

Judgment reserved

IN THE HIGH COURT OF UTTARAKHAND

AT NAINITAL

Government Appeal No. 1452 of 2001

Old Number

Government Appeal No. 2333 of 1996

State of U.P.

Now State of Uttarakhand. ..Appellant.

Versus.

Nishikant .Respondent

Present:

Mr. Nandan Arya, learned AGA for the State of Uttarakhand/ appellant. Mr. Vivek Shukla, learned counsel for the respondent.

Hon'ble Nirmal Yadav, J.

This appeal has been preferred by the State of Uttarakhand challenging the judgment dated 30.08.1996 vide which accused respondent Nishikant has been acquitted of the charges under section 304-B, 306 and 498A of Indian Penal Code (hereinafter referred to as "IPC").

Facts, in brief, are that marriage between Nishikant and Pushp Lata (since deceased) was performed on 14/15.04.1988 in a hotel at Amritsar. According to PW2 Lokman Das Agarwal, father of Pushp Lata, Nishikant as well as his mother Prakashwati started harassing his daughter and making demand of dowry immediately after the marriage. According to the complainant, he had been 2

fulfilling their demands as per his capacity. Even one year prior to the present occurrence, Prakashwati had tried to set Pushp Lata on fire but somehow she escaped. Pushp Lata was not even provided with proper meals and other basic necessities. On 29.03.1991, she was given beatings by the accused and thereafter, she was set on fire by pouring kerosene oil on her. The complainant came to know about the incident on 30.03.1991. On reaching Dehradun, he found that Pushp Lata had received hundred percent burn injuries and was not conscious. Complainant submitted a written complaint (exhibit Ka 11) before Kotwali Incharge, Dehradun and on the basis of the said complaint, chick First Information Report (exhibit Ka 27) was recorded on 30.03.1991 at 07.30 p.m. According to the complainant, as per understanding between the parties prior to the marriage, all the articles and cash, as demanded by them, were given at the time of marriage. He had given a draft of Rs. 30,000/- before marriage to Hari Gopal Gupta, father of accused Nishikant. On the date of marriage, FDR of Rs. 20,000/- in the name of Nishikant and Pushp Lata, was given by complainant. However, the said FDR was encashed by Nishikant before the maturity date. This amount of FDR was initially deposited in the saving account of Pushp Lata but later on, the said account was closed and the entire amount was withdrawn by Nishikant. In spite of the articles and cash having been given as per the demand made by Nishikant and his family, they were not satisfied. Both 3

Nishikant and his mother wanted to purchase a plot measuring 850 sq. yard at Dehradun and for the said purpose they demanded a sum of Rs. 75,000/- from the father of deceased. Nishikant along with Pushp Lata came to the house of complainant at Meerut asking to give a sum of Rs. 75,000/- to him. However, complainant expressed his inability to pay the said amount. The said plot was purchased by Nishikant by arranging the money from some other source but Nishikant started harassing Pushp Lata thereafter. Pushp Lata informed her father about his behaviour. Complainant had visited the office of Nishikant i.e. ONGC, Dehradun and also his house and advised him not to harass his daughter but there was no improvement in the situation. Pushp Lata informed her father vide letter exhibit Ka-7 that Nishikant had decided to perform second marriage and on receiving the said letter PW2 Lokman Das Agarwal again went to Dehradun to advise Nishikant and his mother. During the said visit, he found one 'can' containing kerosene oil lying in the bedroom of Pushp Lata. He inquired from Nishikant as to why kerosene oil was lying in their bed room when they are having gas cylinder, on this Nishikant explained that they use kerosene oil whenever there is no electricity in the house. Accused Nishikant had given one written estimate (exhibit 1) to the complainant stating as to how much amount has been spent in marriage and how much amount is yet to be paid. According to this estimate Rs. 75,000/- was shown as balance towards 4

complainant. Complainant also produced letters (exhibit Ka 6, Ka 7 and Ka 8) written by Pushp Lata to the complainant and his son Yogesh Agarwal.

