

*Honour killings, for whatever reason, come within the category of rarest of rare cases deserving death punishment.*

## **[Case Brief] Bhagwan Dass V/s State (NCT) of Delhi**

**Case name:** Bhagwan Dass V/s State (NCT) of Delhi

**Case number:** Criminal Appeal No. 1117 Of 2011 @ Special Leave Petition (Crl.) No.1208 Of 2011

**Court:** Supreme Court of India

**Bench:** Markandey Katju, J.  
Gyan Sudha Misra, J.

**Decided on:** May 09, 2011

**Relevant Act/Sections:** IPC, Evidence act

### ➤ **BRIEF FACTS AND PROCEDURAL HISTORY:**

1. This is yet another case of gruesome honor killing, this time by the accused-appellant of his own daughter.
2. The prosecution case is that the appellant was very annoyed with his daughter, who had left her husband Raju and was living in an incestuous relationship with her uncle, Srinivas.
3. This infuriated the appellant as he thought this conduct of his daughter Seema had dishonoured his family, and hence he strangled her with an electric wire. The trial court convicted the appellant and this judgment was upheld by the High Court.
4. Hence this appeal.

### ➤ **ISSUE BEFORE THE COURT:**

1. Whether the conviction of accused based on merit?

➤ **RATIO OF THE COURT**

1. The court observed that in this case, we are satisfied that the prosecution has been able to prove its case beyond reasonable doubt by establishing all the links in the chain of circumstances. In cases of circumstantial evidence motive is very important, unlike cases of direct evidence where it is not so important vide **Wakkar and Anr. vs. State of Uttar Pradesh (2011) 3 SCC 306 (para 14)**.
2. The court held that the statement of Smt. Dhillo Devi to the police can be taken into consideration in view of the proviso to Section 162(1) Cr.PC, and her subsequent denial in court is not believable because she obviously had afterthoughts and wanted to save her son (the accused) from punishment.
3. According to the bench, the statement of the accused to his mother Smt. Dhillo Devi is an extra judicial confession. In a very recent case this Court in **Kulvinder Singh & Anr. vs. State of Haryana Criminal Appeal No.916 of 2005** decided on 11.4.2011 referred to the earlier decision of this Court in **State of Rajasthan vs. Raja Ram (2003) 8 SCC 180**, where it was held:

*“An extra-judicial confession, if voluntary and true and made in a fit state of mind, can be relied upon by the court. The confession will have to be proved like any other fact.”*
4. No doubt Smt. Dhillo Devi was declared hostile by the prosecution as she resiled from her earlier statement to the police. However, as observed in *State vs. Ram Prasad Mishra & Anr.*:

*“The evidence of a hostile witness would not be totally rejected if spoken in favour of the prosecution or the accused, but can be subjected to close scrutiny and the portion of the evidence which is consistent with the case of the prosecution or defence may be accepted.”*
5. The court was of the opinion that this was a clear case of murder and the entire circumstances point to the guilt of the accused.
6. The judges laid down that honour killings, for whatever reason, come within the category of rarest of rare cases deserving death punishment. It is time to stamp out these barbaric, feudal practices which are a slur on our nation. This is necessary as a deterrent for such outrageous, uncivilized behaviour. All persons who are planning to perpetrate ‘honour’ killings should know that the gallows await them

➤ **DECISION HELD BY COURT:**

1. The found no force in this appeal
2. It was dismissed.