

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.2529/2014

BHAGWAN DASS & ORS.

Appellant(s)

VERSUS

STATE OF PUNJAB

Respondent(s)

O R D E R

The appeal arises out of the judgment and order dated 21.08.2008 in Criminal Appeal No.458-SB/1998 passed by the High Court of Punjab & Haryana at Chandigarh.

The facts of the case are that Meena Rani registered her statement with the police (Exhibit PG) that she was married with Yash Pal about four years back and her in-laws started maltreating her on the ground of bringing less dowry. All the four accused were insisting her to bring more dowry. However, her husband Yash Pal never maltreated her.

She alleged that on 02.06.1996, at about 8.00 p.m. all accused picked up a quarrel with her on account of bringing less dowry. On 03.06.1996 when her husband and father-in-law had gone to the shop, her mother-in-law Sushila Rani sprinkled kerosene oil and put her on fire. Thereafter, she went out of the house. The complainant also came out in the street. Many persons collected there and poured water on her and extinguished the fire. When her father-in-law came, he got her admitted to Daya Nand Hospital, Ludhiana.

Formal FIR, Exhibit PG/2 was recorded on the statement of Meena Rani. Later dying declaration under Section 161 Cr.P.C. was recorded by Judicial Magistrate, 1st Class, Ludhiana (Exhibit PW14/A).

On 09.06.1996, Meena Rani died in the hospital. Post mortem examination of the dead body was conducted. All accused were arrested on 12.06.1996. Investigation was conducted and all the accused were charge sheeted.

The trial Court relied upon the dying declaration of the deceased and convicted all the accused, mother-in-law, Sushila Rani (A-1), father-in-law, Bhagwan Dass (A-2), brother-in-law, Dinesh Kumar (A-3) and brother-in-law, Parveen Kumar (A-4) under Sections 304B/34, IPC and Section 498A, IPC and they were sentenced to undergo rigorous imprisonment for seven years each and to pay a fine of Rs.500/- each and in default of payment of fine, to undergo rigorous imprisonment for a further period of three months each for offence under Section 304B, IPC. They were further sentenced to undergo rigorous imprisonment for a period of one year each and to pay a fine of Rs.300/- each and in default to further undergo rigorous imprisonment for a period of two months each for offence under Section 498A, IPC. Both the sentences were directed to run concurrently.

Aggrieved thereby, the accused persons filed Criminal Appeal No.458-SB of 1998 before the High Court. The High Court vide its order dated 21.08.2008 dismissed the appeal. Hence the appeal.

Heard learned counsel for the parties.

Ms. Uttara Babbar learned counsel for the State vehemently argued the case.

Both mother-in-law Sushila Rani and father-in-law Bhagwan Dass have died and the appeal has abated against both of them.

Considering the facts and circumstances of the case as mother-in-law was the main accused, she has died, as also the relationship of the remaining surviving appellants with the deceased as they were not directly related and were not to be benefited in any manner whatsoever, while maintaining their conviction, we reduce their sentence to the period already undergone which is approximately three and a half years and the same is held to be sufficient.

The appeal is allowed in part.

.....J.
[ARUN MISHRA]

.....J.
[NAVIN SINHA]

NEW DELHI;
FEBRUARY 27, 2019.

ITEM NO.101

COURT NO.5

SECTION II-B

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). 2529/2014

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STATE OF PUNJAB

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Date : 27-02-2019 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE MR. JUSTICE NAVIN SINHA

For Appellant(s) Mr. Mahabir Singh, Sr. adv.
 Mr. Rakesh Dahiya, AOR
 Mr. Gagan Deep Sharma, Adv.
 Ms. Preeti Singh, AOR
 Ms. Swati Jindal, Adv.
 Ms. Reena Singh, Adv.
 Mr. Shivam Jaiswal, Adv.

For Respondent(s) Ms. Uttara Babbar, AOR
 Ms. Bhavana Duhoon, Adv.

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

The appeal is allowed in part in terms of the signed order.

Pending application, if any, stands disposed of.

(ASHA SUNDRIYAL)
COURT MASTER

(JAGDISH CHANDER)
BRANCH OFFICER

[signed order is placed on the file]