On 29.03.1991 at 08.20 a.m. Pushp Lata was admitted in ONGC Hospital, Dehradun where she was attended by Dr. S.L. Gupta, who sent information to the police at 08.55 a.m. which is exhibit Ka 3. He prepared treatment summary Exhibit Ka 2 with regard to patient Pushp Lata. On the request made by Nishikant vide application exhibit Ka 4 to the effect that he wanted to get his wife treated at Safdarjung Hospital, the patient was referred to Safdarjung Hospital and was removed along with medical attendant. Dr. S.L. Gupta is stated to have got recorded the statement of Pushp Lata through attendant Kanta Mohan Rawat, which is exhibit Ka-1 on the record. On 30.03.1991, Pushp Lata was admitted in Safdarjung Hospital at 12.40 a.m. and was attended by Dr. C.L. Thakral, Neurosurgeon. As per the summary prepared by Dr. Thakral, Pushp Lata had received hundred percent deep burn injuries all over the body. She was conscious but she could not survive even after treatment. She died on 31.03.1991 at 03.20 a.m.

Complainant PW2 Lokman Das Agarwal reached Safdarjung Hospital on 30.03.1991 and thereafter, he went to the office of Mr. B.K. Sehgal, Sub Divisional Magistrate, South Delhi at 10.25 a.m. on 30.03.1991 and disclosed that his daughter has been set on fire by Nishikant and his mother Prakashwati. His 5

daughter Pushp Lata wanted to make her statement. SDM vide letter exhibit Ka 18 inquired from the concerned police official and the doctor who, was treating Pushp Lata, - as to whether patient was in a fit condition to make statement. However, doctor reported that patient was not fit to make statement. Complainant also made statement before SHO, police station Vinay Nagar and also before the Magistrate, which were attested by Mr. B.K. Sehgal. Statement of Yogesh Agarwal was also recorded which is exhibit Ka-14. After the death of Pushp Lata, SDM sent letter (exhibit Ka 15) for conducting autopsy on the dead body of Pushp Lata. SHO prepared the inquest report (exhibit Ka 16). After the death of the deceased all the papers were sent by the police official of police station Vinay Nagar to SP, Dehradun. Initially, the investigation was conducted by Sub Inspector Anilekh and later on it was handed over to Circle Officer Shyam Singh Yadav. Thereafter, it was entrusted over to Additional Superintendent of Police Shailendra Pati Tripathi (PW8). He recorded the statement of Dr. S.L. Gupta and Dr. A.S. Anand of ONGC Hospital, Dehradun and arrested the accused. He also recorded the statement of PW2 Lokman Das Agarwal on 02.07.1991 and took into possession the letters handed over by PW2 Lokman Das Agarwal. Thereafter, the Investigating Officer recorded the statement of other witnesses. The Investigating Officer moved an application (exhibit Ka 25) before the Magistrate for 6

taking specimen hand writing of accused but he refused to give his specimen writing.

On completion of the investigation challan was presented against the accused and he was chargesheeted under section 304B, 306, 498A IPC to which he pleaded not guilty and claimed trial.

The prosecution in order to prove its case examined PW1 Dr. S.L. Gupta; PW2 Lokman Das Agarwal, father of the deceased; PW3 Dr. Ashok Kumar Sharma, Medical Officer at Safdarjung Hospital; PW4 B.K. Sehgal, SDM, South Delhi; PW5 Yogesh Agarwal, brother of deceased; PW6 Sharad Chand Sharma, Branch Manager, Cooperative Bank, Meerut; PW7 Hukum Singh, ASI at Police Chowki Safdarjung Hospital; PW8 Shailendra Pati Tripathi; PW9 Constable Jai Bhagwan.

Accused when examined under section 313 Cr.P.C. denied the allegations put to him by the prosecution. According to him, in the year 1986 he was working as Inspector in Custom and Central Excise Department. His marriage was settled through advertisement in the year 1988 without any demand of dowry. The marriage was performed on 15.04.1988 during day time as those were days of terrorism. He further stated that his wife remained with his parents for few days in Tarantaaran. Thereafter, she went to Meerut to appear in MA Part I examination on 01.05.1988. She came back to Dehradun after her MA 7

examination on 22.05.1988. According to him since his wife was feeling lonely he brought his brother's daughter Vandana from Tarantaaran and got her admitted in class V. He further stated that when his wife returned from her parent's house at Meerut, she told him that Vandana should be sent back to Tarantaaran on which he told her that she could not be sent back to Tarantaaran as situation in Punjab was not congenial due to terrorism. In the month of October 1988, PW2 Lokman Das Agarwal also came to Dehradun and asked him that Vandana should be sent back to Tarantaaran, but on his refusal he got angry. PW2 Lokman Das Agarwal, complainant, wrote a letter to brother of accused Nishikant that Vandana should be taken back from Dehradun but Nishikant informed his father-in-law that Vandana will not go back from Dehradun thereafter, Pushp Lata started harassing his niece Vandana. He further stated that Pushp Lata gave birth to a baby boy on 04.02.1989.

