

(2003) 05 P&H CK 0007

In the Punjab And Haryana At Chandigarh

Case No : Criminal Appeal No. 489-DBA of 2001

State of Punjab

APPELLANT

Vs

Sham Lal Garg and Others

RESPONDENT

Date of Decision : 30-05-2003

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 357
Penal Code, 1860 (IPC) — Section 304B

Citation : (2004) 1 DMC 638 : (2003) 4 RCR(Criminal) 125

Hon'ble Judges : K.S. Garewal, J; Amar Dutt, J

Bench : Division Bench

Advocate : A.S. Virk, A.A.G, for the Appellant; Gurcharan Dass, K.K. Aggarwal and Kapil Aggarwal, for the Respondent

Final Decision : Dismissed

Judgement

Amar Dutt, J.—Through the present judgment, we propose to dispose of Criminal Appeal No. 489-DBA of 2001, Criminal Appeal No. 161-SB of 2001, Criminal Revision Nos. 1245 and 1251 of 2001.

2. Arun Garg, his father Sham Lal Garg and mother Smt. Shimla Garg were tried in Sessions Case No. 29 of 13.8.1999 by the Sessions Judge, Ludhiana for offences under Sections 304B, 498A and 406 of the Indian Penal Code, who, vide judgment dated 22.1.2001, acquitted Sham Lal Garg and Smt. Shimla Garg and convicted Arun Garg u/s 304B, I.P.C. and sentenced him to undergo rigorous imprisonment for a period of ten years and to pay a fine of Rs. 2,000/-or in default of payment of fine to undergo further rigorous imprisonment for a period of two months.

3. No one was satisfied by the conclusion arrived at by the Sessions Judge, Ludhiana. State of Punjab filed Criminal Appeal No. 489-DBA of 2001 to challenge the acquittal of Sham Lal Garg and Smt. Shimla Garg. Arun Garg filed Criminal Appeal No. 161-SB of 2001 against his conviction and sentence recorded by the Court u/s 304B, I.P.C. The father of the deceased Seema,

Ramesh Chander Bansal had filed two separate Revision Nos. 1245 and 1251 of 2001, the first challenging the acquittal of parents-in-law of deceased Seema and the second seeking enhancement of the sentence imposed upon Arun Garg.

4. Briefly stated, the facts of the prosecution, as brought out in the testimony of its witnesses, are that the marriage between Seema daughter of Ramesh Chander Bansal P.W. 1 and appellant Arun Garg took place on 25.2.1996. From the wedlock, a son and a daughter were born to the couple. According to Ramesh Chander Bansal complainant, at the time of the marriage, he had given sufficient dowry and cash amount of Rs. 2 lacs. In spite of this, within a few days, the deceased had informed him that her husband and parents-in-law were not satisfied with the dowry given to her at the time of marriage and used to taunt her on having brought insufficient dowry. On 10.4.1996, the deceased had apprised her father on telephone about the demand made by her husband and parents-in-law for Rs. 40,000/-. Thereupon, Ramesh Chander Bansal along with Prakash Chand and Sohan Lal, who were responsible for arranging the marriage, had visited the house of the accused. During this visit, Arun Garg and Smt. Snimla Garg had told Ramesh Chander Bansal that he had given less dowry at the time of marriage and should provide dowry articles worth Rs. 40,000/-. Upon asking of Prakash Chand and Sohan Lal, the complainant is stated to have purchased articles worth Rs. 20,000/- and handed over the same to the accused. The complainant further stated before the police that the accused did not allow Seema to see her parents nor had they allowed her to visit the house of her parents since February, 1997. On the eve of Teej festival, when the complainant and his wife had gone to see Seema, they have been told by Seema that her husband, father-in-law, mother-in-law and sister-in-law Neena who had visited the house of her parents in those days were maltreating her and demanding more cash. Again the complainant along with Prakash Chand, Sohan Lal and one Hazur Singh resident of Model Gram, Ludhiana had gone to the house of the accused and on this occasion, the accused and Neena were advised not to harass Seema for more dowry. The harassment did not stop. The accused continued maltreating Seema. On 26.3.1999, Seema had telephoned her father and informed him that her husband, father-in-law, mother-in-law and sister-in-law Neena were planning to kill her. On account of his inability to obtain leave from his office, the complainant could not visit the deceased immediately and on 28.3.1999, on receiving the information that either the accused or Neena had administered some poisonous substance to Seema or Seema had consumed poison on her own accord, the complainant and his wife reached Dayanand Medical College and Hospital, Ludhiana and found Seema lying admitted in the hospital. She was unconscious and her condition was serious.

