

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

CRIMINAL APPEAL NO. 450 of 2007

BHUPINDER SINGH

..... APPELLANT

VERSUS

STATE OF H.P.

..... RESPONDENT

O R D E R

1. This appeal by way of special leave arises out of the judgment of the Himachal Pradesh High Court whereby the appellant stands convicted and sentenced to life imprisonment under Section 302 of the Indian Penal Code for having committed the murder of his wife Sonia. At the initial stage, the appellant and his parents were charged for offences punishable under Section 304B and in the alternative under Section 302 of the Indian Penal Code. The trial court acquitted the parents but convicted the appellant herein for the offence under Section 304B of the IPC. Two appeals were thereafter filed in the High Court, one by the accused, and the other by the State of Himachal Pradesh, challenging the acquittal of the appellants under the charge under Section 302 of the IPC. The State appeal insofar as the parents was concerned was dismissed but was allowed

insofar as the appellant was concerned and his conviction under Section 304B was set aside and he was convicted under Section 302 of the IPC and sentenced accordingly. It is in this background that the matter is before us.

2. The only question which arises in this matter is as to whether the deceased met a homicidal death or she had committed suicide. The trial court had held that she had met a suicidal death and the appellant was liable to conviction for the offence under Section 304B of the IPC. The High Court has reversed that finding. We see that the judgment of the High Court is based primarily on the evidence of P.W. 15. Dr. V.K. Mishra, Associate Professor, Department of Forensic Science , R.P.G. Medical College, Kangra. The doctor deposed that he had conducted about 50 post mortems in which a distinction had to be drawn whether the death was suicidal or homicidal and on an examination of the dead body of the victim herein, Sonia, the only conclusion that he could draw was that it was a case of homicidal death. The doctor also gave several reasons to show that the death had occurred by asphyxia and not by hanging. These reasons and his conclusions have been dealt with elaborately in the judgment of the High

Court and need not be reproduced herein.

3. Mr. Siddharth Dave, the learned Amicus Curiae has, however, argued that the over all reading of the statement of PW 15 would indicate that it had not been conclusively proved that the death had occurred because of strangulation and a doubt still persisted that it could be a case of hanging. We have gone through the evidence of the doctor and find that he was fully confident of his opinion and had given very sound reasons as to how the death had been caused by strangulation. We also see from the post mortem report that the dupatta that had been allegedly used by the victim to hang herself did not bear any wrinkles and seemed to be in a good condition. This too has been found to be the factor in determining that it is not a case of hanging. It must also be noticed that the accident happened about a year and a half after the marriage had taken place between the deceased and the appellant. It is also the conceded position that he was present in the house at the crucial time. We, therefore, find no merit in the appeal which is dismissed.

4. Fee of the Amicus is fixed at ` 7,000/-.

.....J
[HARJIT SINGH BEDI]

.....J
[CHANDRAMAULI KR. PRASAD]

NEW DELHI
APRIL 19, 2011.

