beatings to Sudha Rani. Surjan Singh, complainant, along with his wife Surjit Kaur on coming to know about this incident, came to the matrimonial home of their daughter and took her along for her treatment. She was got admitted in the hospital of Dr. Nandra in Ambala Cantt. Sudha Rani remained under the treatment of Dr. Nandra for 3 to 4 months. Thereafter, a Panchayat was convened, consisting of the relations of both the parties, and, in that Panchayat, Jagir Singh father-in-law of Sudha Rani, assured that there would not be repetition of any such incident, in future, and they would not demand anything. Despite that, the accused continued giving beatings and taunting Sudha Rani continuously. Whenever, Sudha Rani used to visit her parents, at Village Kesri, she told them that she was being beaten by her in- laws. She also used to tell them that Shanti Devi, her mother-in-law used to taunt her that either Jarnail Singh should be got recruited to some government job, or they should be paid cash amount of Rs. 1 lac, so that he may start some business of his own. Sudha Rani also wrote a letter to her father, in this regard. Surjan Singh-complainant had sent his son Jagmeet Singh to the matrimonial home of her daughter Sudha Rani in Village Marcheri, three or four days before 14.11.1995, and the demand aforesaid was also repeated in his presence. On return to the village, Jagmeet Singh told Surjan Singh- complainant that Sudha Rani was much worried, because her in-laws had again started subjecting her to cruelty, and that she was being compelled either to bring Rs. 1 lac, in cash, for starting some business by Jarnail Singh or for getting himself recruited to some government service.

3. On 14.11.1995, at about 1.00 a.m. (at night), Gurnam Singh s/o Chuhuru Ram and his uncle Budh Ram s/o Badhawa Singh, residents of Ishwargarh came to Village Kesri, and informed Surjan Singh that Sudha Rani had died. On receipt of this information, Surjan Singh along with his wife Surjit Kaur, son Gurmit Singh, brother Jaspal Singh and several other persons of the village, came to the matrimonial home of Sudha Rani. They saw that Sudha Rani had actually died. Her dead body was lying, on the ground, in a room, and there was a piece of scarf (duptta) tied around her neck, and a part of the scarf (dupatta) was tied with the ceiling fan in the same room. Surjan Singh suspected that his daughter Sudha Rani had been done to death, by her son-in-law Jarnail Singh, alias Titu, his mother Shanti Devi and his father Jagir Singh, by chalking out a plan in that regard. After leaving Hakam Singh,

ex-Sarpanch and Jaspal Singh with the dead body of Sudha Rani, Surjan Singh went to the Police Station and made his statement Ex. PC, which was recorded by Incharge, Police Post Babain, at 7.30 a.m., on 14.11.1995, which was read over and explained to him and after admitting the same to be correct he signed it. Endorsement Ex. PC/1, was appended thereon, and it was sent to the Police Station, Ladwa, on the basis whereof, FIR copy whereof is Ex. PC/2, was registered. Thereafter, Purshotam Lal, Sub Inspector, Incharge, Police Post Babain, along with Sahib Singh, Head Constable and other police officials went to the house of the accused, in Village Marcheri, in a Government vehicle, and found so many persons present near the dead body of Sudha Rani. Purshotam Lal, Sub Inspector, got photographed the dead body and the scene of occurrence, through the photographer, namely Phool Singh. Thereafter, the inquest report Ex. PG/2 of the dead-body of Sudha Rani was prepared by him in the presence of Surjan Singh, complainant and Hakam Singh, ex-Sarpanch. In the meanwhile, Randhir Singh, Sub-Inspector, Police Station, Ladwa, along with other police officials reached the spot, who verified the investigation.