Pushp Lata wanted to continue her studies and accused Nishikant always supported and cooperated with her. In the month of April 1989 she went to Meerut to appear in MA Final year examination. After completing MA, Pushp Lata took admission for B.Ed. in Maharishi Dayanand University, classes which were held in Saharanpur in November, 1989 and Pushp Lata used to commute everyday from Dehradun to Saharanpur to attend the classes. According to accused, Pushp Lata along with her entire family went 8

to Jwala Devi, Chintpurni, Vaishno Devi etc. and from there they went to Tarantaaran and thereafter, Pushp Lata came back to Dehradun on 26.10.1989. In the month of September, 1990 Pushp Lata was to be operated at Dehradun and therefore, Nishikant called his mother to look after her. Meanwhile, in the month of October 1990 Pushp Lata was selected for the post of Assistant Post Master. She joined training in Postal Department on 31.12.1990 at Saharanpur. She applied for AAO in LIC, IAS and PCS, competitive examinations which were to be conducted from the month of April, 1991 upto July, 1991. From Saharanpur sometime she used to visit Meerut and sometime she would come to Dehradun. The training continued upto 15.03.1991. During this time their son was living at Tarantaaran with his mother. However, Pushp Lata had asked her mother-in-law to come to Dehradun along with her son and therefore, she came to Dehradun. Since 28 29 March, 1991 were holidays, therefore, in the morning of 29.03.1991 accused along with his wife had made a programme for going to Mussorie. Vandana also expressed her desire to accompany them. While Vandana was getting ready Pushp Lata inquired as to where was she going. On this Nishikant told Pushp Lata that Vandana was also accompanying them to Mussorie. However, Pushp Lata flared up and refused to take Vandana along with them Nishikant's mother requested Pushp Lata to take Vandana with her stating that she is also like her own child. On this Pushp Lata got enraged and threw a 9

slipper on the face of her mother-in-law. Nishikant felt very bad and advised Pushp Lata not to behave in this manner in front of children. Thereafter, he went out but after some time on hearing cries of children, he came inside the house and found his wife engulfed in fire. He inquired from his wife as to why did she put herself on fire. Pushp Lata told him that out of remorse she had set herself on fire and requested Nishikant to save

her. He immediately removed Pushp Lata to ONGC Hospital. He further stated that doctor informed the police about the incident. Some police official had also come to the hospital and made inquiries from Pushp Lata. On the same day, Nishikant requested the doctors at ONGC Hospital to provide him ambulance so that he could remove his wife to Safdarjung Hospital for better treatment. He also informed his father-in-law through telegram, who had reached Safdarjung Hospital in the morning of 30.03.1991. However, Pushp Lata died on 31.03.1991. Her last rites were performed on 01.04.1991 at Nigam Bodh Ghat, New Delhi by the accused.

After taking into consideration the entire evidence on record, the learned trial court acquitted accused Nishikant of the charges alleged against him.

The grounds highlighted by the trial court for acquitting the accused are that firstly that it was not a dowry death but deceased had herself committed suicide out of remorse. Second, the testimony of PW2 Lokman Das Agarwal and PW5 Yogesh Agarwal, 10

father and brother of deceased are not reliable. Third, the letters exhibit Kha-3, Kha-6, Kha-7, Kha-9, Kha-10, Kha-12, Kha-13, Kha-14 and Kha-15 had been written by Pushp Lata and these letters indicate that Pushp Lata was very happy with her mother-in-law as she looked after her after the delivery of child and thereafter also. None of these letters proved that any demand of dowry was made by the accused or that Pushp Lata was ever harassed for the demand of dowry. Fourthly, the trial court relied upon the alleged dying declaration exhibit Ka1 made by Pushp Lata before Dr. S.L. Gupta wherein she has stated that she herself has committed suicide out of anger. Learned trial court has then relied upon the testimony of DW 1 Vandana and DW2 Anil Kumar, niece and brother of the accused Nishikant, who have proved that Pushp Lata committed the suicide out of anger and remorse.

I have heard learned counsel for the parties and perused the entire evidence and documents on record.

