

(2016) 05 DEL CK 0105
In the Delhi High Court
Case No : CRL.A. 796 of 2014

Prem Lata

APPELLANT

Vs

State of NCT of Delhi

RESPONDENT

Date of Decision : 19-05-2016

Acts Referred:

Penal Code, 1860 (IPC) — Section 304B, 34, 498A

Citation : (2016) 6 ADDelhi 704 : (2016) 157 DRJ 362

Hon'ble Judges : Mr. Pradeep Nandrajog, J.

Bench : Single Bench

Advocate : Mr. Manish Vashisht, Advocate with Mr. Sameer Vashisht and Ms. Trishla Nagpal, Advocates. in CRL.A. 796 of 2014, Mr. Manish Vashisht, Advocate with Mr. Sameer Vashisht and Ms. Trishla Nagpal, Advocates. in CRL.A. 797 of 2014, for the Appellant; Mr. Varu

Final Decision : Partly Allowed

Judgement

Mr. Pradeep Nandrajog, J.—Santosh, the deceased was married to appellant Kaptan Singh on January 21, 2007. She committed suicide in her matrimonial home on November 05, 2010. The prosecution and the appellants, who are the husband and the mother-in-law of the deceased, are not at variance on said aspect of the matter. Therefore, I need not burden this opinion by referring to the evidence of how the police intervened and seized the dead body of Santosh; the number and nature of exhibits seized from the room; the photographs taken; and the post-mortem report. That Santosh hanged herself from the ceiling in the bed room in her matrimonial home is not disputed.

2. Since appellants have been convicted for the offence punishable under Section 304B/498A/34 IPC and co-accused Kapoor Singh and Sanjay, who are the father-in-law and the brother-in-law of Santosh, have been acquitted, the focus in the appeal would be on the incriminating nature of the evidence against the mother-in-law and the husband of the deceased.

3. The offence of dowry death would be made out if the prosecution establishes

that the death of a woman was caused by any burns or bodily injury otherwise than under normal circumstances within seven years of her marriage and that she was subjected to cruelty or harassment by her husband or any relative of her husband for, or in connection with, any demand for dowry. Unless the accused explains the reason for such death, upon the trinity hitherto fore noted being established, the accused shall be deemed to have caused the death of the woman. The offence under Section 498A IPC is made out if the husband or a relative of the husband subjects a woman to cruelty. Cruelty being as per the explanation to the Section : (i) wilful conduct which is of such a kind as is likely to drive the woman to commit suicide or cause grave injury or danger to her life; and (ii) a woman is harassed 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.

4. Evidence shows that after Sh.Pradeep Baijal PW-10, the Sub-Divisional Magistrate incharge of the area was informed of Santosh having committed suicide he commenced the inquest proceedings and recorded the statement Ex.PW-2/B of Sh. Baljeet Singh PW-2, the father of Santosh based whereon the FIR was registered and formal investigation commenced. Soon thereafter the investigating officer also recorded Baljeet Singh's statement under Section 161 Cr.P.C., as also the statement of Devender PW-3, and Beermati PW-5, the brother and mother respectively of Santosh.

5. As per the charge sheet filed against the four accused persons, prosecution sought to prove that after Santosh was married to Kaptan Singh and notwithstanding dowry as per custom of the families, keeping in view their status was given, after three and a half months Rs. 50,000/- was demanded, which demand was met. After about three-four months another Rs. 25,000/- was demanded, which demand was met; and about three weeks prior to the date when Santosh committed suicide Rs. 15,000/- was demanded and the demand was met and that in spite thereof i.e. satisfying the last demand made in sum of Rs. 15,000/-, Santosh was subjected to mental and physical cruelty, compelling her to commit suicide by hanging.

6. During trial, apart from Bajeeet, Devender and Birmati who appeared as PW-2, PW-3 and PW-5 respectively, Narinder, another brother of Santosh, was examined as PW-4 whose statement under Section 161 Cr.P.C. was not recorded by the investigating officer during investigation.

7. The impugned judgment would evince, and rather unfortunately, that the learned Trial Judge has simply noted the depositions of the parents and brothers of Santosh made before the Court and has totally eschewed a reference to additional facts disclosed in their statements as also admissions made during cross-examination with reference to the earlier statements made. The learned Trial Judge has also overlooked material discrepancies in the deposition of the witnesses concerning the demand and payment of Rs. 50,000/-, Rs. 25,000/- and Rs. 15,000/-. Baljeet Singh had made a statement before the learned SDM

on November 06, 2010 followed by another statement recorded by the investigating officer on November 08, 2010. Devender and Beermati had made statements before the investigating officer on November 06, 2010 and November 11, 2010 respectively. There was no previous statement recorded by the investigating officer of Narender Singh.