4. An application Ex. PG/3, was scribed by Purshotam Lal, Sub Inspector for post-mortem examination of the dead-body of Sudha Rani. He handed over the said application, along with the dead body of Sudha Rani to Sahib Singh for getting the post-mortem examination done from the Medical Officer in LNJP Hospital, Kurukshetra. Thereafter, the place of occurrence was inspected by Purshotam Lal, Sub-Inspector, in the presence of Surjan Singh, complainant, and other respectables of the village. He prepared the site plan Ex. PM. From the residential room of Sudha Rani, a part of scarf (dupatta), Ex. P-9, after untying the same, from the ceiling fan with which it was tied, was taken into possession vide recovery memo Ex. PJ after converting the same into a sealed parcel, attested by Surjan Singh and Hakam Singh, prosecution witnesses. On reaching the Police Station, the case property was deposited with the MHC of Police Station, Ladhwa, with seals intact. Thereafter, Purshotam Lal, Sub- Inspector returned to Police Post, Babain, where Head Constable Sahib Singh handed over to him a copy of the post-mortem report and the sealed parcel containing the viscera etc. of the deceased which were returned to Sahib Singh, who deposited the same with the MHC of Police Station, Ladwa.

5. On 16.11.1995, Purshotam Lal, Sub-Inspector accompanied by other police officials and Surjan Singh, complainant, again went to the house of the accused, in Village Marchari, where all the three of them were found present. Ram Singh, DSP (Headquarter), Kurukshetra also verified the investigation. The accused were arrested. Jarnail Singh, accused, produced the articles of Istri dhan of Sudha Rani, deceased, which were taken into possession vide recovery memo Ex. PK. Surjan Singh, complainant was directed by the Sub-Inspector to supply the detailed list of the articles of Istri dhan, given by him to his daughter at the time of marriage and he sought some time to produce the same. On way to Police Station, Ladwa, Purshotam Lal, Sub Inspector, contacted Pradeep Kumar, goldsmith, in order to

know about the weight of the ear-rings and rings. He gave his report Ex. PN. The case property was deposited with MHC Police Station, Ladwa, and the accused were detained in the lock-up. On 18.11.1995, Surjan Singh produced the detailed lists Ex. PL and PL/1 of the articles of Istri dhan given to his daughter Sudha Rani on 4.5.1992. Both these lists of articles were taken into possession vide memo Ex. PL/2, duly attested by Surjan Singh.

6. On 24.12.1995, Purshotam Lal went to Ambala Cantt to collect the record from Ashok Nandra Hospital. The Dr. handed over to him a certificate Ex. PA along with photo copies of the record which were taken into possession. Surjan Singh, complainant, produced before Purshotam Lal, Sub Inspector, Lagan Patri, Ex. P-10 recording the marriage of Sudha Rani, deceased, and Ex. P-11 her wedding card, which were taken into possession.

7. On 22.1.1996, Purshotam Lal, Sub-Inspector, moved an application before the Medical Officer to seek his opinion, in respect of the details of injuries and cause of death of Sudha Rani. On that application, Dr. C.R. Khatri made an endorsement Ex. PH/1, to the effect, that the cause of death was to be given, after the receipt of the report of the Chemical Examiner. Purshotam Lal, Sub- Inspector, moved an application Ex. PQ before Dr. A.K. Nandra, Ambala Cantt for taking the original record of treatment of Sudha Rani. Dr. A.K. Nandra made an endorsement that the original record will be produced at the time of evidence, in the Court. The statements of the witnesses were recorded at various stages of the investigation. The detailed opinion regarding the cause of death of Sudha Rani was obtained. After the completion of investigation, the accused were challaned for the offences, punishable under Sections 304-B and 498-A read with Section 34 of the Indian Penal Code.

8. On their appearance, in the Court of the Committing Magistrate, the accused were supplied the copies of documents, relied upon by the prosecution. After the case was received by Commitment in the Court of Sessions, charge under Sections 304-B and 498-A read with Section 34 of the Indian Penal Code, was framed against the accused to which the pleaded not guilty and claimed judicial trial.