5. It was at that stage that Ramesh Chander Bansal thought it appropriate to give his statement Ex. PA to Inspector Gurinderjit Singh P.W. 6 about the maltreatment that was being given to his daughter by her in-laws and on the basis thereof F.I.R. Ex. PA/2 was recorded in Police Station, Civil Lillies, Ludhiana at 10.30 p.m. On 28.3.1999 Inspector Gurinderjit Singh P.W. 6 had moved an

application before the doctor attending upon Seema for enquiring as to whether she is fit to make a statement. Through endorsement Ex. PJ/1, the doctor declared her to be unfit to make a statement. The same exercise was repeated on 29.3.1999 and a negative opinion of the doctor about the fitness of Seema as given by the doctor is Ex. PJ/3. Seema died on 30.3.1999 and information regarding her death was forwarded to the police through memo Ex. PH. After receipt of the information, the case was converted into one u/s 340B, I.P.C.

6. After the receipt of the information about the death of Seema, Inspector Gurinderjit Singh P.W. 6 proceeded to the hospital, prepared inquest report Ex. PB and despatched the dead body of Seema for post-mortem examination, which was conducted by a Board consisting of Dr. U.S. Sooch P.W. 4, Dr. K.B. Goel and Dr. J.K. Sidhu. The doctors handed over the samples of the viscera taken during post-mortem examination to the police, which in turn forwarded the same to the Chemical Examiner for analysis. In its report Ex. PE, the Chemical Examiner opined that pesticide aluminium phosphide was detected in the stomach and large and small intestines while phosphide a constituent of aluminium phosphide was detected in liver, spleen, kidney and blood. Dr. U.S. Sooch P.W. 4 on the basis of this report through opinion Ex. PF declared that the death of Seema was due to intake of aluminium phosphide poisoning which was sufficient to cause death in the ordinary course of nature. After completion of the investigation, during the course whereof the Investigating Officer prepared site plan Ex. PL, got prepared scaled map Ex. PG, arrested the accused and found Neena to be innocent, submitted a charge-sheet against the remaining accused under Sections 304B 498A and 406, I.P.C.

7. On going through the papers sent up with the challan, the Ilaqa Magistrate finding that the case was exclusively triable by the Court of Sessions, committed the case. As the Trial Court was of the view that a prima facie case under Sections 304B, 406 and 498A of the Indian Penal Code was made out, it framed charges accordingly and when the accused pleaded not guilty to the charges, called upon the prosecution to examine the evidence in support of its case.

8. To bring home the charges, the prosecution examined Ramesh Chander Bansal P.W. 1, Dr. Dhiraj Bhatia P.W. 2, Pushpa Bansal P.W. 3, Dr. U.S. Sooch P.W. 4, Harminder Singh P.W. 5, Inspector Gurinderjit Singh P.W. 6, HC Kuldeep Singh P.W. 7, ASI Amrik Singh P.W. 8, Constable Prithipal Singh P.W. 9, Dr. N. Siridhar Rao P.W. 10, Constable Gursharanvir Singh P.W. 11 and Constable Kamaljit Singh P.W. 12 and gave up Sarwan Singh Photographer, Ram Singh Cashier, Meena Kumari, Dr. O.P. Goel, Dr. J.K. Sidhu, ASI Rajwinder Singh, Inspector Malkiat Singh, Shri Pritpal Singh, Superintendent of Police (City), and Inspector Pritam Singh as unnecessary and Hazur Singh as having been won over by the accused.