8. To appreciate the difference in the previous statements of the three prosecution witnesses and their deposition in Court, I put in a tabular form the aspects of the statements made by the three witnesses whose previous statements were recorded followed by noting the deposition of Narender Singh which was recorded in the Court. I highlight that the entire statements are not being noted because such testimony emerging in the statements which assumes incriminating character have to be discussed and such parts of the testimony which relate to they identifying the dead body of the deceased, being witnessed to the recoveries effected at site of the crime and apprehension of the accused are not noted because they are not relevant to decide the appeals.

9. Pertaining to Bajjeet Singh, the table must have three columns, because his two previous statements were the ones recorded on November 06, 2010 by the SDM and the second on November 08, 2010 by the investigating officer. For guidance of the reader of this opinion, the portions in bold in the statement made before the Trial Court would reflect the additional facts stated viz-a-viz his two previous statements and the portions in italics in the statement made by him before the learned Sub Divisional Magistrate would indicate the portion of the statement omitted from what he disclosed in his statement made to the investigating officer on November 08, 2010. The tabular form, with portions in bold and in italics, would read as under:-

Statement made before SDM on 06.11.2010 (English Translation)

Statement made before Police under Sec 161 CrPC (English Translation)

Statement made before the learned trial court (Important Excerpts)

My daughter was kept well by her in laws initially for a period of three months after her marriage but thereafter her mother-in-law Prem Lata started taunting my daughter for having brought insufficient dowry.

During the last two years, we had paid three times Rs. 50,000/- Rs. 25,000/- and Rs. 15,000/-. They used to send my daughter to bring the money. My Son-in-law use to beat my daughter for the last about 1-1/2 year. They had a quarrel on 3rd or 4th November 2010. The in-law of my daughter i.e. father-in-law Kapoor, mother-in-laws Prem Lata, brother-in-law Sanjay and husband Kaptan were demanding Santro Car but we refused.

My daughter Santosh was married to Kaptan Singh and I gave sufficient gifts and dowry at the time of her marriage but her in-laws i.e. husband Kaptan Singh mother in law Prem Lata, brother in law Sanjay and father in law Kapoor Singh use to taunt her for brining insufficient dowry and they all use to beat Santosh.

On their demand we paid to Santosh Rs. 50,000/- around 1? year ago, Rs. 25,000/- 1 year ago and Rs. 15,000/- around 15-20 days back but still all of them use to demand Santro Car and misbehaved with Santosh.

My daughter was kept well till about three months after her marriage. The daughter of Accused Prem Lata had run away from the house with someone and therefore Accused Prem Lata started pressurizing my daughter to convince her husband Kaptan Singh to bring back her daughter to the house but Kaptan Singh, Kapoor Singh and Sanjay were not ready to bring back the daughter of Prem Lata. Prem Lata started threatening my daughter that in case she would not give her consent for bringing back her daughter she would be forced out of the house. In the month of June-July 2008, I along with my son Devender and brother in law Ranbir @ Biru went to the house of the Accused to counsel Smt Prem Lata in the presence of other Accused persons but she was adamant and my daughter for the last about 1-1/2 year. They had a quarrel on 3rd or 4th November 2010. The in-laws of my daughter i.e. father-in-law Kapoor, mother-in-law Prem Lata, brother-in-law Sanjay and husband Kaptan were demanding Santro Car but we refused. did not heed to our advice. She flatly told her that she would allow Santosh to live peacefully in the house only if her daughter return back to the house otherwise she would not allow Santosh to live in her matrimonial house. Prem Lata demanded Rs. 50,000/- from my daughter in order to give the money to her daughter. At the asking of my daughter, I gave her Rs. 50,000/- which she gave to her mother in law. After about 3-4 months Prem Lata again demanded Rs. 25,000/- for her daughter from Santosh. I gave another Rs. 25,000/- to Santosh which she gave to Prem Lata. About 20-25 days before her death Prem Lata again demanded Rs. 15,000/- from Santosh, which were ultimately paid by me. Prem Lata had got my daughter aborted 2-3 times while she was pregnant.