9. The prosecution in support of its case examined Dr. Ashok Kumar Nandra, who treated Sudha Rani from 26.1.1995 to 1.2.1995, Dr. C.R. Khatri (PW-10) Medical Officer who along with Dr. Anupam conducted post-mortem on the dead body of Sudha Rani w/o Jarnail Singh and gave the opinion that the death was due to hanging, Sudheep Kumar, constable, (PW-2), who prepared the site plan to scale Ex. PB of the place of occurrence, Phool Singh, Photographer, PW-4, who took the photographs Ex. P-1 to Ex. P-3 of the scene of crime and handed over the same to the police after about 15 days, along with negatives Ex. P5 to Ex. P8, Pale Ram, ASI, PW-4, who recorded the FIR Ex. PC/2, Vijay Pal, PW-5 who handed over the special report Ex. PC/2 to the Illaqa Magistrate, Sahib Singh, PW-6, who got the post-mortem conducted, on the dead body of the deceased and handed over the

parcel containing viscera of the dead body of Sudha Rani to the M.H.C. with seals intact, Gulab Singh, PW-7, who challaned the accused, after the completion of investigation, Rajbir Singh, PW-8 and Puran Chand, PW-9, the formal witnesses, Surjan Singh, PW-11, complainant, in this case, who set the law into motion, Jagmeet Singh, PW-12, brother of the deceased and Purshotam Lal, Sub-Inspector, PW-13, the Investigating Officer. The Public Prosecutor gave up Budh Ram PW, being won over and the remaining witnesses as unnecessary. He tendered into evidence Ex. PF report of the Chemical Examiner and closed the same.

10. The statements of the accused u/s 313 of the Code of Criminal Procedure were recorded. They were put all incriminating circumstances, appearing against them, in the prosecution evidence. They pleaded false implication. It was admitted that Jarnail Singh was married to Sudha Rani d/o Surjan Singh on 4.5.1992. The remaining allegations were denied. He, however, took up the defence, that, as a matter of fact, his matrimonial life had been very harmonious and there was complete understanding between him and his wife except one vacuum that they could not be blessed with a child. After medical examination of both of them, Sudha Rani started feeling that she was a barren lady and that she would never be able to deliver a child. On account of this reason, she started feeling depressed. Although, he tried his level best to cheer her up, so as to take her out of depression, but in vain. Ultimately, on account of the aforesaid reason, she ended her life. It was further stated that they were falsely implicated in this case. It was further stated that he belongs to an agriculturists family, having sufficient land and so there was no occasion for him to seek a job or to compel his wife to ask her parents to pay amount much less Rs. 1 lac. He further stated that he and his parents are innocent.

11. Jagir Singh and Shanti Devi, accused, also adopted the same defence, as was taken by Jarnail Singh.

12. In defence evidence, the accused examined Surti Devi DW-1. They also tendered into evidence Ex. DC to DH documents, with regard to the treatment of Sudha Rani. Thereafter, they closed the defence evidence.

13. After hearing the Public Prosecutor for the State, the Counsel for the accused and on going through the evidence on record, the trial Court convicted and sentenced the accused as stated above.

14. Feeling aggrieved, against the judgment and order of the trial Court the instant appeal was filed by the appellants.

15. We have heard the learned Counsel for the parties and have gone through the evidence and record of the case carefully.

16. It was proved from the statements of Surjan Singh (PW-11), Lagan Patri (Ex. P-10) and the wedding card (Ex. P-11), that Sudha Rani was married to Jarnail Singh on 4.5.1992. It was also proved from the evidence, on record, that Sudha Rani died on