Learned AGA argued that learned trial court has erred in relying upon the alleged statement made by Pushp Lata in the hospital before Dr. S.L. Gupta. It is submitted that statement was recorded in the presence of Nishikant, who was working with ONGC and therefore, he must be have influenced over the doctor, who was working in the ONGC Hospital. It is further argued that testimony of PW2 Lokman Das Agarwal and PW5 Yogesh Agarwal, father and brother of 11

deceased, has been brushed aside by the learned court below on flimsy grounds. It is argued that from the testimony of PW2 Lokman Das Agarwal, it is well proved that accused and his mother were not satisfied with the dowry given at the time of marriage of Pushp Lata and PW2 Lokman Das Agarwal has categorically stated that just after marriage Nishikant and his mother started harassing his daughter. He also stated that Nishikant had complained on the date of marriage itself that the jewellery given by him is not pure and it contained more copper than gold and the clothes given for his relatives are of inferior quality. According to him, he had given a bank draft of Rs. 30,000/- in the name of father of Nishikant prior to the marriage and he had also given FDR of Rs. 20,000/- in the name of Nishikant and his daughter Pushp Lata. He also stated that Nishikant and his mother made a demand of Rs. 75,000/- for purchasing a plot in Dehradun and when he expressed his inability, his daughter was harassed for non-fulfillment of their demand. She was kept without meals for many days. According to him, his daughter had informed him about her harassment and maltreatment meted out to her through letters. He further stated that Nishikant had given an estimate mentioning therein the estimated expenditure of marriage and the actual expenditure incurred during the marriage. As per this estimate Rs. 75,000/- remained balance out of the estimated amount of expenditure and the said amount was being demanded by the accused from the complainant.

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Learned AGA submitted that similar is the statement of PW5 Yogesh Agarwal. Both of them have referred to the letters written by Pushp Lata exhibit Ka-7 and exhibit Ka-8. In the First Information Report the

complainant has mentioned that one year prior to the incident, Nishikant and his mother had tried to set Pushp Lata on fire. Even on the date of occurrence, Pushp Lata was given beatings, thereafter, she was burnt to death.

Learned AGA further pointed out that learned trial court has failed to appreciate the testimony of trustworthy and reliable PWs and has placed undue reliance on the testimony of DW1 Vandana and DW2 Anil Kumar. Learned AGA further argued that the testimony of PW 3 Dr. Ashok Kumar Sharma has been misread and not been interpreted in proper perspective.

Learned AGA argued that since Pushp Lata received hundred percent burn injuries so it was not possible for Pushp Lata to give statement (exhibit Ka- 1) prior to her death. He further pointed out that even there is no certificate of the doctor that patient was in a fit condition to make statement, therefore, statement exhibit Ka-1 cannot be relied to suggest that Pushp Lata had herself committed the suicide due to anger.

On the other hand, learned counsel for the accused respondent argued that there is not iota of evidence with regard to demand of Rs. 75,000/- having 13

ever made by him. Learned counsel for the respondent pointed out that even PW2 Lokman Das Agarwal has admitted in his cross examination that marriage was settled through advertisement. He also admitted that he has not mentioned in the First Information Report with regard to demand of dowry before marriage. He admitted in the cross examination that he has not made any expenditure from his own account and the marriage was performed from the account of Pushp Lata, which was about rupees two lakhs. However, he failed to disclose any reasonable source of income of Pushp Lata.

Learned counsel further argued that marriage of Nishikant and Pushp Lata took place in the month of April, 1988, however, demand of Rs. 75,000/- and estimate is alleged to have given after 4-5 months of marriage. Learned counsel further pointed out that prosecution has failed to produce the original copy of the estimate and only carbon copy of the alleged estimate has been produced. According to PW2 Lokman Das Agarwal the said estimate was sent by his daughter Pushp Lata whereas PW5 Yogesh Agarwal stated that his sister had given the said estimate to his father in his presence but he could not disclose the year or month in which the said estimate having been given by his sister. Learned counsel argued that there is nothing on record to show that any list with regard to dowry articles had been given or prepared at the time of marriage. Learned counsel further argued that 14