10. Baljeet Singh was declared hostile by the learned Public Prosecutor and to the questions put and the answers he gave, relevant would it be to highlight the following : I do not know if any quarrel took place with my daughter at her house on 3/4 November 2010. It is incorrect to suggest that accused Kapoor Singh, Prem Lata, Sanjay and Kaptan were making demand of Santro Car, since about 1 year prior to death of my daughter but we did not agree to their demand. Vol: The demand of car was not made by Kapoor Singh, Prem Lata and Sanjay but Prem Lata use to taunt her that I was having two cars and that I should give one car to them. It is incorrect to suggest that in-laws of my daughter use to harass my daughter for bringing insufficient dowry and compelled her to commit suicide. Vol. Only Prem Lata use to harass my daughter for insufficient dowry.

11. Cross-examined by the accused and confronted with his statement recorded firstly by the SDM and then by the investigating officer concerning demand and he paying Rs. 50,000/-, Rs. 25,000/- and Rs. 50,000/- as claimed by him in his previous two statements, he said : I do not remember the dates when I had given Rs. 50,000/-, Rs. 25,000/- and Rs. 15,000/- to my deceased daughter. I

did not withdraw the said amount from my Bank account. Vol: I was keeping the said amount at my home except an amount of Rs. 15,000/- which was withdrawn from Corporation bank in the name of my wife.

12. Pertaining to Devender, the statement must have two tables because his previous statement was recorded by the investigating officer on November 06, 2010. As I have indicated while putting in a tabular form the statement of Baljeet Singh, portions in bold in the statement made before the Trial Court would reflect the additional facts stated viz-a-viz his previous statements. The tabular form, with portions in bold, would read as under:-

Statement made before Police under Sec 161 CrPC (English Translation)

Statement made before the learned trial court

After 2-3 months of marriage the in-laws of Santosh i.e. her husband, mother in law, father in law and brother in law Sanjay started taunting her for bringing insufficient dowry. They used to beat her and torture her and whenever she used to come to out house, she used to narrate her the torture meted out to her. About 1 ? year ago, when her in-laws harassed her, we gave her Rs. 50,000/- which we had saved for some important work at home. After some time the in-laws started repeating the same actions towards her and Santosh used to tell us that they were again demanding money and car and use to beat her. We again paid them from our savings around Rs. 25,000/-. We gave this amount to Santosh around 1 year ago as they used to send her only to collect the money. Again we paid an amount of Rs. 15,000/- to them around 15 days ago as even after paying them so much of amount they did not change their attitude towards her and kept on demanding for money and car. Police, photographers, SDM all reached at the place of incident.

Accused Sanjay was not involved in the harassment of my sister. We had given motorcycle to Kaptan at the time of marriage of my sister but Accused Prem Lata and Kaptan made demand of Car. My sister Santosh came at our house and we paid Rs. 50,000/- about 2 or 2? years before her death. About 1 year before her death we gave Rs. 25,000/- to Santosh to satisfy the demand of Prem Lata and Kaptan. About 15 days before the death of my sister I paid Rs. 18,000/- to my sister. SDM came at the spot and after inspection brought down the body on the floor. My statement was recorded.

13. Even Devender was declared hostile by the learned Public Prosecutor and the questions put and answers thereto read as follows : It is incorrect to suggest that father in law and Devar of my sister also used to taunt her for bringing insufficient dowry. It is correct that because of the tortures given to Santosh by the accused persons, we gave Rs. 50,000/- to her, which were lying at her house from our savings for urgent use about 1? years before her death. It is incorrect to suggest that other family members use to support Kaptan.

14. On being cross-examined by the accused concerning the demand for Rs.

50,000/- Rs. 25,000 and Rs. 15,000/-, he replied : SDM recorded my statement at the place of incident. I signed on my statement recorded by SDM. At this stage learned APP states that there is no statement of this witness recorded by SDM. I cannot tell date month or year when Prem Lata demanded Rs. 50,000/- from my sister. I cannot tell the date when my sister Santosh came to our house and we paid Rs. 50,000/- to her. I did not pay any amount to my sister Santosh. My sister Santosh did not give any amount to Prem Lata in my presence. I cannot tell date, month or year when we made payment of Rs. 25,000/- to Santosh. I cannot tell the date when Rs. 15,000/- was paid to my sister. My sister never informed or my family members regarding given beatings by Kaptan and Prem Lata.

