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Case Comment: Guman Singh vs State of Gujarat

Gaurav Purohit^a Sachin Purohit^b

^aAmity University, Rajasthan, India ^bJai Narain Vyas University, Rajasthan, India

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BACKGROUND AND FACTS OF THE CASE

In this case, Gumansinh's marriage to Tahera was solemnized on April 27, 1997, and Tahira lived in her couple's house after the marriage. Gumansinh kept telling his wife that he wanted to run a dairy business, so he brought in rupees 25,000 from his father and bought a buffalo. She was unable to meet her husband's request due to her father's poor financial situation. As a result, Gumansinh began beating her wife, and also his mother used to pick up quarrels with her on the pretext that she couldn't cook or do any household work, and she committed suicide by consuming poison on 14th December 1997. Her husband's house was the only reason she couldn't stand the ongoing mental and physical atrocities given to her by her husband and her relatives in just eight months and was consumed in. Tahera's father has filed a complaint with the Padra Police Department for crimes punished under Section 498A and 306 read with Section 114 of the IPC. Upon completion of the investigation, an indictment was filed in Padra's Learned JudicialMagistrate First Class, and then the case was transferred to the Sessions Court. It was handed over to the learned Additional Sessions Judge for negotiations. The applicant was charged, acquitted, and claimed to have been tried.

The Trial Court concludes that the applicant exposed the deceased to physical and mental atrocities, which led Tahira to suicide, and sentenced the applicant to a crime punished under Sections 498A and 306 of the IPC. The Accused was sentenced to rigorous one-year imprisonment and 500 rupees as a fine. Aggrieved by this, the accused filed an appeal in the High Court claiming that he did not file a monetary claim, but Gumansin had only asked for a loan of rupees 25,000 to buy a buffalo to start a dairy business. In addition, Tahira was alleged to have been treated for suffering from a mental illness. Despite having independent witnesses, only his relatives were heard as witnesses, and the prosecution was pointed out as suspicious. In addition, it was alleged that the plaintiff did not attend the inspection of the deceased and sought permission to appeal and overturn the plaintiff's conviction. However, the High Court found that the evidence presented by the prosecution showed that Tahira had suffered psychological and physical atrocities by the applicant because he did not meet the requirement of Rs 25,000 /-. Therefore, the judgment and order of conviction passed by the learned Trial Court got confirmed by the High Court.

ISSUES OF THE CASE

- Whether the Appellants are liable under Section 498 A of Indian Penal Code 1860 along with Section 113-A of The Indian Evidence Act 1872?
- Whether the Appellants are liable under Section 306 of the Indian Penal Code 1860 along with aid of Section 113-A of The Indian Evidence Act 1872?

APPELLANTS ARGUMENTS

The Appellant's lawyer, AkritiChaubey, argued strongly that she could not support the conviction recorded by the Trial Court and confirmed by the High Court. The testimony of important witnesses is so contradictory that Gurman Singh was not required to pay because he only asked for a loan to buy a buffalo for the purpose of opening a dairy business only. She further claimed that the deceased was suffering from a mental illness. She was being treated for. she further argued that only close relatives are heard as witnesses and no independent witnesses were examined. AkritiChaubey attaches great importance to the cross-examination

of Tahira's father and who indicates that Tahira had been treated and dosed prior to marriage. The applicant's lawyer argued that the deceased was being treated for a mental illness and that her mental instability could have led to suicide. Approximately eight months after marriage, the defense did not provide evidence or statement of illness or medication in a statement under Section 313¹, and if she received long-term treatment, the petitioner this argument is invalid because he was able to do so. She further submitted that the prosecution case was suspicious because all witnesses were relatives of the deceased and interested witnesses and the prosecutor had not heard an independent witness prove this case.

