



REPORTABLE

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO. 1131 OF 2018

SHAKUNTLA DEVI

...APPELLANT(S)

VERSUS

**THE STATE OF
UTTAR PRADESH**

...RESPONDENT(S)

JUDGMENT

VIKRAM NATH, J.

1. The instant appeal has been preferred by the sole accused against the order dated 22.03.2018 passed by the High Court of Judicature at Allahabad in Criminal Appeal No. 627 of 2003 wherein the appellant's conviction under Sections 304B and 498A of the Indian Penal Code, 1860¹ and Sections 3 and 4 of the Dowry Prohibition Act, 1961² was converted into that under Section 306 of the IPC with sentence of 3 years rigorous imprisonment.

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Reason:

¹ "IPC", hereinafter.

² "DP Act", hereinafter.

2. Brief facts of the case are that the accused-appellant is the mother-in-law of the deceased, Smt. Kusum, who was aged about 22 years and was married to the son of the accused-appellant, one Rajendra Kumar, on 14.05.1997. Smt.Kusum died on 04.05.1998 at her matrimonial home. FIR dated 08.05.1998 was filed by the father of the deceased against the appellant under Sections 498A and 304B of the IPC along with Sections 3 and 4 of the DP Act.
3. It was alleged in the said FIR that the complainant had been informed numerous times by the deceased that her mother-in-law, i.e. the appellant herein, used to mentally and physically torture the deceased for getting lesser amount of dowry. It was due to this maltreatment that the deceased had come to her parental house on 25.04.1998 and had informed her parents that the appellant has again demanded a sum of Rs. 25,000/- and a golden chain. Since the parents of the deceased had to attend a wedding in another village and the deceased was pregnant at the time, they did not think it fit to leave her alone at the parental home. As such, they convinced the deceased daughter and sent her back to her matrimonial house on 01.05.1998 along with her younger brother

Sandeep Kumar on the assurance that after returning from the said wedding, the father of the deceased shall resolve the issue of dowry with the appellant. However, when the parents of the deceased returned to their home on 05.05.1998, they were informed that the deceased-daughter had died on 04.05.1998.

4. After investigation, a chargesheet was filed and Session Judge framed charges against the appellant under the above-mentioned provisions which were denied by her and claimed to be tried. The father, the mother and the brother of the deceased deposed before the Trial Court as PW-1, PW-2 and PW-3, respectively. The Trial Court, *vide* judgment dated 22.04.2003, found the appellant guilty under Sections 498A and 304B of the IPC along with Sections 3 and 4 of the DP Act and sentenced the appellant to undergo rigorous imprisonment for seven years under Section 304B of the IPC, one year rigorous imprisonment under Section 498A of the IPC and one year rigorous imprisonment under Sections 3 and 4 of the DP Act. The sentences were ordered to run concurrently.

5. The appellant preferred a criminal appeal before the High Court challenging the conviction and sentence awarded by the Trial Court. The High Court, *vide* the impugned order, held that the offences under Sections 498A and 304B of the IPC and Sections 3 and 4 of the DP Act were not made out and accordingly acquitted the appellant of the said charges. However, it was observed that from the statement of PW-3, Sandeep Kumar, it was clear that the accused-appellant behaved in a manner which led the deceased to commit suicide by consuming poison and, thus, the appellant was convicted under Section 306 of the IPC. Considering that the appellant was about 70 years of age at the time, she was awarded a sentence of three years rigorous imprisonment.
6. Aggrieved by the impugned order, the appellant is before us challenging the conviction as well as the sentence as recorded by the High Court.
7. We have heard learned senior counsel and counsel appearing for the parties at length and perused the material on record.
8. The most relevant statement for consideration is that of PW-3, Sandeep Kumar, younger brother of the

