

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).5205/2008

(From the judgement and order dated 21/02/2008 in Crl.A No.1878/2002
of The HIGH COURT OF KARNATAKA AT BANGALORE)

GOURI BAI Petitioner(s)

VERSUS

STATE OF KARNATAKA Respondent(s)

[With appln(s) for bail and office report][For final disposal]

Date: 09/02/2009 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.B. SINHA
HON'BLE DR. JUSTICE MUKUNDAKAM SHARMA

For Petitioner(s) Mr. Basava Prabhu S. Patil, Sr. Adv.
Mr. B. Subrahmanya Prasad, Adv. for
Mr. V.N. Raghupathy, Adv.

For Respondent(s) Ms. Anitha Shenoy, Adv.

UPON hearing counsel the Court made the following
ORDER

Leave granted.
The appeal is allowed to the extent indicated in the signed order.

(Subhash Chander)
A.R.-cum-P.S.

(Pushap Lata Bhardwaj)
Court Master

[Signed order is placed on the file]
IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.263 OF 2009
[Arising out of S.L.P.(Crl.)No.5205 of 2008]

Gouri BaiAppellant

Versus

State of KarnatakaRespondent

ORDER

Leave granted.

Appellant along with her husband and son (husband of the
deceased Kavita) had indisputably been proceeded against for commission

of offences punishable under Section 498-A, 302, 304-B, 201 IPC r/w Section 34, IPC and Sections 3, 4 and 6 of the Dowry Prohibition Act.

Appellant being Accused No.3 and her husband being Accused No.2 were convicted only for the offence punishable under Section 498-A by the Addl. Sessions Judge. All the accused were acquitted in respect of the offences punishable under Section 3, 4 and 6 of the Dowry Prohibition Act. Accused no.1, the son of accused nos.2 and 3, was convicted for the offences punishable under Sections 498-A and 304-B, IPC and was sentenced to undergo R.I. for three years for the offence punishable under Section 498-A, IPC and R.I. for eight years for offence punishable under Section 304-B, IPC.

Appeals were filed before the High Court challenging the judgment of the trial Court. The husband of the appellant died during the pendency of the appeals before the High Court.

The High Court set aside the conviction of accused no.1 for the offence punishable under Section 304-B. Insofar as his Crl.A.No.263/09 @ SLP(Crl.)No.5205/08 (contd.)

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conviction for the offence punishable under Section 498-A is concerned, since he had already undergone the maximum period of sentence awarded by the trial court, his bail bonds were discharged. The conviction of accused nos.1 and 3 for the offence punishable under Section 498-A was, however, sustained.

Thus, accused no.3 is before us.

Mr. Patil, the learned counsel appearing on behalf of the appellant placed before us the evidences of the concerned witnesses as also the judgments of the courts below. He, however, submitted that the appellant is now 70 years old and has remained in custody for a period of about 63 days.

Having regard to the fact that her husband has died, the accused no.1, viz., the husband of the deceased has already served out the sentence and the appellant has remained in custody for about 63 days, we are of the opinion that in the peculiar facts and circumstances of this case and particularly in view of the fact that she has been acquitted of the charges both under Section 304-B, IPC as also Sections 3, 4 and 6 of the Dowry Prohibition Act, interest of justice would be subserved if the sentence

imposed on her is reduced to the one already undergone.

Ordered accordingly.

The appeal is allowed to the extent indicated above.

Sd/-

.....J.
[S.B. SINHA]

Sd/-

.....J.
[DR. MUKUNDAKAM SHARMA]

New Delhi.
February 09, 2009.