

**Kamlesh Vs. Sanjay and Ors.**

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**SooperKanoon Citation :** [sooperkanoon.com/24145](http://sooperkanoon.com/24145)

**Court :** Delhi

**Decided On :** Dec-24-2014

**Judge :** Pradeep Nandrajog

**Appellant :** Kamlesh

**Respondent :** Sanjay and Ors.

**Judgement :**

\* IN THE HIGH COURT OF DELHI AT NEW DELHI % Judgment Reserved on: December 10, 2014 Judgment Delivered on: December 24, 2014 + CRL.A.1685/2014 STATE (NCT OF DELHI) Represented by: ..... Appellant Ms.Aashaa Tiwari, APP Insp.J.S.Mehta, SHO and SI Sachin Kumar, PS Karawal Nagar versus PARWATI @ KANTA & ORS. .... Respondents Represented by: Mr.Shailender Dahiya, Advocate with Mr.Pradeep Ahlawat, Advocate CRL.A.1123/2014 KAMLESH Represented by: ..... Appellant Mr.Deepak Anand, Advocate with Ms.Hemlata Rawat and Mr.Sujit Kumar Singh, Advocates for R-1, R-2 and R-3 Ms.Aashaa Tiwari, APP for R-4 Insp.J.S.Mehta, SHO and SI Sachin Kumar, PS Karawal Nagar versus SANJAY & ORS. Represented by: ..... Respondents Mr.Shailender Dahiya, Advocate with Mr.Pradeep Ahlawat, Advocate CRL.A.1133/2014 PARWATI @ KANTA Represented by: CRL.A.No.1685/2014 & conn.matters ..... Appellant with Mr.Pradeep Ahlawat, Advocate versus STATE Represented by: ..... Respondent Ms.Aashaa Tiwari, APP Insp.J.S.Mehta, SHO and SI Sachin Kumar, PS Karawal Nagar CRL.A.1135/2014 JEEPU @ DEEPU Represented by: ..... Appellant

Mr.Shailender Dahiya, Advocate with Mr.Pradeep Ahlawat, Advocate versus STATE Represented by: ..... Respondent Ms.Aashaa Tiwari, APP Insp.J.S.Mehta, SHO and SI Sachin Kumar, PS Karawal Nagar CRL.A.1416/2014 STATE (NCT OF DELHI) Represented by: ..... Appellant Ms.Aashaa Tiwari, APP Insp.J.S.Mehta, SHO and SI Sachin Kumar, PS Karawal Nagar versus PARWATI @ KANTA & ORS. .... Respondents Represented by: Mr.Shailender Dahiya, Advocate with Mr.Pradeep Ahlawat, Advocate CORAM: HON'BLE MR. JUSTICE PRADEEP NANDRAJOG HON'BLE MS. JUSTICE MUKTA GUPTA PRADEEP NANDRAJOG, J.

1. Jeepu, her sister Parwati @ Kanta, Parwatis son Jitender @ Kallu and Parwatis brothers-in-law Sanjay and Dhanpal @ Dhane were charged for having entered into a criminal conspiracy to murder Sandeep and to have given effect to the conspiracy by murdering Sandeep in the intervening night of June 04, 2010 and June 05, 2010, at around 12 midnight to 1:00 hours. Vide judgment dated May 28, 2014, Sanjay, Dhanpal and Jitender have been acquitted of both charges framed against them. Parwati and Jeepu have been acquitted of the charge of entering into a criminal conspiracy but have been convicted for the offence of culpable homicide not amounting to murder punishable under Section 304-II/34 IPC for the death of Sandeep and vide order on sentence dated May 31, 2014, the two have been sentenced to undergo rigorous imprisonment for eight years and pay fine in sum of `15,000/- and in default of payment of fine to undergo simple imprisonment for two months.

2. Jeepu and her sister Parwati challenge their conviction and the sentence imposed as a consequence thereof. Crl.A.No.1135/2014. Jeepu is the appellant of Parwati is the appellant of Crl.A.No.1133/2014. Kamlesh, the mother of Sandeep, is aggrieved by the fact that Sanjay, Dhanpal and Jitender have been acquitted. She has exercised her right under the proviso to Section 372 of the Criminal Procedure Code, 1973, as a victim of the crime, by filing Crl.A.No.1123/2014. Vide Crl.A.No.1416/2014 the State seeks enhancement of the sentence imposed upon Parwati and Jeepu, praying that the maximum sentence for the offence punishable under Section 304-II IPC i.e. ten years imprisonment should be imposed upon them. Obtaining leave to appeal resulting in Crl.A.No.1685/2014 being registered,

the State seeks conviction of all five accused for the offence of entering into a criminal conspiracy to murder Sandeep and for the offence of murdering Sandeep.