9. When examined u/s 313 of the Code of Criminal Procedure, Arun Garg after denying the circumstances brought on the record in the prosecution evidence against him had given statement to the following effect:

"My marriage with Seema Garg deceased was a love marriage and the marriage was performed by her parents in a simple manner. At the time of marriage we neither demanded any dowry, nor Was any dowry given to Seema deceased by her parents. After marriage I and Seema Garg deceased went to Mata Vaishno Devi Temple to pay obeisance there. Thereafter I and Seema Garg went to honeymoon from 6.4.1996 to 11.4.1996 and remained away from Ludhiana. After marriage I and my parents never demanded any dowry from the parents of Seema deceased. I was blessed with one daughter and one son from my wife Seema deceased and we along with our children had been leading very happy married life. After marriage I and my wife along with children used to reside in the upper portion of the house, but my parents used to reside in the ground floor. I along with my wife, children had visited various places i.e., Delhi in September, 1996, village Sarahan, District Solan (H.P.) in July, 1997, Haridwar in 1998. While on honey, moon in April, 1996 we had taken various photographs and those photographs have already been produced by me and the negatives are with me. On 15.3.1999, I opened P.P.F. account in Head Post Office, Ludhiana in my name and I nominated my wife Seema Garg deceased as my nominee in that account. On 25.7.1998, Seema Garg deceased obtained an F.D.R. in the sum of Rs. 40,000/-. Before marriage Seema Garg deceased had her Bank account in UCO Bank, Bharat Nagar Chowk Branch in her name. After marriage she got that account transferred to P.N.B. Bank, Sarabha Nagar Branch in her name as Seema Garg. The parents of Seema Garg deceased, however, used to demand that amount on the ground that the same belonged to them and she had to pay back to them. After my marriage with Seema Garg deceased my father gave a loan of Rs. two lakhs to the father of Seema Garg deceased as he wanted to settle his son. However, that amount was subsequently demanded back by us as we wanted to build a house. The complainant, however, did not return that amount and the complainant felt offended against us on that ground. Before her death Seema Garg deceased had also filed independent income tax return. Before marriage Seema Garg deceased had applied for a job in P.S.E.B., Patiala. Interview card for that post was received after the marriage on her parental address. The complainant wanted Seema Garg deceased to attend the interview for that post but I and my parents were not willing that Seema Garg deceased should serve. Seema Garg deceased was also not willing to join that post. When my son grew 40 days old we had a Bhandara in Geeta Vridh Ashram, Ludhiana. At that time we spent about Rs. 2,500/- on that Bhandara and donated Rs. 11,000/- to that Ashram. Thereafter Rs. 25,000/- was paid by us to Geeta Vridh Ashram in May, 1997. Besides that we were donating Rs. 500/- per month to that Ashram. On 28.3.1999, I brought Seema Garg deceased from the house of her parents when she was making vomits. Thereafter I accompanied by my mother Shimla Garg rushed her to D.M.C and Hospital, Ludhiana. The admission card Ex. P 17 of D.M.C. and Hospital, Ludhiana is also signed by me. At that time I also deposited a sum of Rs. 1,000/- as advance money. When Seema Garg deceased was rushed by me and my mother Shimla Garg to D.M.C. and Hospital, Ludhiana I asked my father Sham Lal Garg to inform the complainant and his

family about her admission in the D.M.C. and Hospital, Ludhiana. I was arrested by the police on 28.3.1999 from the hospital. At that time my mobile phone bearing No. 98140-31568 was also seized by the police and the police officials had also been making telephone from the Mobile Phone. The diary produced in the Court mark A was personal diary of Seema Garg deceased and various entries in the diary are in her hand. I and (my) parents have been falsely implicated in the case."