RESPONDENTS ARGUMENTS

DeepanwitaPriyanaka, The Counsel who appeared on behalf of the state in this particular case, argued that there is a concurrent finding of both the courts as no interference is warranted. In addition, it has all the prerequisites necessary for conviction under Section 306 IPC as also proved by Section 113A of the Evidence Act, and the appeal deserves to be dismissed. A perusal of the evidence of MustufaChhotubhaiGhori, the father of the deceased might set up that deceased was married to the appellant, 8 months previous to the alleged incident. He said in his testimony that the marriage was going smooth for the first few months, however, after months of the marriage, appellant no. 1 commenced insisting the deceased ask for a sum of Rs.25,000/- from her father to buy buffaloes for milk business, however, he was not able to pay the stated amount as he earns his livelihood through running a tea stall and he was also indebted. He additionally said that in view that he couldn't satisfy the demand of the appellant due to his vulnerable economic position, his deceased daughter was ill-treated and beaten regularly by the appellant. He similarly said that appellant no. 2, the mother-in-law of the deceased additionally commenced quarreling at the pretext that the deceased couldn't make chapatti nicely nor should she do the housework properly and her father not taught her anything. He additionally said that the deceased used to share her trauma along with her mother who used to inform her everything. He similarly said that his son-in-law was very suspicious and he did now no longer allow the deceased to go alone to any place and used to

¹ Indian Penal Code, 1860, s 313

beat her. He additionally said that ultimately appellant no. 2 came to his residence alongside the deceased and demanded Rs.500/- from his wife, as her husband wanted to visit Ajmer. He additionally said that in the night time at approximately 1:30 A.M. his brother came here and informed about the death of the deceased.

JUDGMENT OF THE CASE

The Supreme Court stated that Section 113A of the Evidence Act applies in these following conditions which are as follows:

- The Woman commits suicide.
- Such suicide took place within 7 years of marriage.
- The Accused exposed her to atrocities such as cruelty and harassment (Ramesh Kumar v the State of Chhattisgarh, (2001) 9 SCC 618).

The Bench of Judges stated that if all these 3 elements are met then the presumption can be drawn against the accused and if the accused is unable to rebut the presumption with any evidence on his or her part, then he or she can be convicted. The prosecution took action against the accused by filing the case, and his wife was unable to withstand the constant mental and physical abuse he and his relatives experienced, so the wife poisoned herself and committed suicide at her matrimonial home. This all happened within 8 months. The accused was found guilty by the court under Section 498A of the Indian Penal Code which deals with cruelty and also under Section 306 of the Indian Penal Code which deals with Abetment to Suicide. The High Court of Gujarat upheld this particular conviction. The Accused alleged in the Supreme Court that the case was suspicious because all witnesses were relatives and interested witnesses, and the prosecution had not examined any independent witness to substantiate the case. In this regard, a bench of Judges S. Abdul Nazeer and Krishna Murari stated that the evidentiary value of close relatives or the interested witnesses cannot be dismissed on the basis of being a relative of the deceased person. The Court observed that "In the most number of cases, crimes that expose married women to atrocities and cruelty are committed within the boundaries of home, reducing the likelihood of providing independent

witnesses in their own right. Even if there are independent witnesses. Whether he or she wants to be in such a big issue because neither an independent person nor an independent person usually wants to be a witness for some reason. There is nothing unnatural for the victim of domestic cruelty to share her trauma with her close relatives. The value of the evidence of close relatives or those who are interested witnesses is not liable to be dismissed on the basis of being a relative of the deceased person. The law of Evidence does not preclude any relatives from being produced as witnesses, but they can be interested witnesses in the case.

