

HRBH010015252021



SC-108-2021

State Vs Nishu and another

Argued by: Dr. Atam Prakash, Public Prosecutor for the State assisted by Sh. R. K. Gugnani, Advocate for complainant.
Sh. Vijay Ranga, Advocate for accused Nishu and Santosh.

ORDER ON QUANTUM OF SENTENCE:

This order shall form part of the judgment dated 07.08.2026 passed in this case vide which convicts Nishu and Santosh have been held guilty and convicted for commission of offences under Section 304B and 498A of IPC read with Section 34 of IPC.

2. I have heard learned Public Prosecutor for the State assisted by learned counsel for the complainant and learned defence counsel on the question of sentence.

3. Convict Nishu has made statement that his father has died. He is suffering from diabetes disease. His Bua 70 years of age remains alone at home who remains unwell. His mother has also been convicted in this case. There is no other to look after his Bua. Prayer for taking lenient view in awarding the sentence has thus been made.

4. Convict Santosh has made statement that her husband has died. She is aged woman suffering from diabetes disease and knee pain. Her son has also been convicted in this case. There is no other person to

look after her sister-in-law aged 70 years. Prayer for taking lenient view in awarding the sentence has thus been made.

5. Learned counsel for convicts has also argued to take a lenient view in awarding the sentence upon convicts looking upon the facts and circumstances narrated by them through their statements.

6. On the other hand, learned Public Prosecutor for the State assisted by learned counsel for the complainant contended that convicts Nishu and Santosh tortured deceased Anju on account of dowry demands for which reason she has committed suicide by hanging with ceiling fan. Therefore, convicts do not deserve any leniency and maximum punishment be awarded to them.

7. Law does not allow any person to take law in their own hands to wreak out vengeance. Leniency in such kind of offences to convict would only result in unbearable trauma and impact on the minds of victims. The convict in such circumstances merely for the reason of his poverty or responsibility of his family does not deserve a lenient view as such like crime needs to be dealt with iron hand so as to be a deterrent.

8. It was held by the Hon'ble Apex Court in the case of **State of M. P. versus Salim @ Chamasu & another RCR (Criminal) 2005(3) SC 749** that undue sympathy to impose inadequate sentence would do more harm to the justice delivery system to undermine the public confidence in the efficiency of law and society could not endure under such serious threats. It is, therefore, the duty of every Court to award proper sentence

having regard to the nature of the offence and the manner in which it was executed or committed.

9. Object should be to protect the society to deter the criminal in achieving the avowed object of law by imposing appropriate sentence. It is expected that the Courts would operate the sentencing system so as to impose such sentence which reflects the conscience of the society and the sentencing process has to be stern where it should be.

10. No formula of a foolproof nature is possible that would provide a reasonable criterion and determining a just and appropriate punishment in the infinite variety of circumstances that may affect the gravity of the crime.

11. Keeping in view the above facts, considering all the circumstances and to meet the ends of justice, convicts Nishu and Santosh are ordered to undergo sentence as under :

Under Section	Sentence
304B IPC r/w Section 34 IPC	Rigorous imprisonment for Ten Years and to pay a fine of Rs.20,000/- each . In default of payment of fine, or a part thereof further rigorous imprisonment for a period of six months (6 months) .
498A IPC r/w Section 34 IPC	Rigorous imprisonment for Three Years (3 years) and to pay a fine of Rs.10,000/- each . In default of payment of fine, or a part thereof further rigorous imprisonment for a period of three months (3 months) .

12. **Fine not paid. Both sentences shall run concurrently.**

13. The period already spent by the convicts in custody in this case shall be set off against the sentences awarded today.

14. All the exhibits of the case along with case property be kept intact till the expiry of the period of limitation for filing of appeal or revision or as per decision in appeal/revision. Copy of the judgment be supplied to convicts free of costs. Warrants of sentence of the convicts be prepared accordingly. Ordered accordingly. File be consigned to record room after due compliance.

Announced in open court.

Dated: 13.08.2026

(Bhushan Maitray St.-I)

Suruchi Atreja Singh
Additional Sessions Judge
Bhiwani. UID No.HR0191

Note : All the **four** pages of this order have been checked
and signed by me.

Suruchi Atreja Singh
ASJ, Bhiwani/13.08.2026