15. Pertaining to Beermati, the table must have two columns because her statement was recorded by the investigating officer on November 11, 2010, and the additional facts stated in Court, as with the previous two narratives, are shown in bold. The tabular form would read as under:-

Statement made before Police under Sec 161 CrPC (English Translation)

Statement made before the learned trial court (Important Excerpts)

We had married our daughter on 23.01.2007 with great pomp and show and My daughter was kept well for about 3 months initially but there after she was harassed had given sufficient dowry at that time but her in-laws used to taunt her for bringing insufficient dowry and her mother in law Prem Lata, brother-in-law Sanjay, husband Kaptan Singh and father in law Kapoor Singh used to torture and beat her for dowry and money. We had given to her in-laws on their demand an amount of Rs. 50,000/- about 1? years ago, Rs. 25,000/- about 1 year ago and an amount of Rs. 15,000/- some 15-20 days ago from the date of incident, still they kept on torturing and beating Santosh.

My daughter was kept well for about 3 months initially but there after she was harassed and beaten by Accused Kaptan and her mother Prem Lata. We had given a motorcycle in the marriage but the same was sold out by Accused Kaptan Singh.

Accused Kaptan Singh and Prem Lata made demands for the car and cash and on account of this they used to beat my daughter Santosh. We gave about Rs. 50,000/- for first time, Rs. 25,000/- second time and Rs. 15,000/- about 15 days before the date of death of my daughter.

Accused Kaptan Singh has taken Rs. 20,000/- from me twice. Accused Kaptan Singh and Prem Lata had also aborted two children of my daughter by forcibly administering her some substance.

Santosh told me that Kaptan Singh was threatening to kill her but I did not tell this fact to anyone hoping that everything would get alright.

16. Even Beermati was declared hostile by the learned Public Prosecutor and the

questions put to her and answers given is : It is wrong to suggest that accused Sanjay dewar of my daughter Santosh and accused Kapoor Singh, father in law of my daughter also use to beat and harass my daughter and made demand for dowry and cash.

17. Cross-examined by the accused concerning Rs. 50,000/-, Rs. 25,000/- and Rs. 15,000/- she said : In the marriage of my daughter Santosh whatever we had given it was given voluntarily as per our customs. I did not give Rs. 50,000/-, Rs. 25,000/- or Rs. 15,000/- to the accused. Vol: The same was given by my husband in my presence. We did not make any complaint to police prior to the registration of FIR.

18. Since Narinder PW-4 never made any statement before either the Sub Divisional Magistrate or the investigating officer, I note important excerpts of his testimony in Court. It reads: After about 2-3 months of marriage Accused Prem Lata and Kaptan started harassing my sister on account of insufficient dowry. They use to beat my sister. They demanded car and money from us. At the demand of Accused Kaptan and Prem Lata my sister came at our house and we gave her Rs. 50,000/- from our savings after 1? years of her marriage. But Accused were not satisfied and after 6 to 7 months they again made demand of money. On the Second occasion we gave Rs. 25,000/- to Santosh which she gave to Accused. After 15-20 days before the date of death of my sister I and my brother went to the house of Santosh and gave Rs. 15,000/- to her in the presence of Accused Prem Lata and Kaptan Singh. The daughter of Prem Lata had run away from the house. Accused Prem Lata use to taunt that she would not keep Santosh unless her daughter returns back to house.

19. Notwithstanding the witness not having made any statement to the investigating officer, he was permitted to be declared hostile as prayed by the learned Prosecutor and the answer to the cross-examination by the learned Prosecutor would be : It is incorrect to suggest that Accused Kapoor Singh and Sanjay also use to taunt my sister for bringing insufficient dowry.

20. On being cross-examined by the accused, Narender Singh said : "My statement was recorded by SDM in the hospital. SDM obtained my signature, signatures of my father and brother. SDM obtained our signatures on blank papers. I cannot tell the date on which my sister was harassed or beaten by Kaptan.....Car was not demanded from me. I cannot tell date, when my sister came to our house and we gave Rs. 50,000/- to her. I did not pay Rs. 50,000/- to my sister Santosh. I cannot tell date, month or year, when Rs. 25,000/- were given to Santosh. I myself did not make payment of Rs. 25,000/- to Santosh. I cannot tell the date of payment of Rs. 15,000/- to Santosh. This amount was paid by my brother Devender. It is correct that quarrel only used to take place on the objection of Kaptan and my sister Santosh on the entry of daughter of Prem Lata in our house. It is correct that quarrel on 3/4.11.2010 took place on account of entry of daughter of Prem Lata.

