
(2010) 10 SC CK 0042
In the Supreme Court Of India
Case No : Criminal Appeal No. 1 of 2006

Nandyala Venkataramana

APPELLANT

Vs

State of Andhra Pradesh

RESPONDENT

Date of Decision : 26-10-2010

Acts Referred:

Penal Code, 1860 (IPC) — Section 304B, 498A

Citation : (2011) 1 ACR 830 : (2011) 1 RCR(Criminal) 222 : (2011) 2 RLW 1341 : (2010) 13 SCC 653 : (2011) 2 SCC(Cri) 372

Hon'ble Judges : H. S. Bedi, J; Chandramauli Kumar Prasad, J

Bench : Division Bench

Advocate : T. Anamika and D. Rama Krishna Reddy, for Asha Gopalan Nair, for the Appellant; I. Venkatanarayana and Ramesh Allanki Advocate for D. Mahesh Babu, for the Respondent

Final Decision : Allowed

Judgement

Harjit Singh Bedi, J.—This appeal, by way of special leave, arises out of the following facts:

The deceased, Bhavani by name, was married to Nandyala Venkataramana-Appellant on 27th April, 1992 and at the time of marriage, the Appellant had been given a dowry of Rupees one lakh in cash and other presents as well. On the night of the marriage itself, the Appellant demanded some additional costly items from his wife. After the marriage, the deceased resided with her husband and in-laws at Cuddapah but the four accused that is the Appellant, his parents and brother continued to harass her for money and other goods. A Panchayath was subsequently held in which the elders were involved and it was decided that the deceased and her husband would live separately and that the husband would seek a transfer from Cuddapah. The in-laws, nevertheless, continued to harass the deceased and to interfere in their private life. It appears, however, that despite the Appellant and the deceased living in a separate house, the demands for dowry continued unabated and this information was conveyed by the

deceased to her mother, other relatives and her colleagues. About two days prior to the date of occurrence, the deceased visited her mother's home and told her as to the way she was being maltreated. On the 10th of April, 1993 at about 8:30 a.m., the deceased committed suicide by hanging herself in the main hall of the house of her mother leaving behind three dying declarations in the form of letters Exhibits P-2 to P-4. PW-1 (the mother of the deceased) who had gone to the market returned and found her daughter hanging from the ceiling fan. The body was taken down and was, thereafter, subjected to a post-mortem and it was reported that she had died of asphyxia due to hanging. During the course of the investigation, the letters Exhibits P-2 to P-4 were referred to a hand-writing expert who opined that the English sentences in the letters were in the handwriting of the deceased but he could not compare the Telugu sentences for want of admitted specimens.

The husband A-1, his parents and brother were accordingly brought to trial for offences punishable under Sections 304B and 498A of the Indian Penal Code. The Trial Court on a consideration of the evidence convicted the Appellant and his parents but as the mother had died during the course of the trial, no sentence could be awarded to her. The brother of the Appellant, A-4 was, however, acquitted.

The matter was, thereafter, taken in appeal before the High Court which too confirmed the conviction and sentence awarded by the Trial Court.

2. This appeal has been filed by A-1 (the husband of the deceased).

3. We have heard learned Counsel for the parties and gone through the record. In addition to the evidence of P Ws.1 to 12 with regard to the repeated demands for dowry and harassment to the deceased, we have three letters Exhibits P-2 to P-4 written by the deceased shortly before her death which speak of the harassment that she was undergoing. PW-8, the hand-writing expert to whom the letters had been referred for the purpose of comparison, opined that the English sentences in the letters were in the handwriting of the deceased but he could give no report with respect to the Telugu writings as there were no admitted writings of the deceased. Exhibit P-2 is a letter addressed to the Collector. In this letter, the deceased has stated that she had been harassed and demands for dowry had been made right from the beginning of the marriage. Likewise Exhibit P-3 and P-4 refer to the facts that she continued to be harassed for dowry, cash and other articles and that she was feeling frustrated as she was not in a position to ask her mother for any more dowry or cash. We are, therefore, of the opinion that the letters aforesaid clearly inculcate the Appellant in the incident.

4. The learned Counsel for the Appellant has, however, pointed out that there were discrepancies inter se the statements of PW's-1 to 10, and as such their evidence could not be accepted without corroboration. We find no merit in this submission as some discrepancies are bound to occur where a large number of

witnesses appear for the prosecution. In this case, several of the prosecution witnesses were completely independent and we can find no reason to disbelieve their testimonies. In any case, corroboration (if any is required), can be found in Exhibits P-2 to P-4, which, as per the evidence of PW-8, were in the handwriting of the deceased.

5. We, thus, find no merit in the appeal. It is accordingly dismissed.