The Court also observed that the court must value the testimony of an interested witness and they should be asked questions with interested witnesses should ask questions with the utmost care and attention. "The court is obliged to determine for itself whether the testimony of such witnesses shows any weaknesses. Whether the evidence is credible, trustworthy, and inspires the confidence of the court. Another important aspect to consider when analyzing the evidence of interested witnesses is whether such evidence can lead to crimes. If, after careful court review, the evidence of witnesses/relatives of interest is consistent and reliable, and there are no weaknesses or any embellishment that inspire the court's confidence, there is no reason for the court not to rely on such evidence. "The court used the meaning of Section 4 of the Indian Evidence Act which states the definition of shall presume and held "The above definition of the word" Shall presume "is considered by law to have been proved by the court unless the facts are refuted and until it is disproved." In this case, all three conditions were met. The deceased committed suicide within seven years of her marriage, and the accused exposed her to Cruelty. This is because it was confirmed that the allegations of cruelty in Section 498 IPC were successfully established. The Court has determined that the existence and availability of the above three situations should not be used as in the formula for establishing the presumption and that the presumption is undoubtedly correct. However, in this case, the charges of cruelty and harassment of the deceased were clearly proven, providing a basis for presumption. The Appellants did not provide any sort of evidence to rebut the presumption of the court of law. The Supreme Court found that neither the Court of First Instance nor the High Court committed any illegality in holding that the appellant abetted the deceased to commit suicide. Therefore, the Appeal was dismissed.

LEGAL PRINCIPLES INVOLVED IN THE CASE

SECTION 113 A OF INDIAN EVIDENCE ACT 1872²

Presumption of abetment of suicide by a married woman The question was whether the woman's suicide was abetted by her husband or by her husband's relatives, proving that she committed suicide within the period of 7 years from her marriage and her husband or her husband's relatives exposed her to cruelty, the court observed that such suicide by the wife had been abetted by her husband or the relatives of the husband.

SECTION 498 A OF THE INDIAN PENAL CODE³

Anyone who subjects women to cruelty as a husband or relative of the husband will be punished by imprisonment which may extend and fine.

(a) Any intentional or willful conduct, which can induce suicide or can cause serious injury or danger to a woman's life or health (whether mentally or physically). Or

(b) Harassment of women. If the harassment was made with the objective or goal of forcing the woman or any person related to her to make an unlawful demand for property or valuable security.

SECTION 107 OF INDIAN PENAL CODE 1860⁴

Abetment of any particular Thing –A person abets the doing of a thing

First - If he or she instigate others to do that particular thing.

Second - Participate or engage in a conspiracy with one or more other people for doing a thing.

Third - Intentionally by any act or illegal omission to help for doing of a particular thing.

² Indian Evidence Act, 1872, s 113A

³ Indian Penal Code, 1860, s 498A

⁴ Indian Penal Code, 1860, s 107

SECTION 306 OF INDIAN PENAL CODE 1860⁵

Abetment to Suicide. -If a person commits suicide, anyone who abets such suicide will be sentenced to imprisonment, up to 10 years in prison, and a fine. "

SECTION 4 OF THE INDIAN EVIDENCE ACT 1872⁶

Shall presume The fact is presumed by the court to have been proved by the law unless the facts are refuted and until it is disproved

CONCLUSION

This case is one of the Landmark Case of the Indian Evidence Act and also enhances the structure of the Legal System of the Country as this case put forward the important issue of cruelty on Wife by Husband and relatives of the husband and both the Mother in Law and the Husband was held guilty under Section 306 of the Indian Penal Code 1860 along with the help of Section 113- A of Indian Evidence Act 1872 and the Appeals were dismissed by the Apex Court of the Country. The Crime against married women is widespread in our country. The Indian legal system sought to address this concern for married women by incorporating several criminal sections that punish those responsible for such crimes. In a patriarchal society, there are already many ways to buttress women. There should be Effective legislation to protect women from crimes which must be enforced by strengthening the conscience of society in which women should be looked at par with men. Society should learn to accept women as an Asset and should respect them. In addition, the enforcement of the law must be strict. As the times change, women need to stand up for themselves and put the perpetrators under legal scrutiny. That way, they can pave the way for a safe future for the next generation.

⁵ Indian Penal Code, 1860, s 306

⁶ Indian Evidence Act, 1872, s 4