3. In a nut shell, case of the prosecution was that Parwati and Sandeep were in illicit relationship with each other. Parwati was a widow. Their relationship was disliked by the other accused and for sometime a dispute was simmering between Parwati and Sandeep regarding custody of some papers. The five accused entered into a conspiracy to kill him. The contours of the conspiracy being that Parwati would entice Sandeep to her house and make him drunk so that the other accused could burn him with acid. Pursuant to the conspiracy, Parwati enticed Sandeep to her house in the night of June 04, 2010 and served him alcohol and made him drunk. Thereafter the three male and the other female conspirators took over. Sanjay and Dhane pinned down Sandeep. Kallu and Jeepu threw acid on him and as a result he sustained acid burn injuries which resulted in his death on September 24, 2010 i.e. after 3 months and 20 days of the incident.

4. SI Jogender Singh PW-8, working as an ASI on June 04, 2010, as deposed to by him was the Duty Officer at PS Karawal Nagar. He recorded DD No.33A, Ex.PW-8/A when the wireless operator from the police control room informed him that through mobile number 9868672834 an informant had informed that acid had been poured on a boy at house No.B-136, Rama Garden, Gali No.4, Karawal Nagar. He entrusted a copy thereof to SI Ashwani PW-20 who, along with Ct.Vikas PW-21 reached the place of the incident and learnt that the injured had been removed to GTB Hospital. They reached the hospital and found Sandeep admitted with acid burn injuries at the hospital, whose statement Ex.PW-1/A was recorded by SI Ashwani. He made an endorsement Ex.PW-20/A beneath the statement and sent Ct.Vikas for FIR to be registered. At the police station the FIR Ex.PW8/B was registered by SI Jogender Kumar at 5:35 AM.

5. In the statement Ex.PW-1/A, Sandeep said that he knew Parwati for the last 3 to 4 years and used to visit her. On June 04, 2010 Parwati called him to her house to give him some papers in respect whereof he and Parwati were having some dispute. He went to Parwatis house in the night. She made him drink alcohol and made him lie on the bed. After sometime Parwatis brothers-in-law Sanjay and

Dhane and Parwatis son Kallu came. Sanjay pinned him down to the bed by holding his hands and Dhane pinned him down to the bed by holding his feet. Kallu threw acid on his face, chest and private parts with the intention to kill him. The PCR van came and removed him to GTB Hospital.

6. Relevant would it be to highlight that in the statement Ex.PW-1/A Sandeep has not spoken of either the presence or the participation of Jeepu.

7. SI Ashwani Kumar thereafter returned to the place of the crime and summoned the crime team. A private photographer Gaurav PW-13 was also summoned who took the photographs Ex.PW-1/B3 to Ex.PW-1/B9 of the scene of the crime. The photographs show that the bed sheet and the mattress of a bed have been burnt along the length of the bed, in the middle portion of the bed : maximum burnt area being towards the head rest side of the bed and moving down the length of the bed the mattress had been burnt in a manner which is suggestive of a human being attempted to be burnt with some corrosive substance when the human was lying on the bed. The photograph Ex.PW-1/B6 is that of a stainless steel tiffin box of capacity 500 ml which has corroded from the inner side having bluish white deposit along the inner walls and the base of the tiffin container. No bottle is seen in the photographs. As deposed to by SI Ashwani PW-20 he seized the tiffin box Ex.PW-1/P3 vide memo Ex.PW-20/D. The mattress and the curtains Ex.PW-1/P1 and Ex.PW-1/P2 were seized vide memo Ex.PW-20/C. A half consumed bottle of alcohol Ex.PW-1/P4 : brand bagpiper were seized vide memo Ex.PW-20/E. The seized exhibits were sent to the Forensic Science Laboratory for analysis and as per the report Ex.PX sulphuric acid and hydrochloric acid was detected on the mattress and the curtains as also the steel tiffin box.

8. The MLC Ex.PW-7/A of Sandeep records that he was admitted by a PCR van at GTB Hospital at around 2:00 AM on June 04, 2010.

9. The four persons in the statement Ex.PW-1/A i.e. Parwati, her son Jitender and her brothers-in-law Sanjay and Dhanpal as also Jeepu were arrested. Since Jeepu was having burn injuries on her face, neck and forearms she was taken by Lady Ct.Sonal PW-10 to GTB Hospital on June 13, 2010 where Dr.Rahul Parikh examined her and wrote the MLC Ex.PW14/A, proved at the trial by Dr.Sushma

PW-14 who had worked at GTB Hospital with Dr.Rahul Parikh. Jeepus MLC records that there were corrosive burns on Jeepu on the lower area of face, left arm and upper portion of chest, covering about 8% of the area.

10. Useless to note the disclosure statements of the accused because except for confessions they contained nothing pursuant whereto any recovery was made.

11. Sh.P.K.Sofat PW-6 working as an Executive Magistrate was called by the Investigating Officer to record Sandeeps statement. As deposed to by him he recorded Sandeeps statement Ex.PW-6/A in which he narrated the same story which he did to SI Ashwani and as finds a mention in his statement Ex.PW-1/A. Relevant would it be to note that once again he did not name Jeepu.

