

PETITIONER:
VENUGOPAL

Vs.

RESPONDENT:
STATE KARNATAKA

DATE OF JUDGMENT: 29/07/1998

BENCH:
G.T. NANAVALI, S.P. KURDUKAR

ACT:

HEADNOTE:

JUDGMENT:

J U D G M E N T

NANAVALI J

This appeal arises out of the judgment and order passed by the High Court of Karnataka in Criminal appeal No.85/91.

The High Court confirmed the conviction of the appellant under Section 498-A IPC, set aside his conviction under Section 302 IPC and convicted him under Section 304-B IPC. The order of sentence was also modified.

What is held proved against the appellant is that his wife, Vijayalakshmi, died an unnatural death within 2 years of their marriage and that before her death she was subjected to harassment by him because she was not bringing from her parents the remaining amount of dowry promised to him.

As regards the demand of dowry and harassment both the courts have thought it fit to accept the evidence. We do not find any infirmity in appreciation of the said evidence. Vijayalakshmi was not only harassed by the appellant but was also ill-treated and beaten many times. There is also evidence of P.Ws. 5 and 15 which proves that sometime before the incident which led to her death, there was a quarrel between husband and the wife and therefore she wanted to leave his house but because of persuasion by R-5 not to leave at mid-night, she had agreed to remain there till next day morning. Their evidence further proves that ten minutes after Vijayalakshmi had returned to her room P.Ws. 5 and 15 heard some noise coming from the appellant's room and when P.W. 5 went there and enquired had happened the appellant said "Sorry Sister" and closed the door. After some P.Ws. 5 and 15 again heard more noise coming from the appellant's room and therefore, both of them again went there. At that time they found that some other neighbours had also gathered there. The appellant then opened the door. It was noticed that Vijaya Lakshmi was sitting under a tap with her body fully burnt. Their evidence thus clearly establishes that soon before her death she was ill-treated by her husband.

The defence of the appellant was that she committed suicide. The High Court accepting the version of suicide thought it fit to acquit the appellant under Section 302 and convict him under Section 304-B because harassments was

proved and the death had taken place within about a year and half from her marriage with the appellant. we find that the High Court has correctly appreciated the evidence and has given good reasons for convicting the appellant under Section 304-B and 498-A IPC.

The appeal is, therefore, dismissed.

JUDIS