10. The father Sham Lal Garg and the mother Shimla Garg had taken an identical position to the one set out by their son Arun Garg but they had also added that on 27th March, 1999, a Jagrata had been held at the house of one Rajesh Kataria in the locality where the parties live and Seema deceased had gone to attend the Jagrata, which was also attended by her mother and they remained there throughout the night. In the morning, Seema was brought by her mother to their house and on that day, they had gone to attend a Bhog ceremony of one Ashu and on return at about 3.00 p.m., Arun Garg had brought Seema from the house of her parents and at that time she was vomiting whereupon Shimla Garg and her son Arun Garg had removed her to D.M.C. and Hospital, Ludhiana.

11. In their defence, the accused examined R.K. Aggarwal D.W. 1, Amit Bansal D.W. 2, Ajit Singh D.W. 3, Rakesh Kumar D.W. 4, Avtar Singh D.W. 5, Inspector T.R. Sharma D.W. 6, Vinay Kumar D.W. 7, Azad Kishore D.W. 8, Rajiv Kumar D.W. 9, Rajesh Kataria D.W. 10 and Arun Garg D.W. 11.

12. After hearing arguments, the Trial Court had given the benefit of doubt to Sham Lal Garg and Shimla Garg, the parents of Arun Garg and convicted Arun Garg u/s 304B of the Indian Penal Code and sentenced him to undergo rigorous imprisonment for a period of ten years and to pay a fine of Rs. 2,000/- or in default of payment of fine to undergo further rigorous imprisonment for a period of two months. Hence, the appeal against his conviction by Arun Garg, appeal against the acquittal by the State and two revisions by the complainant.

13. On behalf of the State, it was submitted by Mr. A.S. Virk, Additional Advocate General, appearing on behalf of the State, that after having accepted evidence of Ramesh Chander Bansal and Pushpa Bansal, about the role played by Arun Garg and convicted him of an offence u/s 304B of the Indian Penal Code, the Trial Court had erred in acquitting Sham Lal Garg and his wife Shimla Garg of the charges framed against them. As both of them reside in the same house, the evidence being identical and the part played by the parents is riot different, in these circumstances, there was no scope for distinguishing their case from that of their son. As the reasons relied upon while acquitting Sham Lal Garg and Shimla Garg are not sustainable in law, therefore, while upholding the conviction and sentence recorded against Arun Garg, the Court should reverse the findings qua the parents into that of conviction.

14. On behalf of the appellant Arun Garg, it is submitted that the four circumstances have got to be proved by the prosecution before a conviction can

be recorded in relation to the charges u/s 304B of the Indian Penal Code, namely, (i) Death of a woman should be caused by burns or bodily injury or otherwise than under normal circumstances; (ii) such death should occur within seven years of her marriage; (iii) the woman must have been subjected to cruelty or harassment by her husband or relatives of her husband; and (iv) cruelty or harassment should be for or in connection with demand of dowry. It was submitted that all the demands, which are alleged to have been made by Arun Garg and his parents, have been deposed for the first time during the trial and in these circumstances would have to be ruled out of consideration being improvements made on material points. In this view of the matter, in the appeal, what to talk reversal of judgment of Sham Lal Garg and Shimla Garg even conviction qua Arun Garg cannot be sustained.

