

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). 139 OF 2000

KUNAL ROY

Appellant (s)

VERSUS

STATE OF WEST BENGAL

Respondent(s)

WITH

CRIMINAL APPEAL NO. 140 of 2000

Date: 21/07/2005 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL

HON'BLE MR. JUSTICE A.K. MATHUR

For Appellant(s)

Mr. S. Muralidhar, Adv.

Ms. Neeru Vaid, Adv.

Mr. Somiran Rumthao, Adv.

Ms. Eliza, Adv.

For Respondent(s)

Mr. T.C. Sharma, Adv.

Ms. Neelam Sharma, Adv.

UPON hearing counsel the Court made the following

O R D E R

and while Criminal Appeal No. 140/2000 is allowed in part
awarded upholding conviction of the appellant, sentence of imprisonment
appellant is against her is reduced to the period already undergone. The
discharged from the liability of bail bonds.

Criminal Appeal No. 139/2000 is dismissed. Bail bonds of the appellant are cancelled and he is directed to be taken into custody forthwith to serve out the remaining period of sentence for which compliance report must be sent to this Court within one month from the date of receipt of copy of this order by trial Court.

[Charanjeet Kaur] [Om Prakash]
Court Master Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 139 OF 2000

Kunal Roy .. Appellant(s)
Versus
State of West Bengal .. Respondent(s)

WITH

CRIMINAL APPEAL NO. 140/2000

O R D E R

Heard learned counsel for the parties.

Appellant-Kunal Roy (Criminal Appeal No. 139/2000) along with his mother Aparna Roy was convicted by trial Court under Section 306 read with Section 34 of the Indian Penal Code (for short IPC) and sentenced to undergo rigorous imprisonment for a period of seven years and to pay fine of Rs. 3,000/-, in default, to undergo further imprisonment for a

period of six months. They were further convicted under Section 498A IPC and sentenced to undergo rigorous imprisonment for a period of three years and to pay a fine of Rs. 1,000/-, in default, to undergo rigorous imprisonment for three months. Appellant Krishna Chatterjee

(Crl. A. No. 140/2000) was convicted under Section 306 read with Section 34 IPC and

sentenced to undergo rigorous imprisonment for a period of three years and to pay fine of Rs.

3,000/-, in default, to undergo further imprisonment for a period of three

..2/-

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months. She was further convicted under Section 498A IPC and sentenced to undergo

rigorous imprisonment for a period of three years and to pay a fine of Rs. 1,000/-, in default, to

undergo further rigorous imprisonment for a period of three months. The sentences, however,

were ordered to run concurrently.

When all the accused persons referred to above, including, the appellants of these

two appeals preferred appeal before the High Court, during the pendency of the appeal

Aparna Roy, mother-in-law of the deceased died, as such her appeal abated. So far as

convictions and sentences of appellant- Kunal Roy is concerned, the High Court confirmed the

same. In relation to appellant-Krishna Chatterjee, the High Court set aside her conviction

under Section 306 read with Section 34 IPC but her conviction under Section 498A IPC has

been upheld but the sentence has been reduced from three years to six months.

The

present appeals have been filed by special leave by the appellants of these two appeals.

Heard learned counsel appearing on behalf of the appellants as well as the State

Learned counsel for the appellants has very fairly placed entire evidence for our consideration.

Having perused the evidence and given our anxious consideration to the entire matter, we do

not find that the High Court has committed any error in upholding convictions of the

appellants and no ground for interference therewith is made out. So far as the sentence of

appellant

..3/-

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Krishna Chatterjee is concerned, it has been submitted that she has remained in custody for a period of more than three months. In our view, in the facts and circumstances of the case, ends

of justice would be met in case the sentence of imprisonment awarded against this appellant as

modified by the High Court is reduced to the period already undergone. Criminal
Appeal

No. 140/2000 is, accordingly allowed in part and while upholding conviction of the appellant,

sentence of imprisonment awarded against her is reduced to the period already undergone.

The appellant is discharged from the liability of bail bonds.

Criminal Appeal No. 139/2000 is, accordingly, dismissed. Bail bonds of the

appellant are cancelled and he is directed to be taken into custody forthwith to serve out the

remaining period of sentence for which compliance report must be sent to this Court within

one month from the date of receipt of copy of this order by trial Court.

.....J[B.N. AGRAWAL]

.....J [A.K. MATHUR]

NEW DELHI,

JULY 21, 2005