21. If we compare and contrast the previous statements made by the father, mother and brothers of the deceased, one finds that in his statement made to the learned SDM Baljeet Singh only said that after three months of his daughter's marriage her mother-in-law Prem Lata started taunting her for bringing insufficient dowry and that there was a demand for a Santro car on account of which her son-in-law had quarreled with his daughter on November 04, 2010, but in contrast on being cross-examined Narender Singh PW-4 said that the quarrel on 3/4.11.2010 took place on account of entry of daughter of Prem Lata in the house. Baljeet repeated the aspect of demanding of Santro car in his statement made a few days later to the investigating officer, but did not disclose about any quarrel between the couple on this issue on November 04, 2010. In his statement under Section 161 Cr.P.C. Devender only said that a car was demanded and on account of which his sister used to be beaten. As regards Beermati she did not make any reference to a car in her statement made to the investigating officer.

22. Suffice it to highlight for the moment, and which aspect I shall deal with a little later, all four talked about three demands being met in sum of Rs. 50,000/-, Rs. 25,000/- and Rs. 15,000/-, the last of which was fifteen to twenty days before the incident.

23. Concerning the demand for a Santro car, as noted above, Baljeet Singh was declared hostile by the learned Public Prosecutor and he categorically said that it was incorrect that any accused demanded a Santro car but volunteered that the accused used to taunt their daughter that since he was having two cars and they were desiring that he should part with one. He denied the suggestion that all the accused used to taunt his daughter for bringing insufficient dowry, clarifying that it was only Prem Lata who used to taunt his daughter for bringing insufficient dowry.

24. But a perusal of the deposition of all four members of the family shows a new twist given concerning the demands. The twist comes by introducing the fact that the daughter of Prem Lata and Kapoor Singh had eloped and Prem Lata started pressurizing her daughter-in-law i.e. the deceased to convince her husband Kaptan Singh to bring back her daughter to the house, but the male family members did not agree, and at that Prem Lata threatened the deceased that if her daughter would not return to the house, even she i.e. the deceased would be forced out of the house. Baljeet has categorically deposed that in June-July 2008, accompanied by his son Devender and his brother-in-law Ranvir he went to the house of his daughter to convince Prem Lata, but Prem Lata was adamant that till her daughter returned to the house she would not allow Santosh to live peacefully in the house.

25. There is a serious issue regarding the demand of Rs. 50,000/-, Rs. 25,000/- and Rs. 15,000/-, the last of which would be crucial because it is this demand which is soon before the death of Santosh. As noted above, the case of the prosecution is that this demand was made and met about three weeks prior to

the date of the incident. Whereas PW-2 claimed that he paid the amount to his daughter three weeks prior to her death, PW-3 has claimed that he gave Rs. 18,000/- to his sister about three weeks prior to her death. PW-4 claimed that he and his brother went and gave Rs. 15,000/- to their sister, but in cross-examination said that he cannot tell the date when the payment was made because he said that not he but Devender paid the money. Surprisingly, on being cross-examined PW-3 i.e. Devender said that he did not pay any amount to his sister.

26. Concerning the dowry demand in sum of Rs. 50,000/-, Rs. 25,000/- and Rs. 15,000/- there is again a serious problem. During cross-examination Baljeet Singh claimed that he did not remember the dates when he gave the money to Santosh, meaning thereby as per him he gave the money, but did not remember the dates. He admitted that he did not withdraw money from the bank and volunteered that except Rs. 50,000/- which was withdrawn from Corporation Bank where an account was opened in the name of his wife, remaining amounts were paid from the money kept in the house. Beermati did not say that she maintained an account with Corporation Bank from where Rs. 15,000/- was withdrawn. As per Devender, he did not remember the date when Rs. 50,000/- was paid, but said that Santosh came to the house when money was paid to her. He said that he did not remember the dates when Rs. 25,000/- and Rs. 15,000/- was paid to Santosh. As per Nerender he and his brother had gone to Santosh's house to give her Rs. 15,000/-, but in cross-examination said that his brother Devender had paid the sum of Rs. 15,000/- and therefore he did not remember the date when said amount was paid.