the night intervening 13/14.11.1995, i.e. within seven years of her marriage, in the house of her in-laws on account of asphyxia due to hanging. The Counsel for the appellants, submitted that Sudha Rani was not subjected to cruelty, by the appellants, in connection with the demand of dowry at any point of time, after her marriage, till her death. He further submitted that the evidence produced in this regard, being of interested witnesses i.e. father and brother of the deceased, no reliance without corroboration from an independent source, could be placed thereon. He further submitted that the appellants, being rich persons, having 40 acres of agricultural land, could not be expected to demand a sum of Rs. 1 lac from the parents of Sudha Rani, deceased, for starting some business for Jarnail Singh or in the alternative for getting him recruited to some job. The submission of the learned Counsel for the appellants in this regard does not appear to be correct. Sudha Rani at the time of her death was aged about 24 years. As and when she was subjected to cruelty, she used to narrate her tale of woes to her parents, who could be said to be very close to her. It was under these circumstances, that she took Surjan Singh, her father and Jagmeet Singh, her brother into confidence, and narrated to them the factum of demand of dowry, by the appellants and subjecting her to cruelty in connection therewith. The strangers and the relatives other than the family members are hardly divulged such incidents, so as to avoid any sort of publicity. In this background the evidence of Surjan Singh, PW-11, father of the deceased and Jagmeet Singh, PW-12, brother of the deceased, is required to be reappraised.

17. Surjan Singh, father of the deceased, while appearing as PW-11 stated that after 6/6 months of the marriage, the accused started maltreating his daughter saying that she should ask her father, either to arrange for the employment of Jarnail Singh-appellant, or pay a sum of Rs. 1 lac so that he (Jarnail Singh) could run any business. He further stated that, in the month of January, 1995, the beatings were given by the accused to Sudha Rani and on hearing about this incident, he got admitted her to Nandra Hospital, Ambala Cantt., where she remained admitted for 5/6 days but her treatment continued for three to four months. Thereafter, she was brought to his house. He further stated that on the assurance of Jagir Singh, father of the accused, he sent his daughter Sudha Rani to her matrimonial home, after completion of her treatment. He further stated that when his daughter visited the said hospital for the first time for follow up treatment, on that occasion, she told them that the behaviour of the accused had not changed and they were harassing her again as earlier. His statement was further to the effect that 5/10 days thereafter, he sent his son Jagmeet Singh to the matrimonial home of Sudha Rani. His son Jagmeet Singh told him that the accused were harassing Sudha Rani, saying that either her parents should arrange for the employment of Jarnail Singh-appellant or pay a sum of Rs. 1 lac so that he (Jarnail Singh) could run some business. He further stated that when his son confronted the accused, with respect to the aforesaid disclosure, made by Sudha Rani, all of them repeated the same

demand before him. Thereafter, his son returned to his house and narrated the entire incident to him. His evidence was further to the effect, that after a period of 2/3 months of the aforesaid incident in the month of November, 1995, they received a letter from Sudha Rani, in which also she had written that the accused were harassing her by making the same demand. Thereafter, Jagmeet Singh was again sent to the matrimonial home of Sudha Rani. When he came back from the matrimonial home of Sudha Rani, he told his father that the accused were adamant in their demand. Thereafter, on the night intervening 13/14.11.1995, Sudha Rani died in the house of her in-laws, otherwise than under natural circumstances. The statement of Surjan Singh was corroborated by Jagmeet Singh, PW-12, in all material particulars. No doubt, some improvements were made by both these witnesses over their previous statements. However, on the basis of such improvements, it could not be said that they are not reliable witnesses. There was no reason, on the part of Surjan Singh and Jagmeet Singh to make false statements at least against Jarnail Singh, husband of Sudha Rani, deceased. Even if, the improvements made by these witnesses in their statements in the court over their previous statements are not taken into consideration, still sufficient evidence is on the record to prove that Sudha Rani was persistently subjected to cruelty in connection with the demand of dowry till her death. The trial Court, in our opinion was right in coming to the conclusion that the demand of Rs. 1 lac for starting some business for Jarnail Singh from the parents of Sudha Rani through her was made by her in-laws continuously and in the alternative they were asked to get employment for Jarnail Singh-appellant. The mere fact that Jarnail Singh and his father were having 40 killas of land did not mean that they could not raise the demand referred to above from the parents of Sudha Rani deceased. It also cannot be said that a person who is rich has no greed for money. Such a greed for money can erupt any time. The mere fact that the statements of Surjan Singh and Jagmeet Singh are not corroborated, through any other independent witness is not sufficient to discard the same. The submission of the counsel for the appellants in this regard being without merit must fail and the same stands rejected.