15. We have carefully considered the arguments of the learned Counsels for the parties and have perused the record.

16. The case against the accused was registered in Police Station, Civil Lines, Ludhiana, at 10.30 p.m. on 28.3.1999, on the basis of a statement given by Ramesh Chander Bansal to Inspector Gurinderjit Singh, Station House Officer, Police Station, Model Town, Ludhiana at 1.0.15 p.m. in the New Dayanand Medical College and Hospital, Ludhiana. According to the defence, the failure of the complainant to incorporate the substratum of his grouse against the accused would require the Courts of Law to ignore as improvements any information that is sought to be introduced by him against the accused for the first time in the statement given by him in Court. It is with this end in view that the Counsel for the accused submitted that all assertions made regarding demand for dowry that have been made from time-to-time are inconsequential as they do not find mention in the basic document Ex. PA, which came into existence on 28.3.1999. With a view to examine the validity of this argument it becomes necessary to scrutinize both Ex. PA and what has been brought out in cross-examination of Ramesh Chander Bansal. In Exs. PA and PA/2, which is merely a reproduction of the statement incorporated in Ex. PA, the complainant talks of : (a) the marriage between Arun Garg and Seema deceased having taken place on 25.2.1996 in which he had given sufficient dowry beyond his capacity as also an amount of Rs. 2,00,000/- in cash; (b) it talks of the in-laws of his daughter being not happy with the dowry given and the resultant taunts that were meted out to Seema; (c) it narrates incident in which Seema had telephonically informed her father Ramesh Chander Bansal that her husband, father-in-law and mother-in-law had demanded an amount of Rs. 40,000/- and the fact that she had taken Parkash Chand and Pt. Sohan Lal, who had been responsible for the marriage, to the house of the accused;

(d) it enumerates that he had been persuaded by these persons to give dowry articles worth Rs. 20,000/-; (e) that Seema was not allowed to visit the house of her parents after February. 1997 and the visit of Ramesh Chander Bansal with his wife Pushpa Bansal on the occasion of Teej during which Seema had apprised

them that her father-in-law, mother-in-law, her husband and sister-in-law had been treating her badly; and (f) that a telephonic call was received from Seema on 26.3.1999 to the effect that the mother-in-law and father-in-law, her husband and sister-in-law were conspiring to kill her.

17. During the cross-examination, the complainant had tried to incorporate the details of the dowry that was handed over by him to his daughter, which improvement was sought to be highlighted. There was, however, no confrontation with regard to Rs. 2,00,000/-, which were handed over in cash. The articles referred to are gold ornaments weighing 30 Tolas, one refrigerator, one Television, which, according to the complainant, were valued at Rs. 1,50,000/- and since a general allegation regarding sufficient dowry had already been made, the improvement would not be such as would by itself enable us to dub the witness as unreliable. With regard to the demand of Rs. 40,000/-, in cross-examination it was tried to be brought out that there was no mention of in-laws being unhappy with the amount of dowry given. The reliance, which is sought to be placed by the Counsel for the accused on this discrepancy for condemning the testimony of Ramesh Chander Bansal too is misplaced in view of the fact that just before the reference to the demand for Rs. 40,000/- is deposed, Ramesh Chander Bansal had already stated that his daughter had informed him that her in-laws were not happy with the dowry given and used to taunt her in relation thereto. An attempt made in cross-examination to point out that this part of the statement was an improvement, stood frustrated on account of the fact that statement Ex. PA merely corroborated the facts asserted in the testimony in the Court. A similar attempt was made with regard to the demand of Rs. 40,000/- and the complainant having visited the house of the accused in the company of Parkash Chand and Pt. Sohan Lal. Seen in the light of this, the absence of the details of articles worth Rs. 20,000/-, which were purchased by the complainant and handed over to the accused as per the advice of the aforesaid Parkash Chand and Pt. Sohan Lal, would be of no consequence as this detail was neither given in Ex. PA nor in the statement of Ramesh Chander Bansal in Court. With regard to the information which was given by Seema on the occasion when her parents had gone to meet her on the eve of Teej festival and the alleged improvement in the shape of the reaction of Pt. Sohan Lal and Prakash Chand to this demand, although in cross-examination, it is recorded as under:

"It is correct that it is not mentioned in the relevant portion of Ex. PA that at the time of my visit to the house of the accused on eve of Teej festival Parkash Chand and Sohan Lal had told the accused that the demand for more dowry was not justified as the accused had already received sufficient dowry".