there is no proximate link between the alleged cruelty based on the demand of dowry and death in question. None of the witnesses stated that soon before death any demand was made by accused Nishikant or by his mother or any other family members. Rather it is well proved from the letters written by Pushp Lata, PW2 Lokman Das Agarwal and other letters produced by the defence that Pushp Lata was leading a normal happy life with her husband and in-laws and she never complained about any harassment having been caused to her on account of demand of dowry. He referred to the letter exhibit ka-7 wherein only one stray sentence is mentioned that her husband has decided to perform second marriage. The said letter is dated 28.09.1989 but thereafter several letters in the years 1989 and 1990 have been exchanged between Pushp Lata and her father and other family members wherein there is no mention about the second marriage or any demand having made by the accused or any of his family members. Learned counsel for the respondent vehemently argued that accused Nishikant had always been supportive and encouraged his wife for further studies. She passed B.Ed and M.A. examinations and also appeared in other competitive examinations. She had filled the form for competitive examinations of AAO LIC, IAS and PCS. She had been looked after by her mother-in-law Prakashwati after delivery of her child as well as when she was being operated for fibroids. Learned counsel further argued that deceased Pushp Lata had 15

been selected for the post of Assistant Postmaster and was undergoing training at Saharanpur and during that period her son was with mother of accused Nishikant. She had been visiting her parents as well as Dehradun

during the period of her training. Pushp Lata had written letters in this regard to her father. In case, Pushp Lata was being harassed or treated with cruelty for demand of dowry accused would not have allowed her to work in independent manner and to pursue higher studies or to appear in the competitive examinations. Learned counsel argued that the only circumstance which emerges out from the letters is that Pushp Lata did not like that Vandana, daughter of Nishikant's elder brother, who lived and pursued her studies with them at Dehradun. This has been depicted in various letters of Pushp Lata and her father PW2 Lokman Das Agarwal written to accused Nishikant and his brother. On account of Vandana only, got enraged on the date of occurrence and threw slipper towards her mother-in-law and when Nishikant advised her not to behave in this manner, out of remorse or out of anger, she herself committed suicide. Learned counsel pointed out that in case, Nishikant had set her on fire he would not have removed her to the hospital immediately nor he would have taken her to Safdarjung Hospital for better treatment. Learned counsel for the accused respondent further submitted that even the last rites of Pushp Lata were performed by Nishikant at Nigam Bodh Ghat, Delhi. Learned counsel argued that there is nothing on 16

record to prove that there was any demand of dowry and the trial court has rightly come to the conclusion that Nishikant had no role to play in the unnatural death of his wife Pushp Lata.

On careful consideration of rival submissions and scrutinizing the evidence on record, I endorse the view taken by the learned trial court, as prosecution case mainly rests on the testimony of PW2 Lokman Das Agarwal and his son Yogesh Agarwal (PW5), letters exhibit Ka-7 and exhibit Ka-8, alleged estimate exhibit 1. However, on the careful scrutiny of the testimony of PW2 Lokman Das Agarwal and PW5 Yogesh Agarwal, I find that their testimony is full of contradictions and discrepancies. Their testimony is also not corroborated by any independent witness or documentary evidence. It has been well established from the evidence on record that there was no demand of dowry at the time of marriage or thereafter. Even from the letters exhibit Ka-7 and exhibit Ka-8 it is not at all proved that Pushp Lata had complained to her parents with regard to demand of dowry made by accused Nishikant or his mother. In letter exhibit Ka-7 she simply stated she would like to continue her studies and in case, she has to go through some bad time she would at least able to make her both ends meet. She further stated that she does not have any faith in anyone as he (it appears that she is mentioning about her husband) has decided to perform second marriage. No other letter written after this letter has 17

mention about second marriage or any harassment being meted out to her. Learned counsel referred to letters exhibit Kha-3, Kha-6, Kha-7, Kha-9, Kha-10, Kha-12, Kha-13, Kha-14 and Kha-15. As far as letter exhibit Ka-8 is concerned, as there is no proof with regard to the delivery of this letter to PW2 Lokman Das Agarwal. As per PW2 Lokman Das Agarwal, this letter was sent by his daughter to him through Kedar Nath, Sub Postmaster. However, this fact has neither been disclosed in his statement made under section 161 Cr.P.C. nor in the statement recorded before the Magistrate Mr. B.K. Sehgal. Kedar Nath has not been produced in the witness box, therefore, veracity of this letter is not at all proved. The prosecution has also failed to prove that FDR which was given by the complainant at the time of marriage in the name of Nishikant and his daughter Pushp Lata was encashed by Nishikant or that he had withdrawn the said amount. There is no mention about this fact in any of the letters written by Pushp Lata. Even PW5 Yogesh Agarwal admitted in his statement that before marriage no settlement with regard dowry was made. It is worth mentioning that Pushp Lata passed her B.Ed. and M.A. examination after marriage. She had applied to appear for many competitive examinations. She was selected for the post of Assistant Postmaster and had undertaken training at Saharanpur. After the training she had joined the service in the Postal Department in the month of March, 1991. It appears that accused Nishikant and Pushp Lata had very 18

cordial relations with each other. The only point of conflict appears to be that Pushp Lata did not want Vandana, daughter of elder brother of Nishikant to live with them. On this account only they had some controversy between them.