27. It is the duty of the Court to find out that elusive nuggets of truth which lies embedded in the evidence. Meaningfully read, the testimony of the witnesses bring out the real reason for what has happened. The daughter of the family of the in-laws of Santosh has eloped and the male members of the family i.e. Kapoor Singh, the father-in-law, Kaptan Singh and his brother Sanjay were adamant not to allow the daughter of the family to return; a typical patriarchal attitude which one finds in India. Prem Lata, the mother, reconciled to the adventurous act of her daughter and wanted her back in the house. Failing to convince her husband Kapoor Singh, she pressurised her son Kaptan Singh and this pressure was indirect. It was through Santosh. The prosecution witnesses who are the flesh and blood of Santosh have said so. The pressure was that Santosh cannot live in the house till Prem Lata's daughter came back, meaning thereby, Santosh would in turn pressurise her husband Kaptan Singh. But the male unity in the family was bounded by the patriarchal norms and the father and sons refused to succumb to the pressure of Prem Lata. Santosh became an unfortunate victim of circumstances. She could not withstand the pressure. The moment one sets about dealing with the wants of humans, one discovers that many of the difficulties faced by humans are not material but moral. A human is much more than a digestive apparatus, liable to get out of order. Not denying the importance of the fact that every human has a stomach, it is also necessary to

bear in mind that every human has a heart and a mind that is frequently sorely troubled by difficulties which, if the human being lives in a friendly world, would often disappear. In the Indian environment, more than a man, a woman stands often quite as much in need of a trusted adviser, as she would do of a dinner or a dress. Many a poor soul remain miserable throughout the day long and get dragged down, deeper and deeper, into the depth of sorrow and despair for want of sympathising friends who can give valuable advice and make one feel that somebody in the world cares and will help if they can. If only we can bring back the brotherhood to the world, the desolate wonderer, alone in the midst of careless and un-sympathising, would not utter : No one loves me! No one cares for my soul! If I die, no one will pity me! Poor Santosh, her life was a crying scandal. She was launched into a sea of perplexity.

28. The weight of the evidence leans against Santosh committing suicide on account of dowry harassment. The weight of the evidence leans for cause of the suicide to be the daughter of the family eloping and the male members adamantly refusing to let her return and Prem Lata creating adverse and hostile environment in the house for Santosh to pressurise her husband to accept her sister back in the house and in this way the patriarchal trinity in the house would break and the run-away daughter would be welcomed back to the house. Thus, the impugned verdict, which has failed to analyse the evidence as above, qua Kaptan Singh is found to be completely faulty. As regards Prem Lata, she certainly would be indicted as the culprit, but the culpability would be not for harassing Santosh for dowry. It would be for creating a hostile environment in the house for Santosh, and Santosh not being able to bear the burden, her human industry failing against the onslaught of the trauma caused by the hostile environment created by her mother-in-law, and in vain she committed suicide. What Prem Lata did was morally reprehensible, but justice has to be in accordance with law and therefore I hold that the acts of Prem Lata do not suffice to attract Section 304B IPC qua her as well.

29. But as regards the offence punishable under Section 498A IPC, the offence would be made if a relative of a husband subjects a woman to cruelty of the kind elaborated in sub-para (a) and (b) to the explanation of the Section. The first of which, being wilful conduct of a nature as is likely to drive the woman to commit suicide.

30. The testimony of the witnesses of the prosecution bring out that it was Prem Lata who was mentally traumatizing Santosh and it was this which led Santosh to commit suicide. Therefore, Prem Lata is held guilty of having committed the offence punishable under Section 498A IPC.

31. CrI.A.797/2014 filed by Kaptan Singh is allowed. Impugned judgment dated May 28, 2014 convicting him for offences punishable under Section 304B/498A IPC is set aside. He is acquitted of the charge framed against him. Order on sentence dated June 03, 2014 is quashed qua him.

32. CrI.A.No.796/2014 is partially allowed. Impugned judgment dated May 28, 0214 convicting Prem Lata for the offence punishable under Section 304B IPC is set aside and so is the order on sentence dated June 03, 2014 qua said offence. She is however convicted for the offence punishable under Section 498A IPC and is sentenced to undergo imprisonment for 3 years and pay fine in sum of Rs. 5,000/-, in default to undergo simple imprisonment for one month. She would be entitled to the benefit of Section 428 Cr.P.C.

33. The appellant Kaptan Singh is directed to be set free unless wanted in some other case.

34. LCR be returned.

35. Dasti.