But this confrontation seems to be wrong when seen in the light of what is incorporated in Ex. PA regarding the visit of the complainant and his wife on the occasion of Teej, which reads as under:

"I and my wife Pushpa Bansal had been going to their house to meet my

daughter on the occasion of Teej. Seema told to my wife that her father-in-law, mother-in-law, her husband and her sister-in-law (Nanad) Neena who had come here 7/8 months ago had been teasing her badly and they were demanding more cash. Then, I along with Hazur Singh resident of Model Gram, Parkash Chand middlemen and Pandit Sohal Lal went to the house of Seema and advised Sham Lal, Arun, Shimla and Neena not to tease Seema and after giving their understanding/commitment we came back."

18. The last incident relates to the conversation, which is alleged to have taken place between Seema and her father on 26.3.1999. The improvement related to the incorporation of a demand of Air Conditioner in the testimony of the complainant in Court. The accused were not able to challenge effectively the assertion that on 26.3.1999 a talk had taken place between the deceased and her parents. The evidence of Pushpa Bansal was tried to be assailed on similar lines which to our mind would hardly make a dent in the substratum of the story of the prosecution which can be culled out from what has been said by the complainant and his wife on oath in Court. It is in these circumstances that the Trial Court had come to the conclusion that the most vital circumstance of an offence u/s 304B of the Indian Penal Code that a demand for dowry had been made soon before the death had been proved beyond doubt qua Arun Garg.

19. With regard to the date of marriage, there is no dispute, which would lead to the inevitable conclusion that the first ingredient of proving an offence u/s 304B of the Indian Penal Code would in the facts and circumstances of the present case must also be held to be proved as the death of Seema took place on 28.3.1999. The fact that she died due to aluminium phosphide poisoning is also not challenged in appeal and such a death can only be termed to be unnatural and has rightly been held to be so by the Trial Court. Regarding the demand for dowry the allegations made against Arun Garg have been held to be proved and during the course of arguments the challenge to the conviction was only on the basis of an argument that once the improvements that had been listed by the learned Counsel for Arun Garg were accepted then there remains no evidence on the record to show that Arun Garg had made a demand for dowry soon before the death of his wife Seema.

20. At this stage, we may also deal with the stand taken by Arun Garg in his defence, which position too has been adopted by his parents to project that the marriage of Arun Garg with Seema had never floundered. One fails to see how the fact that, according to the accused, the marriage was a love match, which was alleged to be a simple affair, would be of any consequence once we accept the assertions made about some dowry having been given to the accused. The assertions that after the marriage the couple had visited Mata Vaishno Devi temple, Sarahan, etc. would also be of little consequence when seen in the light of the evidence brought on the record regarding the demand of Rs. 40,000/- and an Air conditioner after the marriage and soon before the death of Seema. However, the husband and wife were managing their financial affairs too does not

help us to reject the prosecution version, especially, when there is no evidence to prove that Sham Lal Garg had given a loan of Rs. 2,00,000/- to the father of the deceased for settling his son. Furthermore, the Trial Court has rightly inferred that the amounts, which the accused have paid to Geeta Vridh Asharm for holding a Bhandara and financing their activities would be of little help to reject the prosecution evidence. The fact that Arun Garg and his parents had removed Seema to the hospital even if accepted as correct would in no way rebut the presumption that would be available in Section 113B of the Evidence Act from the facts and circumstances of the case brought on the record. The plea that after marriage the husband and wife were living on the upper portion of the house has already been accepted by the Trial Court and benefit of the same has already been given to the parents of the appellant.

21. In view of the above discussion, we feel that the case against Arun Garg appellant in Criminal Appeal No. 161-SB of 2001 has been proved beyond reasonable doubt and the Trial Court has rightly convicted him of the offence for which he was facing his trial.

