

## IN THE SUPREME COURT OF INDIA

## CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(s). 382-384 OF 2008

RAMVIR SINGH &amp; ORS.

Appellant (s)

VERSUS

STATE OF U.P.

Respondent(s)

## O R D E R

It is stated by learned counsel for the appellant that Ramwati, the appellant in Criminal Appeal No.384/2008 has died and therefore her appeal stands abated. Accordingly, Criminal Appeal No.384/2008 is dismissed as having been abated.

Criminal Appeal No.382-383/2008

Husband and father-in-law are the appellants in these appeals. The challenge in these appeals is to the order of the division Bench of the High Court of Allahabad dated 16/3/2007 passed in Criminal appeal No.2460/2005 and 2461/2006 by which while affirming the life sentence imposed on the appellant-Ramvir Singh in Crl.A.No.382/2008 and the sentence imposed on the appellant-Mahendra Pal Singh in Crl.A.No.383/2008 was reduced from life imprisonment to 7 years R.I. The appellant in Crl.A.No.382/2008 is undergoing the sentence for the past 10 years. Learned counsel for the appellant states that the appellant in Crl.A.No.383/2008 has served about 1 = years and he was enlarged on bail by the orders of this Court dated 25.2.2008.

The appellants were proceeded alongwith three other accused. While the appellant in Crl.No.382/2008 is the husband of the deceased, the appellant in Crl.A.No.383/2008 is the father-in-law of the deceased. The mother-in-law of the deceased was the appellant in Crl.A.No.384/2008 who reported to be died and her appeal abated on that score. Other two accused were the brother-in-law and sister-in-law of the deceased who were acquitted by the High Court.

The genesis of the case was that deceased Reena Devi was married to the appellant-Ramvir Singh in Crl.A.No.382/2008 on 28.4.2003 and hardly within 23 days, that is, on 20/21.5.2003, the deceased was found dead in the premises of the appellant-Ramvir Singh in mysterious circumstances; that as many as 10 injuries were found on her body as disclosed by the post mortem report and the evidence of Dr. P.P. Srivastava, who conducted the post mortem on 22.5.2003. The appellants were tried for the offence under Section 304-B read with 498A of the Indian Penal Code as well as section 4 of Dowry Prohibition Act. The trial court having convicted the appellants for the aforesaid offence, the High Court confirmed the sentence of life imposed on the appellant in Crl.A.No.382/2008 as well as the fine and reduced the punishment on the appellant in Crl.A.No.383/2008 from life imprisonment to 7 years rigorous punishment.

We have heard Mr. Shakil Ahmed Syed, learned counsel appearing for the appellants. State's counsel was not present when these appeals were taken. We also perused the judgment of the High court as well as of the trial Court. Having gone through the judgment of the trial Court and the other material papers placed before us we find that both the trial Court as well as the High court has examined the evidence and reached the conclusion that the offences under Section 304B and 498A IPC was made out. The post mortem report of the doctor and the injuries noted in the report were sufficient to show that the death of the deceased was under mysterious circumstances. Since the death occurred hardly within 23 days of the marriage of the deceased, it was for the appellant to satisfactorily explain how the offences alleged against them was not made out. Unfortunately, the appellants were not able to demonstrate the same. On the other hand, the witnesses of the prosecution and the evidence placed in support thereof conclusively established the offence alleged under Section 304B and 498A,IPC. The High Court in its illuminating judgment has considered the evidence in detail and found that the harassment as well as the cruelty meted out on the deceased was such that the appellants were solely responsible for the death of the deceased. The feeble plea of the appellant that somebody entered into the house for looting and in that process the deceased was murdered was supported by any scrap of evidence. In the circumstances, the said plea of the appellant was rightly rejected by the High Court as well as the trial Court. We are convinced with the conclusion of the trial Court as well as the High Court that every ingredient of Section 304-B and 498-A was made out in order to punish the appellants for the offences alleged against them.

Learned counsel for the appellant in Cr1.A.No.383/2008 argued before us that the said appellant being more than 88 years old, some sympathy should be shown in his favour in the matter of sentence. Having referred to the categorical evidence placed before the court and the conclusion reached by the courts below as against the said appellant and inasmuch as the High Court itself has taken into consideration that very factor for reducing the sentence from life imprisonment to 7 years, we do not find any further indulgence to the shown on that score. We, therefore, do not find any merit in the appeals (Criminal Appeal No.382 and 383/2009). The appeals fail and the same are dismissed. The appellant in Cr1.A.No.383/2008 is directed to surrender forthwith and serve out the remaining sentence. The Chief Judicial Magistrate, Shajahanpur, U.P. shall take steps forthwith to take the appellant-Mahendra Pal Singh into custody for serving the remaining sentence.

.....J.  
[Dr. B.S. Chauhan]

.....J.  
[Fakkir Mohamed Ibrahim Kalifulla]

New Delhi;  
April 16, 2013

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS  
CRIMINAL APPEAL NO(s). 382-384 OF 2008

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VERSUS

STATE OF U.P.

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(With appln(s) for exemption from filing O.T.,c/delay in filing addl. documents,permission to file additional documents

Date: 16/04/2013 These Appeals were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE B.S. CHAUHAN

HON'BLE MR. JUSTICE FAKKIR MOHAMED IBRAHIM KALIFULLA

For Appellant(s) Mr. Shakil Ahmed Syed,Adv.

For Respondent(s) Mr. Anuvrat Sharma,Adv.(Not present)

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

The Criminal Appeal No.384/2008 is dismissed as having been abated, in terms of the signed order.

Criminal Appeal Nos.382-383/2008 are dismissed, in terms of the signed order. The appellant-Mahendra Pal Singh in Crl.A.No.383 of 2008 is directed to surrender forthwith and serve out the remaining sentence. The Chief Judicial Magistrate, Shajahanpur, U.P. shall take steps forthwith to take the appellant-Mahendra Pal Singh into custody for serving the remaining sentence.

(O.P. Sharma)  
Court Master

(M.S. Negi)  
Court Master

(Signed order is placed on the file)