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ITEM NO.105

COURT NO.8

SECTION IIB

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

I N D I A

CRIMINAL APPEAL NO. 140/2011

STATE OF HARYANA

APPELLANT(S)

VERSUS

SADIK
(WITH APPLN. (S) FOR C/DELAY IN FILING SLP)

RESPONDENT(S)

Date : 19/11/2015 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI
HON'BLE MR. JUSTICE N.V. RAMANA

For Appellant(s)

Ms. Naresh Bakshi, Adv.[N/P]

For Respondent(s)

Mr. Vivek Vishnoi, Adv.
Mr. M. R. Shamshad, Adv.
Mr. Shashank Singh, Adv.
Ms. Parul Shukla, Adv.

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

Delay condoned.

The appeal is dismissed in terms of the s
igned
order.

[VINOD LAKHINA]
COURT MASTER

[ASHA SONI]
COURT MASTER

[SIGNED ORDER IS PLACED ON THE FILE]

Signature Not Verified

Digitally signed by
Vinod Lakhina
Date: 2015.11.20
17:04:31 IST
Reason:

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IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 140/2011

STATE OF HARYANA

...APPELLANT

VERSUS

SADIK

...RESPONDENT

ORDER

1. None has appeared on behalf of the appellant - State. Yet, we have considered the matter on merits.

2. Delay condoned.

3. The appeal seeks to challenge an order of the High Court by which the conviction of the respondent accused under section 304-B IPC and consequential sentence of ten years has been set aside and instead the respondent accused has been convicted under Section 306 IPC and sentenced for the period undergone (i.e. 5 years 11 months approximately).

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4. The view taken by the High Court including the findings recorded with regard to the absence of any demand for dowry appears to be based on a consideration of the evidence of P.W.1-Balbir and P.W.2-Shanti (brother and mother of the deceased). The decision of the High Court that the present case would call for invoking the provisions of Section 306 IPC is based on a decision rendered in Nachhatar Singh and others Vs. State of Punjab [2004 (4) RCR (Criminal) 580]. In any event, the accused respondent has not challenged his conviction as ordered by the High Court.

5. On a consideration of the matter,
we hold that the High Court was fully
justified in passing the impugned order.

The materials/evidence on record has been

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duly considered and the culpability of the
accused correctly determined. There is,
therefore, no reason to interfere with the
order of the High Court. Accordingly, we
dismiss the appeal filed by the State of
Haryana.

.....,J.
(RANJAN GOGOI)

.....,J.
(N.V. RAMANA)

NEW DELHI
NOVEMBER 19, 2015