As per statement of accused, on 28 29 March, 1991 he was having holiday. He had planned to go to Mussorie along with his wife on 29.03.1991. Even Vandana wanted to accompany them. Nishikant agreed to her request, however, when Pushp Lata came to know that Vandana would also accompany them she objected about Vandana accompanying them. At that time, mother of Nishikant requested Pushp Lata to take Vandana along with them, as she is like her own child. On this Pushp Lata threw slipper on the face of her mother-in-law. On this Nishikant advised Pushp Lata not to behave in such a manner in front of children as it would show her in poor light before children. It may be possible that Nishikant had given beating with slipper to his wife, as he must not have liked the way she treated his mother and on this Pushp Lata got infuriated and in a fit of anger she set herself on fire. This fact is further corroborated by the statement of Dr. S.L. Gupta, who stated that Pushp Lata was brought to the casualty unit on 29.03.1991 at 08.20 a.m. as medico legal case. On inquiry stated that she had put herself on fire and thereafter, she ran towards the room of her husband. He further stated that Pushp Lata had made statement (exhibit Ka-1) at 19

08.45 a.m. This statement was written by Kanta Mohan Rawat, Attendant, in his presence and Pushp Lata had put her thumb impression and signature underneath the said statement and the said statement was attested by him. Learned AGA has challenged the statement exhibit Ka-1 on the ground that there is no certificate given by doctor that patient was fit to make statement and as per the statement of PW3 Dr. Ashok Kumar Sharma, Pushp Lata was having hundred percent burn and in such a situation her general condition must be very poor and it was not possible for her to make any statement.

I have gone through the statement (exhibit Ka-1) recorded by Dr. S.L. Gupta and do not find any ground to disbelieve his statement. He is an independent witness. A perusal of his statement reveals that he had no bias either in favour of accused or against the patient or her family members. He categorically stated that he had informed the police immediately after the admission of Pushp Lata. The police had reached the hospital and he had told them that patient had made a dying declaration and in case, police wanted to make any inquiry from her they can do so. He categorically stated that patient was talking while she was admitted. In reply to a question he replied a patient having hundred percent burn injuries can speak for 5-6 hours or 8-9 hours as it depends on the condition of the patient. PW3 Dr. Ashok Kumar Sharma also admitted in cross examination that a 20

patient having hundred percent burn injuries can speak upto 3-4 hours. Thus, in the circumstance referred above, there is nothing to disbelieve the statement of Dr. S.L. Gupta and statement (exhibit Ka- 1) in which Pushp Lata has stated that out of anger she threw slipper towards his mother-in-law Prakashwati which fell on her foot, thereafter, her husband gave 3-4 slippers beatings to her, thus, out of anger she enclosed herself in the room and poured kerosene oil on her and set herself on fire and thereafter she open door and went towards her husband room, however, thereafter, she did not know what happened to her.

The legislature enacted the provision of section 304-B IPC and section 113-B of the Indian Evidence Act, to deal with social evil of dowry, however, sometimes it is seen that these provisions are more pronounced in their misuse and there is general tendency to implicate husband or his relatives after death of the wife takes place. The present case is also one of such cases. There is no convincing evidence against the respondent that he had treated Pushp Lata with cruelty or harassed her for demand of dowry. Rather it has been culled out from the entire evidence on record that Pushp Lata pursued higher studies after marriage and she was also successful in getting her career secured, as she was selected for the post of Assistant Postmaster and had joined the service in the earlier part of March, 1991. All these achievements 21

could not be possible without the support of her husband.

From the above discussion, I am of the view that prosecution could not prove the essential ingredients of section 304B or 498 A as well as 306 IPC. I do not find any ground to interfere with the conclusion arrived at by the trial court acquitting the respondent for the offence punishable under section 304B, 498A and 306 IPC. Thus, there is no merit in the appeal and the same is dismissed.

(Nirmal Yadav, J)

16.07.2010

SKS