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Section 2(xvii)
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This appeal is
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of all the charges levelled against them.
Earlier, the appellants had been convicted by
the trial court under Sections 498A and 304B
IPC and sentenced to undergo rigorous
imprisonment for two years under Section
498A and 7 years under Section 304B IPC.
However, the appellants in Criminal Appeal
No. 221/1994 who are respondent 3 and 4
before us were released on probation under
Section 4 of the Probation of Offenders
Act. As earlier noticed, the High Court by
its impugned judgment and order has
acquitted all of them of the charges levelled
against them.

3. We have heard counsel for the parties
and we have also perused the records placed
before us. We find ourselves in agreement
with the High Court that so far as the
allegations relating to the offence under
Section 498A is concerned, the prosecution

has not been able to establish its case against
the respondents. The High Court has
considered the evidence on record and has
no reason to interfere with the finding of fact
recorded by the High Court. So far as the
offence under Section 304B is concerned,
there is no evidence to suggest that soon
before the occurrence the deceased was
subjected to torture and harassment. In the
absence of any such evidence, conviction
under Section 304B cannot be sustained. Even
the medical evidence on record is rather
ambiguous.

4. We are, therefore, of the considered
opinion that the High Court has recorded the
order of acquittal based on the evidence on
record and on proper appreciation of such
evidence. We, therefore, find no merit in the
appeals and the same are accordingly
dismissed.

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Appellant

Respondents

OF OFFENDERS
convicted by the
undergo rigorous
der Section 304B
on — High Court
and acquitted the
the appeals He'd,
the evidence on

19 and 221 of 1994
907. The High Court
and order allowed
the respondents

2005(2) SCALE
S. PUSHPA AND OTHERS

VS

SIVACHANMUGAVELU AND OTHERS

CORAM: R.C. LAHOTI, C.J., K.G. BALAKRISHNAN AND G.P. MATHUR, JJ.
SERVICES — RESERVATIONS — CONSTITUTION — ARTICLE 239, 239A, 241 & 341
— GOVERNMENT OF UNION TERRITORIES ACT, 1963 — SECTION 50 —
CONSTITUTION (PONDICHERRY), SCHEDULED CASTES ORDER, 1964 — GENERAL
CLAUSES ACT, 1897 — SECTION 3(8) — PONDICHERRY (ADMINISTRATION) ACT,
1962 — SECTION 3 — Selection made of migrant Scheduled Caste candidates against
the quota reserved for Scheduled Castes on post of Selection Grade Teachers in
Union Territory of Pondicherry — Validity — Advertisement issued for recruitment
of 350 General Central Service Group 'C' posts of Secondary Grade Teachers —
56 posts were reserved for Scheduled Caste candidates — Employment exchange
sponsored some names of SC candidates from neighbouring employment exchanges
as sufficient number of SC candidates were not available in Union Territory of
Pondicherry — After holding interview a final selection list was prepared — Out of
55 finally selected SC candidates, 29 candidates had produced community certificates

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Appellants

Respondent