

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

CRIMINAL APPEAL NO(s). 41 OF 2008

MALATI SASMAL & ORS. Appellant (s)

VERSUS

STATE OF WEST BENGAL Respondent(s)  
(With appln(s) for bail)

Date: 13/08/2013 This Appeal was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MRS. JUSTICE RANJANA PRAKASH DESAI  
HON'BLE MR. JUSTICE RANJAN GOGOI

For Appellant(s) Mr. Somnath Mukherjee, Adv.

For Respondent(s) Mr. Anip Sachthey, Adv.  
Mr. Avijit Bhattacharjee, Adv.

UPON hearing counsel the Court made the following  
O R D E R

The appeal is dismissed in terms of the signed order.

In view of the dismissal of the appeal, the bail bonds shall stand cancelled and the appellants/accused are directed to surrender within four weeks from today failing which Trial Court has to take appropriate steps.

[Madhu Bala] [Savita Sainani]  
Sr.PA Court Master  
(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 41 OF 2008

MALATI SASMAL & ORS. ... APPELLANT (S)

VERSUS

STATE OF WEST BENGAL ... RESPONDENT(S)

O R D E R

A-1, A-2 and A-3 are the appellants in the above appeal.

All of them were charged under Section 498A/304B/306 of the I.P.C. The Trial Court has acquitted all of them insofar charge under Section 306 IPC is concerned. A-1 and A-3 were convicted under Sections 498A and 304B of the IPC and sentenced to suffer rigorous imprisonment of seven years and A-2 was sentenced to ten years rigorous imprisonment. The said conviction and sentence were confirmed by the High Court.

We have heard learned counsel for the appellants as well as the respondent-State.

We were taken though the evidence of prosecution witnesses, particularly PW-4, the father of the victim, PW-5 the mother of the victim, PW-9, brother of the victim and PW-11 Doctor who conducted post-mortem. In addition to the same, we also considered the reasonings of the Trial Court as well as the High court.

On going through the complaint, the evidence of parents, i.e. PW-4 and PW-5, as well as brother PW-9, we agree with the conclusion arrived by the Trial Court and affirmed by the High Court. In addition to the same, it is proved by the prosecution that the incident occurred within a period of seven

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years of the marriage at matrimonial home of the deceased. Taking note of above acceptable oral and documentary evidence, we do not find any valid ground for interference. Accordingly, the appeal is dismissed.

In view of the dismissal of the appeal, the bail bonds shall stand cancelled and the appellants/accused are directed to surrender within four weeks from today failing which Trial Court has to take appropriate steps.

.....CJI.  
[P. SATHASIVAM]

.....J.  
[RANJANA PRAKASH DESAI]

NEW DELHI  
13TH AUGUST, 2013

.....J.  
[RANJAN GOGOI]