18. It was next submitted by the counsel for the appellants that demand of Rs. 1 lac alleged to have been made by the appellants through Sudha Rani, now deceased, from her parents for starting business for Jarnail Singh or in the alternative for arranging his employment did not fall within the ambit of dowry as defined by Section 2 of the Dowry Prohibition Act, 1961. He also placed reliance on in support his contention. The submission of the learned Counsel for the appellants in this regard does not appear to be correct. Section 2 of the Dowry Prohibition Act, 1961 reads as under:

"2. Definition of "dowry". - In this Act, "dowry" means any property or valuable security given or agreed to be given either directly or indirectly:

(a) by one party to a marriage to the other party to the marriage; or

(b) by the parents of either party to a marriage or by any other person, to either party to the marriage to any other person, at or before or any time after the marriage in connection with the marriage of the said parties, but does not include dowry or mahr in the case of persons to whom the Muslim Personal Laws (Shariat) applies."

19. The definition of dowry extracted above, clearly speaks of any property or valuable security. A sum of Rs. 1 lac for starting some business for Jarnail Singh was demanded from the parents of Sudha Rani through her, not as a loan, but in connection with the relationship of marriage. The demand of Rs. 1 lac, valuable property, thus, certainly fell within the purview of dowry. In Hem Chand, appellant married deceased Saroj Bala on 24.5.1982. He demanded a sum of Rs. 25,000/- for purchasing a plot from his in-laws. He again repeated that demand on 20.5.1987. Saroj Bala deceased brought a sum of Rs. 15,000/- and paid the same to Hem Chand with a promise that the balance amount would be remitted by her father soon. On 16.6.1987 at about 11.15 a.m. the deceased died of strangulation i.e. to say that she died otherwise than under normal circumstances, within seven years of her marriage. The accused was convicted and sentenced for the offence, punishable u/s 304-B IPC, holding that the demand fell within the definition of dowry. The appeal filed by Hem Chand, in the High Court was dismissed. SLP filed by him in the Apex Court was also dismissed. However, the sentence of life imprisonment, awarded to him was reduced to rigorous imprisonment for 10 years. In (Division Bench) the demand was made by the husband from her in-laws, through his wife in the sum of Rs. 50,000/- for opening a shop. Another demand of Rs. 50,000/-, was made by him for purchasing the articles to be exhibited for sale in the said shop. When the parents of the bride failed to fulfil such a demand, she was subjected to cruelty as a result whereof she died on account of burn injures. The trial Court, convicted the accused holding that such a demand fell within the ambit of dowry. The appeal filed by them was also dismissed by this Court. If the demand of cash amount for the purchase of a plot for buying a shop and for purchasing articles for exhibiting in the same, as held in the aforesaid authorities could fall within the definition of dowry then certainly the demand of Rs. 1 lac raised in the present case for starting some business by Jarnail Singh one of the appellants or in the alternative for getting him recruited to a job could certainly be said to be falling within the ambit of dowry. No doubt in Ramesh Kumar''s case (supra) relied upon by the Counsel for the appellants, it was held that the amount of Rs. 6,000/-, demanded by the appellant to get a job from his in-laws, would not be covered under the definition of dowry. However, in view of the principle of law and the observations made in Hem Chand''s case (supra) by a three-Judge Bench of the Apex Court that demand of an amount for the purchase of a plot by the husband from his in-laws, through her wife fell within the definition of dowry, no help can be drawn by the Counsel for the appellants from Ramesh Kumar''s case (supra). The trial Court was, thus, right in holding that such a demand fell within the definition of dowry. The submission of

the learned Counsel for the appellants, therefore, stands rejected.