22. We may now turn to the appeal against acquittal filed by the State and the revisions filed by the complainant. The Trial Court had, after holding that the charges against Arun Garg have been proved, come to the conclusion that the case against his parents was distinguishable. It had relied upon the circumstances that though Seema and Arun Garg were residing in the house occupied by their parents yet they were living on different floors. They were also separate in mess. Relying on this the Trial Court had ruled out the possibility of any direct interference by them in the lives of their son and daughter-in-law with the result that it had given them the benefit of doubt and acquitted them of the charges framed against them. The view taken by the Trial Court is a possible interpretation which would be available from the facts and circumstances of the case, especially, when the society is breaking up in nuclear families and the younger generation is trying to break away from the traditional joint families and setting up a separate house-hold so that the elders do not in any way interfere with their lives. In these circumstances, although while sitting as the Trial Court in the original jurisdiction, we may have been able to come to a different conclusion, the settled legal position regarding appreciation of evidence in appeals against acquittals in such a case where the view taken by the Trial Court cannot be held to be perverse, restrains us from interfering with the same and upsetting the judgment of acquittal. Reliance in their respect can be placed on the judgment of Apex Court in *Dwarka Das and Ors. v. State of Haryana* 4 (2002) CCR 305 (SC) = 6 (2002) SLT 582 = 2002 (4) R.C.R. (Crl.) 794, wherein it was held as under:

"While there cannot be any denial of the factum that the power and authority to appraise the evidence in an appeal, either against acquittal or conviction stands out to be very comprehensive and wide, but if two views are reasonably possible, on the state of evidence; one supporting the acquittal and the other indicating

conviction, then and in that event, the High Court would not be justified in interfering with an order of acquittal, merely because it feels that it, sitting as a Trial Court, would have taken the other view. While appreciating the evidence, the rule of prudence requires that the High Court should give proper weight and consideration to the views of the trial Judge. But if the judgment of the Sessions Judge was absolutely perverse, legally erroneous and based on a wrong appreciation of the evidence, then it would be just and proper for the High Court to reverse the judgment of acquittal, recorded by the Sessions Judge, as otherwise, there would be gross miscarriage of justice -- so said Patnaik, J. in Hari Ram and Others Vs. State of Rajasthan, ."

23. For the reasons recorded above, we are of the considered view that Crl. A. No. 489- DBA of 2001 filed by the State against the acquittal of Sham Lal Garg and Shimla Garg and Crl. R. No. 1245 of 2001 filed by the complainant are without merit and the same are dismissed. The Trial Court after convicting Arun Garg u/s 304B of the Indian Penal Code had sentenced him to, undergo rigorous imprisonment for ten years and to pay a fine of Rs. 2,000/- or in default of payment of fine to undergo further rigorous imprisonment for two months. While we may not be inclined to interfere with the sentence of imprisonment but we are of the considered view that the sentence of fine imposed is highly inadequate in cases of dowry death where the complainant's family has lost its daughter. Though no amount of compensation may be adequate but the same should be sufficient to deter other dowry seekers from trying to exploit the position in which they find themselves in relation to the family of the bride. As to what would be an adequate compensation would be an open question and may necessarily involve some speculations. The complainant has asserted that he had invested about Rs. 2,00,000/- in cash in the marriage. While fixing the fine we feel that one should bear in mind the stake for which the accused were playing in the game. In our opinion the fine has to be enhanced to Rs. 2,00,000/-, which if realised should be paid to the complainant. If Arun Garg fails to pay the fine he could undergo further rigorous imprisonment for one year. Cr. Revision No. 1251 of 2001 filed by the complainant is partly allowed and Crl. A. No. 161-SB of 2001 is dismissed, as indicated above.

The bail bonds furnished by Arun Garg appellant shall stand cancelled. He shall be taken into custody forthwith for undergoing the remaining period of his sentence.

Let intimation of this judgment be sent to the Trial Court for necessary action.