

Meena Vs. State of H.P.

Cr.Appeal No. 139 of 2024

17.9.2025

Present: Ms.Heena Chauhan, Advocate, for the appellant.

Mr.I.N. Mehta, Senior Additional Advocate General
for the respondent-State.

Cr.M.P. No. 2233 of 2025

This application has been filed for suspension of sentence of the applicant/appellant, who has been convicted under Section 304 Part-II of the Indian Penal Code and sentenced to undergo rigorous imprisonment for a period of 10 years and to pay a fine of ₹10,000/- and in default of payment of fine to further undergo imprisonment for a term of three years in Session Trial No. 2-S/7 of 2020, FIR No. 189/2019, dated 2.10.2019, registered in Police Station, Dhalli, Shimla, H.P.

It has been submitted on behalf of the applicant/appellant that maximum sentence prescribed under Section 304 Part-II IPC is 10 years and the applicant/appellant is under detention for about 6 years and as such she has served half of the maximum prescribed sentence and further that there is no possibility of final hearing of the appeal as it pertains to the year 2024 and Roster for hearing Jail Appeals is uptill 2022.

It has been submitted that applicant/appellant is first time offender and there is no other previous criminal history of

the applicant/appellant and she is a lady and having one child and also, as evident from the findings returned by the Trial Court, in case, prosecution story is admitted to be true and correct for argument sake even then it was not a case of murder, but was a case of culpable homicide, not amounting to murder and, therefore, keeping in view the aforesaid facts and circumstances and especially Section 479 of the Bharatiya Nagarik Suraksha Sanhita, sentence of applicant/appellant deserves to be suspended.

Learned counsel for the applicant/appellant has submitted that applicant/appellant is also ready to furnish local surety for ensuring her availability as and when required.

Though prayer of the applicant/appellant has been opposed by respondent-State, however, aforesaid facts and circumstances and provision of law have not been disputed on behalf of State.

Learned counsel for the applicant/appellant has submitted that parents of the applicant/appellant are also settled in Himachal Pradesh and, therefore, there is no possibility of absconding of the applicant/appellant, in case sentence imposed upon her is suspended.

By taking into consideration entire facts and circumstances and submissions made by learned counsel for the parties, we are of the opinion that sentence deserves to be suspended. Accordingly, sentence awarded to the applicant-

appellant is suspended during pendency of the appeal, subject to deposit of the fine amount, if not already deposited, in the Trial Court on or before 16.10.2025 and also subject to appellant's furnishing personal bond in the sum of ₹1,00,000/- (rupees one lac only) with local surety, as undertaken, of the like amount to the satisfaction of the trial Court on or before 16.10.2025, undertaking therein to appear before this Court as and when directed and to surrender to serve out the sentence imposed in case his appeal is ultimately dismissed.

Bail bonds so furnished by the applicant-appellant shall be transmitted by the trial Court to the Registry of this Court for placing the same on record.

Alteration/vacation/modification on motion.

Application stands disposed of.

Applicant-appellant is permitted to produce a copy of this order, downloaded from the web-page of the High Court of Himachal Pradesh, before the trial Court/Special Judge, and the said Court shall not insist for production of a certified copy but if required, may verify it from Website of the High Court.

**(Vivek Singh Thakur),
Judge.**

**(Sushil Kukreja),
Judge.**

17th September, 2025
(Keshav)