20. It was next submitted by the Counsel for the appellants that even if such a demand was deemed to be falling within the definition of dowry, no evidence was led by the prosecution, that the deceased was subjected to cruelty, in connection with the demand of dowry soon before her death and as such one of the ingredients for constituting the offence punishable u/s 304-B was not fulfilled, and thus, the appellants did not commit any offence. The submission of the Counsel for the appellants in this regard, also does not appear to be correct. From the evidence of Surjan Singh, PW-11, it was proved that there was a continuous demand of dowry till the death of the deceased. Even, it was stated by Surjan Singh in his statement that after a period of 2/3 months, in the month of November, 1995, they received a letter from Sudha Rani in which she had written that the accused were harassing her saying her parents should either arrange for the employment of Jarnail Singh-appellant or pay a sum of Rs. 1 lac so that he (Jarnail Singh) could run any business. He further stated that the said letter was torn by the boys. He further stated that thereafter, again his son Jagmeet Singh visited the house of the in-laws of Sudha Rani. Sudha Rani told him that the accused were subjecting her to cruelty, in connection with the aforesaid demand. Jagmeet Singh, also corroborated the statement of Surjan Singh, in this regard. On the intervening night of 13/14.11.1995, Sudha Rani died, in the house of her in-laws, otherwise than under natural circumstances. From their evidence, therefore, it is proved that soon before the death of Sudha Rani, she was again subjected to cruelty, in connection with the aforesaid demand of dowry. In Kans Raj v. State of Punjab and others, 2002 Crimes 213 (SC) it was held that cruelty soon before her death, is a relative term, which is required to be considered, under specific circumstances of each case and no straight-jacket formula, can be laid down, by fixing any time limit. This expression is pregnant with the idea of proximity test. The term soon before is not synonymous with the term immediately before and is opposite of the expression soon after as used and understood in Section 114 of the Indian Evidence Act. The trial Court was thus, right in coming to the conclusion that Sudha Rani died, otherwise than under natural circumstances, as she was subjected to cruelty in connection with the demand of dowry soon before her death. The submission of the learned Counsel for the appellants being without merit must fail and the same stands rejected.

21. It was next contended by the Counsel for the appellants that only the offence punishable u/s 306 IPC could be said to have been made out. The submission of the learned Counsel for the appellants does not appear to be correct. Since, it has been held that Sudha Rani was subjected to cruelty at least by her husband in connection with the demanded of dowry, soon before her death, as a result whereof, she died on account of strangulation within 7 years of her marriage, the question of commission of offence u/s 306 IPC, does not at all arise. On the other hand, from the evidence, on record, the offences punishable under Sections 304-B and 498-A IPC are constituted. The submission of the Counsel for the appellants is thus

rejected.

22. It was next submitted by the learned Counsel for the appellants that Sudha Rani committed suicide, as she felt depressed, that she was a barren lady. Ex. DC to DH, copies of reports were produced on record to show that Sudha Rani was a barren lady. It may be stated here, that when these documents were tendered into evidence, by the Counsel for the accused vide statement dated 6.4.1998, the same were objected to on the ground of mode of proof. In these circumstances, the accused were required to examine the doctors, who gave these reports so as to enable the Public Prosecutor to cross-examine them to find out the genuineness of the same. Mere marking of documents as exhibits, especially when at the appropriate time, an objection was raised, with regard to the mode of proof of the same, did not prove the execution thereof. In these circumstances, the said documents cannot be taken into consideration for the purpose of showing that Sudha Rani was a barren lady. As such, the question of her depression, on account of this reason and commission of suicide, due to the same did not at all arise. The submission of the learned Counsel for the appellants, being without merit, must fail and the same stands rejected.

