

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1131 OF 2010

MANIKLAL JAIN & ORS. APPELLANT

VERSUS

STATE OF M.P. RESPONDENT

O R D E R

1. Four persons in all, Sharad Jain-the husband of the deceased, his parents Maniklal Jain and Sheela Jain and his sister Paras Jain were brought to trial for offences punishable under Sections 304B and 498A of the IPC for having driven the deceased Jyoti to suicide. The trial court on a consideration of the evidence particularly of P.Ws. 4 and 5 the parents of the deceased, and the evidence of some of the neighbours including P.W. 10 held that the case against all four accused had been proved beyond doubt. The trial court, accordingly, awarded a sentence of 7 years rigorous imprisonment under Section 304B but no separate

sentence was awarded under Section 498A. The trial court also imposed a heavy fine on the accused. The accused thereupon filed an appeal in the High Court and the High Court vide the impugned judgment allowed the appeal of Paras Jain but dismissed the appeal of the other three. The present appeal is, therefore, confined only to Maniklal, Sheela Jain and Sharad Jain.

2. At the very outset Mr. Dubey, the learned Senior Counsel for the appellants has pointed out that Maniklal Jain and Sharad Jain had been released on the completion of their sentence and as of now only Sheela Jain who had undergone about one year and eight months of the sentence stood confined to custody. He has, accordingly, pleaded that in the light of the fact that there was no clear evidence against Sheela Jain, she was entitled to acquittal. In elaboration, he has pointed out that even P.W. 4 Narendra Kumar, the father of the deceased, who had lodged the complaint which had led to the investigation and the prosecution had named only Maniklal Jain as the culprit and that there were no allegations at the initial stage against the other three accused. He has also pointed out that it appeared that the incident had been precipitated not on account of demands for dowry but because the deceased appeared to

have been sexually harassed by Maniklal Jain, her father-in-law, and that it had been so stated by P.W. 5 Chanda Jain, the mother of the deceased who candidly admitted that she had been told by her daughter that she had been subjected to harassment by her father in law.

3. Ms. Vibha Datta Makhija, the learned counsel for the State of Madhya Pradesh has, however, supported the judgments of the courts below and has pointed out that serious allegations with regard to demands for dowry had been made from the parents of the deceased and from her as well and a young girl, who had been married for only about nine months, had, in frustration, committed suicide by consuming poison. She had also submitted that in addition to the statements of P.Ws. 4 and 5, a statement of an independent witness P.W. 10, a neighbor of P.Ws. 4 and 5 was available and he had sworn to the fact that repeated and aggressive demands for dowry had been made from the parents of the deceased and as they had been not able to satisfy those demands, she had been subjected to harassment and cruelty.

4. As already mentioned above, we are restricting our decision only to Sheela Jain who alone stands confined to custody as of today. P.W. 4 in his

statement admitted that at the initial stage allegations of demands for dowry had been made only against Maniklal Jain. He also stated that no demands for dowry had been made before the marriage or during the marriage and it was sometime after the marriage that demands had been made. He also admitted that he had lodged the complaint before the concerned officer about five days after the death of his daughter. We have also examined his statement very carefully and find that in addition to the above uncertain evidence only general demands for dowry had been made with respect to the other accused and (in particular) no serious allegations have been levelled against the appellant Sheela Jain. We have also gone through the evidence of P.W. 5, the mother of the deceased. From her testimony, we find that she too had made general statements and that the main allegations were against Maniklal and Sharad. P.W. 5 also admitted that Maniklal Jain had been harrassing the deceased sexually and that she had pacified her daughter and told her to keep quiet to keep the family honour. She also candidly admitted that no demands for dowry had been made by Sheela Jain either before, during or after the wedding. Likewise, we have examined the statement of P.W. 10, the neighbour. His statement does not in any way advance the case against Sheela Jain any

further. We are, therefore, of the opinion that for the cumulative reasons mentioned above, there is some doubt with regard to the involvement of Sheela Jain appellant.

5. We, accordingly, allow this appeal, set aside the judgments of the courts below and order her acquittal. It is stated that Sheela Jain is in custody. She be released forthwith if not wanted in connection with any other case.

.....J
[HARJIT SINGH BEDI]

.....J
[GYAN SUDHA MISRA]

NEW DELHI
JULY 14, 2011.

JUDGMENT

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We have heard the learned counsel for the parties.

Vide our separate reasoned order, we have partly allowed the appeal as there is some doubt with regard to the involvement of Sheela Jain, the mother in law of the deceased. We order her acquittal.

It is stated that appellant Sheela Jain is in custody. She shall be released forth with if not wanted in connection with any other case.

The reasoned order shall be separately placed on record.

.....J
[HARJIT SINGH BEDI]

.....J
[GYAN SUDHA MISRA]

NEW DELHI
JULY 14, 2011.