deceased who was aged around 17 years at the time of incident and was with the deceased in the days leading up to the incident. He has stated that on 01.05.1998, he had accompanied his deceased sister to her matrimonial home and stayed with her for the following days. It has been stated by him that on the day of the incident, in the forenoon of 04.05.1998, his deceased sister had cooked rice and the appellant abused the deceased about the way the rice was cooked, then threw the food cooked by the deceased. Thereafter, on the same day again at about 4.30/5.00 p.m., the appellant-accused abused the deceased. At the time, there was no one else in the house except PW-3, the deceased and the accused. Thereafter, PW-3 was sent by the accused to call Raju. When PW-3 came back to her sister's house, he saw that the accused was shouting that her daughter-in-law, i.e. the deceased, had consumed something. Then, the appellant along with three other persons carried the deceased to the hospital while PW-3 was asked to stay back at the house and was not allowed to accompany his sister. PW-3 further deposed that when his brother-in-law and other persons came

back from the hospital, they told him that his sister has died.

9. It has been noted by the Trial Court that this young witness of 17 years has narrated the entire facts in a very natural way. This fact has not gone unnoticed by us as well as that PW-3 has given an account of events in a very natural manner that does not seem exaggerated or untruthful in any manner. In fact, the said witness has also been very honest about his lack of knowledge regarding the administration of poison to his sister and has clearly stated that he was not an eyewitness to the exact act and, thus, has made no statement unnecessarily alleging that the accused herself had administered such poison to the deceased which caused her death. There is an element of honesty and fairness in PW-3's statement throughout which lends it much credibility.
10. Additionally, it must be noted that on a conjoint reading of the statements of PW-1 and PW-2 as well as the FIR wherein PW-1 was the complainant, it becomes apparent that the family members of the deceased have been very precise in their allegations against the appellant. Beginning from the point of registration of the FIR and throughout the course of

trial, it has been stated across that it was solely the mother-in-law of the accused, i.e. the appellant herein, who used to physically and verbally abuse the deceased with regard to demand for dowry. The specific demand that was made by the accused time and again has also remained the same throughout all the statements. It is one of the rare cases where the complainant has displayed honesty while making the allegations and has not unnecessarily implicated other family members of the husband of the deceased by making omnibus allegations against all of them, which is usually the adopted tactic in cases of similar nature. Even the husband of the deceased has not been roped in as a co-accused. This reflects on the overall conduct of the prosecution, which has been unusually fair and honest and, in the facts and circumstances of the case, there is no reason to disbelieve the prosecution story.

11. The jurisprudence regarding the offence of abetment to suicide under Section 306 of the IPC is settled that the offence requires an active act or omission which led the deceased to commit suicide, and this act or omission must have been intended to push the deceased into committing suicide. The facts of the

case make it abundantly clear that the deceased was repeatedly tortured and abused by the accused on account of dowry demand to the extent that the deceased had to return to her parental home seeking refuge. It was only on the assurance of her parents that the deceased went back to her matrimonial home hoping that the events would take an upturn once her parents have returned from the wedding and settle the matter of dowry with the appellant-accused. However, the abuses hurled at the deceased by the appellant on the day of the incident, i.e. 04.05.1998, unfortunately acted as a straw that broke the camel's back and led her to committing suicide. Therefore, given the factual matrix, the guilt of the appellant under Section 306 of the IPC has been proved beyond reasonable doubt.

12. Additionally, the High Court has adequately considered the ground of old age of the appellant as a mitigating factor and awarded her sentence of three years rigorous imprisonment. We firmly believe that the awarded sentence balances the interest of justice quite equitably. Therefore, we do not find any reason to interfere in the impugned order of the High Court.

13. The appellant was directed by this Court to be released on bail during the pendency of this appeal *vide* order dated 06.09.2018. As such, four weeks' time is granted to the appellant to surrender before the Trial Court concerned.
14. Accordingly, the appeal is dismissed, and the impugned order of the High Court is upheld. The appellant is, hereby, directed to serve the remaining period of sentence, as awarded by the High Court. In case the appellant does not surrender within four weeks from today the Trial Court shall take such coercive measures as may be necessary for surrender of the appellant to carry out the remaining sentence.
15. Pending application(s), if any, shall stand disposed of.

.....J.
(VIKRAM NATH)

.....J.
(SANJAY KAROL)

.....J.
(SANDEEP MEHTA)

NEW DELHI
APRIL 25, 2025