

ITEM NO.112

COURT NO.12

SECTION II-B

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). 229/2010

RAJO

Appellant(s)

VERSUS

THE STATE OF HARYANA

Respondent(s)

WITH

CrI.A. No. 230/2010 (II-B)

Date : 09-08-2018 These appeals were called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE R. BANUMATHI
HON'BLE MR. JUSTICE VINEET SARAN

For Appellant(s) Ms. Gauri Karuna Das Mohanti, Adv.
Mr. Pawan Kumar Sharma, Adv.
Ms. Anu Gupta, AOR

For Respondent(s) Mr. Rahul Verma, AAG (State of Haryana)
Mr. Vishwa Pal Singh, AOR

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

The appeals are partly allowed in terms of signed non-reportable order.

(RAJNI MUKHI)
SENIOR PERSONAL ASSISTANT

(PARVEEN KUMARI PASRICHA)
BRANCH OFFICER

(Signed non-reportable order is placed on the file)

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 229 OF 2010

RAJOAPPELLANT

VERSUS

STATE OF HARYANARESPONDENT

WITH

CRIMINAL APPEAL NO. 230 OF 2010

DALBIR SINGHAPPELLANT

VERSUS

STATE OF HARYANARESPONDENT

O R D E R

1. These appeals arise out of the common impugned judgment passed by the High Court of Punjab and Haryana in Criminal Appeal No. 605-SB of 1998.

2. The accused/appellants Dabir Singh (A1) and Rajo (A2) have been convicted under Section 306 read with Section 34 IPC and have been sentenced to undergo rigorous imprisonment for three years and two years respectively. The marriage between the appellant-Dalbir Singh and deceased Krishna was solemnized about twelve years prior to the date of the incident i.e. 17.8.1995. The case of the

prosecution is that accused / appellant Dalbir Singh allegedly had relationship with appellant-Rajo and appellant-Dalbir Singh had been ill-treating his wife-Krishna. On 17.08.1995 deceased Krishna and her daughter Preeti had fallen before the train and committed suicide.

3. From the statements of Raj Kumar (PW-3), brother of deceased Krishna, Abhey Ram (PW-4) father of deceased Krishna, it is brought in evidence that Dalbir Singh had transferred the property in the name of Arun Singh son of Balwan and Rajo and the said Arun Kumar had obtained a decree in his favour regarding the said property. Krishna had filed a civil suit for getting the said judgment and decree set aside and the same was pending. From the statements of PWs 3 and 4, it is also brought in evidence that Dalbir Singh who was working in the army whenever used to come, he stayed with Balwan and Rajo and never resided with the deceased Krishna. On 14.08.1995 the case was fixed at the Court at Safidon and the Krishna met the complainant-Raj Kumar(PW-3) and complained him about the cruelty and ill-treatment and she started weeping. According to PW-3 he assured his sister that he would come to the village again in one or two days and arrange for Panchayat and would ensure the matter settled.

However, within 1 to 3 days i.e. on 17.08.1995 the deceased Krishna and Preeti had committed suicide by falling before the train.

4. Based upon the evidence of PWS-3 and 6, the trial court as well as the High Court recorded the concurrent findings that the deceased was subjected to cruelty continually over a period of time which led her to take the extreme step of committing suicide.

5. Having regard to the concurrent findings recorded by the courts below, we do not find any good ground warranting our interference with the conviction of the appellants under Section 306 read with 34 IPC.

6. Insofar as the quantum of sentence is concerned, the occurrence was of the year 1995. The appellant-Dalbir Singh is stated to be aged about 56 years and appellant-Rajo is stated to be aged 75 years and is suffering from ailment due to the age.

7. Having regard to the facts and circumstances of the case and that the occurrence was of the year 1995, the sentence of imprisonment imposed upon the appellants is reduced to a period of one year. The appellant-Dalbir Singh is stated to have undergone

imprisonment for more than 18 months and appellant-Rajo about seven months.

8. The conviction of the appellants under Section 306 read with 34 IPC is confirmed and the sentence of imprisonment imposed upon each of the accused is reduced to a period of one year. The accused-Rajo shall surrender herself within a period of four weeks from today to serve the remaining sentence failing which she shall be taken into custody.

9. The reduction of sentence of imprisonment is in the peculiar facts and circumstances of the case and the same may not be treated as a precedent.

10 In view of the foregoing, the appeals stand allowed partly.

.....J.
(R. BANUMATHI)

.....J.
(VINEET SARAN)

NEW DELHI,
AUGUST 9, 2018