

(1990) 10 MP CK 0003

Madhya Pradesh High Court (Gwalior Bench)

Case No: Criminal Rev. No. 65 of 1990

Sonelal and Others

APPELLANT

Vs

State of Madhya Pradesh

RESPONDENT

Date of Decision: Oct. 24, 1990

Acts Referred:

- Penal Code, 1860 (IPC) - Section 306

Citation: (1992) 37 MPLJ 810 : (1992) MPLJ 810

Hon'ble Judges: K.K. Verma, J

Bench: Single Bench

Advocate: A.K. Barua, for the Appellant; P.D. Agrawal, Panel Lawyer, for the Respondent

Final Decision: Dismissed

Judgement

@JUDGMENTTAG-ORDER

K.K. Verma, J.

This a revision from the order dated 29-3-1990 of the Seventh Additional Sessions Judge, Gwalior, in S. T. No. 207/89, by which charges u/s 306, Indian Penal Code were framed against applicants Sonelal, his wife Mahadevi and their son Kanoalsingh - the deceased being accused applicant No. 3 Kamal Singh's Wife Smt. Manorama.

Admittedly, the applicants reside in the Vivek-Bihar Colony, Lashkar, Gwalior. On 4th May 1986, a Sunday, Shrimati Manorama died from burns received in the applicants' house just before noon.

The marriage between Kamal Singh and Matiorama was performed in the year 1982, The girl's parental home is in the village of Sultanganj, District Mainpuri (UP.). There is evidence that applicants 1 and 3 demanded a scooter at the time of marriage and that the same demand could not be met by the girl's father. Many witnesses have stated that the present applicants had acted with cruelty towards Smt. Manorama.

There is evidence to show that no inmate of the house was inside the house when the mishap occurred. As such, the initial information lodged by applicant No. 1 Sonelal that there had been an accidental fire has no probative value on the origin of the fire. His version that the fire had flared- up while Manorama has been cooking food on a stove. Apart from the fact that there is evidence that the meal" has been cooked up before the occurrence, the spot sketch map shows that the dead body and a stove were found not in the kitchen but in the adjoining room which is to the south of the kitchen.

I am of the view that the circumstances of the case furnish sufficient material for presuming that it was not a case of an accidental fire. A letter from Manorama to her father is sheet No. 6. It shows that the girl had contemplated a suicide. Hence, the presumption about the suicide could be not on the basis of the material on record. There is evidence of cruelty on the part of the applicants. Hence the following Act can be taken aid of :

"223-A. Presumption as to abetment of suicide by a married woman. - When the question is whether the commission of suicide by a woman had been abetted by her husband or any relative of her husband and it is shown that she had committed suicide within a period of seven years from the date of her marriage and that her husband or relative of her husband had subjected her to cruelty, the Court may presume, having regard to all the other circumstances of the case, that such suicide had been abetted by her husband or by such relative of her husband."

Thus, the framing of the charge u/s 306, Indian Penal Code was quite in order. There is no illegality, impropriety or any legal defect, interferable in the revisional jurisdiction. The revision petition is dismissed.

The record of the trial Court be sent back within a week.