

NON-REPORTABLE

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

CRIMINAL APPEAL NO(s). 1605 OF 2007

K.R.J. SARMA Appellant (s)

VERSUS

R.V. SURYA RAO & ANR. Respondent(s)

WITH

CRIMINAL APPEAL NO(s). 1604 OF 2007

**THE PUBLIC PROSECUTOR,
HIGH COURT OF ANDHRA PRADESH** Appellant (s)

VERSUS

R.V. SURYA RAO Respondent(s)

JUDGMENT

These are appeals against the judgment dated 25-11-2002 of the Andhra Pradesh High Court in Criminal Appeal No. 1207 of 2002.

2. The facts very briefly are that the respondent was married to Vijaya Bala. Vijaya Bala died on 27-06-1994 by consuming poison and committing suicide at her residential apartment in Sovereign Shelter Apartments, Hyderabad. After investigation, a charge-sheet was filed against the respondent under Sections 306 and 498A, IPC. The Trial Court, however,

found that the deceased Vijaya Bala had left a suicide note (Ext.P1) addressed to the police to the effect that no one was responsible for the death of the deceased and there was no pressure either from her parents, husband (respondent), children or friends and relatives and that the decision to commit suicide was taken by her on her own will and the suicide note was also signed by the deceased. The Trial Court, after considering the contents of Ext. P1 and after considering all other evidence, held that the prosecution has failed to prove beyond reasonable doubt that the respondent had abetted the deceased to commit suicide and accordingly acquitted the respondent of the charges under Sections 498A and 306, IPC.

3. Aggrieved, the State carried Criminal Appeal No. 1207 of 2002 and by the impugned judgment, the High Court held that the suicide note said to have been left behind by the deceased wife and marked as Ext.P1, obviously exonerates the respondent on both the charges under Sections 498A and 306, IPC. The High Court further held that it was discernible from the evidence that the deceased had a suicidal tendency which was expressed on several occasions and except the only circumstance that the door was bolted from outside there was no other evidence that was available on

record against the respondent and there was also no evidence that the respondent had subjected the deceased to any harassment or cruelty. Accordingly, the High Court did not interfere with the order of acquittal.

4. So far as Criminal Appeal No. 1605 of 2007 is concerned, the same was filed by the complainant and it has been brought to our notice by the learned counsel for the parties that the complainant has expired during the pendency of the criminal appeal. Hence this criminal appeal abates.

5. In support of Criminal Appeal No. 1604 of 2007 filed by the State, learned counsel for the State Mr. D. Mahesh Babu submitted that there was evidence of PW 1, the son of the deceased, to show that there were quarrels between the deceased and the accused over the innumerable loans taken by the accused and that the accused used to take away the salary of the deceased who was employed as a teacher. He further submitted that there was also evidence of PW 1 that the accused used to lock the house from outside and keep with him the keys with the deceased inside the house. He argued that the aforesaid evidence makes out the case of harassment, cruelty and abetment of suicide and therefore, the respondent was guilty of the charges under Sections 498A and 306, IPC.

6. We have perused the evidence of PW 1 and we find that the respondent had taken PW 1 and his younger brother for a movie when the deceased committed suicide. This is what PW 1 has stated in his evidence with regard to what happened on the day the deceased committed suicide:

"...On the fateful day, neither myself nor my father requested my mother to accompany us to see movie, as my mother was in a disturbed mood and my father asked us not to press her to come along with us. It is not true to suggest that there were no quarrel on that day and that I am saying for the first time contradictory statement. My father did not quarrel with us on that day. Myself and my brother accompanied my father to watch movie willfully, my mother did not oppose for us to go to movie and did not oppose for being the main door locked from outside of the home. My mother did not put the lock from outside or that she would bolt the door from inside by herself. At the time when we were leaving from our flat my mother was well awake and saw us going for movie. My mother knows that we were going to movie. My brother also told my mother that we are all going to movie. My mother did not show any interest to accompany us. Neither my father nor myself or my brother ever had any thought that she would attempt to commit suicide."

It is clear from the aforesaid evidence of PW 1 that the deceased herself opted not to go to the movie on that day along with the respondent and their two sons

and neither the respondent nor the two sons had any thought that the deceased would commit suicide when they have gone to the movie. This being the evidence of the prosecution witness (PW 1), we fail to see how the case for abetment of suicide by the respondent could be made out, particularly when the deceased had left behind a suicide note (Ext. P1) absolving the respondent and all others from the responsibility for the step taken by her to commit suicide by taking poison.

7. Also from the evidence of PW 1 we do not find any act of cruelty or harassment as such committed by the respondent within the meaning of Clauses (a) and (b) of the Explanation to Section 498A, IPC. Clause (a) of the Explanation to Section 498A, IPC states that any willful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health, whether mental or physical of the woman amounts to 'cruelty'. We have noticed from the evidence of PW 1 that on the day the deceased committed suicide, the respondent was not in any way guilty of any willful conduct which was likely to drive the deceased to commit suicide, nor did the respondent cause any grave injury to the deceased.

Clause (b) of the Explanation to Section 498A, IPC states that harassment of a woman with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand amounts to 'cruelty'. Though PW 1 has stated that the respondent used to take away the salary of the deceased, he has very fairly conceded in cross examination that he had not stated before the police that the respondent used to take away the salary of the deceased. Considering this evidence of PW 1, we are of the view that the concurrent findings of the Trial Court and the High Court that the respondent was not guilty of the offences under Sections 498A and 306, IPC should not be interfered with by us in exercise of our powers under Article 136 of the Constitution.

8. The appeals are accordingly dismissed.

.....J.
(A.K. PATNAIK)

.....J.
(SUDHANSU JYOTI MUKHOPADHAYA)

NEW DELHI,
APRIL 01, 2013