23. It was next contended by the learned Counsel for the appellants, that no offence whatsoever, was committed by Jagir Singh and Shanti Devi, father and mother respectively of Jarnail Singh-appellant. He further submitted that they were not to be benefitted on account of the demand referred to above. He further submitted that only Jarnail Singh could be said to be the beneficiary, in respect of the demand of Rs. 1 lac or in the alternative for his recruitment to the job. The submission of the learned Counsel for the appellants in this regard appears to be correct. It is a matter of common knowledge, that when the bride dies in the house of her in-laws under unnatural circumstances, then no love is last between the parents of the deceased and the members of her in-laws family. In such a situation, the parents of the deceased are out and out to rope in as many members of the in- laws family of the bride, as they could possibly do. Jagir Singh and Shanti Devi as stated above, could be least benefitted on account of the demand of Rs. 1 lac, by Jarnail Singh from his in-laws or in the alternative for his recruitment to a job. Since, the ultimate beneficiary of such a demand was Jarnail Singh, he could only be held liable for the offences punishable under Sections 304-B and 498-A IPC. The evidence of Surjan Singh and Jagmeet Singh that Jagir Singh and Shanti Devi were also a party to the aforesaid demand, is not believable. Jagir Singh and Shanti Devi appear to have been falsely implicated. The trial Court was wrong, in recording conviction, against them and awarding sentence to them. The appeal qua them, is liable to be accepted. The submission of the learned Counsel for the appellants to this extent carries substance and is accepted.

24. It was next submitted by the counsel for the appellants that very harsh punishment was awarded to Jarnail Singh by the lower Court. He further submitted

that, no doubt, the maximum punishment provided for the offence punishable u/s 304-B of IPC, is imprisonment for life, whereas, the minimum punishment provided is 7 years. He further submitted that it was not one of the rarest of rare cases, in which the maximum imprisonment for life, provided for the offence punishable u/s 304-B IPC, was required to be imposed. We have considered the submission of the learned Counsel for the appellants, in this regard. In view of the facts and circumstances of the case, we are inclined to hold that it was not one of the rarest of rare cases, in which the imprisonment for life, was required to be awarded. Similar principle of law was laid down in Hem Chand''s case (supra). Accordingly, we are of the considered opinion, that the ends of justice would be met, if the sentence awarded to Jarnail Singh for the offence punishable u/s 304-B read with Section 34 is reduced to the minimum sentence of 7 years provided for the same. It is also clarified that since we have held above, that the appeal qua Jagir Singh and Shanti Devi is liable to be accepted, the conviction and the sentence of Jarnail Singh, appellant, shall be under Sections 304-B and 498-A IPC.

25. In view of the above discussion, it is held that the judgment of conviction of Jarnail Singh, accused-appellant for the offence u/s 304-B is based on the correct appreciation of evidence and law on the point. The order of sentence for the offence punishable u/s 304-B is liable to be modified, as indicated above. However, it is made clear, that conviction of Jarnail Singh, appellant, shall be for the offences punishable u/s 304-B and 498-A IPC, as the appeal qua the other two appellants as held above, is liable to be accepted. The judgment of conviction and the order of sentence of the trial Court with the modification, indicated above, are liable to be upheld, so far as Jarnail Singh is concerned. The judgment of conviction and the order of sentence of the lower Court, qua Jagir Singh and Shanti Devi are not based on the correct appreciation of evidence and law on the point. The same are liable to be set aside.

26. For the reasons recorded hereinbefore, the appeal of Jarnail Singh is partly accepted. His conviction for the offences punishable under Sections 304-B and 498-A is maintained. The sentence of life imprisonment awarded to him for the offence punishable u/s 304-B, is, however, reduced to rigorous imprisonment for seven years. The substantive sentence and the sentence of fine including the sentence in default of payment of fine awarded to Jarnail Singh for the offence punishable u/s 498-A are maintained.

27. The appeal qua Jagir Singh and Shanti Devi is accepted. The judgment of conviction and the order sentence of the Lower Court qua them are set aside. They are acquitted of the charge for the offences punishable under Sections 304-B and 498-A read with Section 34 of the IPC.