

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Criminal Appeal No. 268/1996

1. Sobha Lal S/o Bhura Lal, R/o Bei, P.S. Shakkargarh, District Bhilwara

2. Kailash S/o Sobha Lal, R/o Bei, P.S. Shakkargarh, District Bhilwara
[Lodged in District Jail, Bhilwara]
- Appellant
- Versus
- The State of Rajasthan.
- Respondent

For Appellant(s)

:

Mr. Deepesh Birla

For Respondent(s)

:

Mr. Deepak Choudhary, GA cum AAG
with Mr. Kuldeep Singh Kumpawat

HON'BLE MR. JUSTICE MANOJ KUMAR GARG
Judgment

16/07/2025

Learned AAG has submitted a report dated 10.07.2025 informing this Court that the appellant No.2 – Kailash has expired on 24.09.2017. The death certificate annexed with the report is hereby taken on record.

In view of the above, the present criminal appeal stands dismissed as abated qua the appellant No.2.

The present criminal appeal has been filed by the appellant challenging the judgment dated 17.04.1996 passed by learned Additional Sessions Judge, Bhilwara (hereinafter referred to as 'the trial court') in Sessions Case No.75/1993 by which the trial court convicted and sentenced the appellant as under :

Offence	Sentence	Fine	Sentence in default of fine
Section 498-A IPC	3 Year's R.I.	Rs.1,000/-	3 month's R.I.
Section 306 IPC	5 Years' R.I.	Rs.2,000/-	6 months' R.I.

Both the sentences were ordered to run concurrently and the period spent in judicial custody shall be adjusted in the original imprisonment.

Brief facts of the case are that on 14.04.1993, Kaushalya (deceased) gave a Parcha Bayan before SHO, Shakkargarh, inter-alia alleging therein that on 13.04.1993, when she returned from her parents' home, she was beaten with a stick by her in-laws and being upset by such treatment on regular basis, she attempted self-immolation. Later, on 15.04.1993, Kaushalya (deceased) succumbed to burn injuries.

On this Parcha Bayan, Police registered an FIR and started investigation. On completion of investigation, challan was filed against the appellant. Thereafter, charges were framed by the learned trial court against the appellant for offences under Sections 306 & 498-A of IPC, who pleaded not guilty and claimed trial.

During the course of trial, the prosecution examined as many as 27 witnesses in support of its case and exhibited various documents. Thereafter, statement of the accused-appellant under section 313 Cr.P.C was recorded. In defence, one witness was examined.

Upon conclusion of the trial, the learned trial court vide impugned judgment dated 17.04.1996 convicted and sentenced the accused-appellant for aforesaid offences.

At the threshold, learned counsel for the accused-appellant does not challenge the finding of conviction but it is submitted that the occurrence relates back to year 1993 and the appellant

has so far suffered about three years of sentence, out of total sentence of five years' R.I. In such circumstances, it is prayed that the sentence awarded to the accused-appellant for the offences under Sections 498-A and 306 IPC may be reduced to the period already undergone by them.

On the other hand, the learned AAG opposed the submissions made by the learned counsel for the accused-appellant. The learned AAG submitted that there is neither any occasion to interfere with the sentence awarded to the accused appellant nor any compassion or sympathy is called for in the said case.

I have perused the evidence of the prosecution as well as defence and the judgment passed by the trial Court regarding conviction of the accused-appellant.

It is not disputed that the occurrence has taken place in the year 1993 and the accused-appellant has suffered about three years of sentence, out of total sentence of five years' R.I. and so also suffered the agony and trauma of protracted trial. Thus, looking to the over-all circumstances and the fact that the accused-appellant has remained behind the bars for considerable time, it will be just and proper if the sentence awarded by the trial court for offences under Sections 498A & 306 IPC is reduced to the period already undergone by them.

Accordingly, the criminal appeal is partly allowed. While maintaining the appellant's conviction for offences under Sections 498A & 306 IPC, the sentence awarded to him for aforesaid offences is hereby reduced to the period already undergone. The

fine amount imposed by the trial Court is hereby maintained. The amount of fine imposed by the trial court, if not already deposited by the petitioner, then two months' time is granted to deposit the fine amount before the trial Court. In default of payment of fine, the petitioner shall undergo one month S.I. The appellant is on bail. He need not to surrender. His bail bonds stand discharged.

Pending application(s), if any, stands disposed.

The record of the trial Court be sent back forthwith.

(MANOJ KUMAR GARG),J