12. Babli PW-1 told the Investigating Officer that Sandeep was her nephew and that in the midnight of June 04, 2010 one Dharamvir a friend of Sandeep had informed her over the telephone that Sandeep had told him that Parwati and her brothers-in-law Sanjay and Dhane had burnt Sandeep. Bablis testimony in Court is to said effect.

13. Unfortunately, the Investigating Officer did not try and contact Dharamvir, the person whose name was disclosed to him by Babli and thus we do not have the deposition of said Dharamvir. The Investigating Officer has not seized any mobile phone of Sandeep and thus it remains a mystery as to how come Sandeep made a call to Dharamvir.

14. Jeepu who is also known as Deepu claimed that her sister Parwati had called her to her house on June 03, 2010 and on the day of the incident as she came down from the roof to drink water at around 12 midnight Sandeep who was lying naked on the bed caught her and attempted to outrage her modesty. She freed himself and entered the toilet. Sandeep followed her inside and tried to force himself on her. A handy bottle on the ledge was picked up by her which she threw at Sandeep. Some liquid inside the bottle fell on Sandeep and some got splashed on her, and from the burn heat felt by her she realized that some corrosive substance and in all probability acid had fallen.

15. Sandeep died, as noted above on September 24, 2010. His dead body was seized and sent for post-mortem. Dr.Anju Rani PW-9 conducted the post-mortem and authored the report Ex.PW-9/A as per which death was due to septicaemia consequent upon infected burn injuries which were anti mortem and were caused by acid. About 50% of the body surface area has old burns. Trickling of acid was present over right upper limb, back of chest, front of lower abdomen, front of both legs and back of right leg. She highlighted the burn areas on the front and the posterior image of the drawing of a male in the post-mortem report.

16. In spite of Jeepus claim after she was arrested that Sandeep had tried to outrage her modesty and to save herself she entered the toilet where Sandeep followed her and thus left with no choice she picked up a handy glass bottle on the ledge and threw the same at Sandeep, little realizing that it contained acid, the Investigating Officer chose not to question Sandeep regarding said allegation directed against him by Jeepu, in spite of the fact on September 16, 2010 Jeepu made a written complaint Mark DA to the SHO of the concerned police station. Nothing was done to investigate the matter keeping in view Jeepus statement. SI Ashwani PW-20 admitted during cross-examination that he had with him the complaint Mark DA, but denied that in spite thereof he did not properly investigate the case. At the trial the marriage certificate Mark DY showing that Parwati and Sandeep got married at the Arya Samaj Mandir, Jamna Bazar on March 11, 2008 was admitted in evidence because Babli PW-1, the aunty of Sandeep, admitted that the photograph thereon was that of her nephew Sandeep and Parwati.

17. There being no eye witnesses to the incident, the only evidence of the prosecution was the two dying declarations Ex.PW-1/A and Ex.PW-6/A made by Sandeep, the first to SI Ashwani and the second to Sh.P.K.Sofat.

18. Since the prosecution did not cite Dharamvir, the person whom, as alleged by Babli, Sandeep had made a phone call informing that Parwati and her brothers-in-law had burnt him with acid and there being no evidence collected of Sandeep having made any phone call to anybody, the learned Trial Judge has rightly disbelieved Babilis version that Dharamvir had passed on information to her that Sandeep had told him that Parwati and her brothers-in-law had poured acid on

him.

19. The prosecution could not explain the acid burn injuries suffered by Jeepu as recorded in her MLC Ex.PW-14/A, which are the result of a corrosive substance falling on Jeepu and are on lower area of her face, left arm and upper portion of the chest covering about 8% of the body area of said parts.

20. Dr.Anju Rani PW-9 who had conducted post-mortem on the dead body of Sandeep admitted during cross-examination that any person holding Sandeep by the hands and the feet would receive acid burn marks on his hands because of the fact the trickling of the acid was from top to bottom, resulting in the sole of the right foot as well as the palm and back of right hand being burnt.

21. Faced with the fact that neither brother-in-law of Parwati had any acid burns on their hand, the learned Trial Judge had to give the benefit of doubt to Sanjay and Dhanpal, the two brothers-in-law of Parwati, whose presence in the house at the time of the incident has not been established by the prosecution. For same reason benefit of doubt has been given to Sanjay as well. The two dying declarations made by the deceased have been disbelieved because they are exculpatory of the role of Jeepu, who admittedly suffered acid burn injuries, and the probable cause for Sandeep not naming Jeepu could be that he wanted to give a version of the incident showing Jeepu not being present, for if he had lived on, he would have to face a trial for the offence of attempting to outrage Jeepus modesty as claimed by Jeepu.

22. That Sandeep was totally nude when he was burnt is a fact proved by the testimony of SI Ashwani PW-20 who saw Sandeeps clothes in the house. Sandeep was removed nude to the hospital. This explains why his clothes burnt with acid were not seized.

23. Parwati and Jeepu admitted their presence in the house. Jeepu explained Sandeep suffering acid burn injuries as per her version which we have noted above, and Parwati supports Jeepu.

24. Acquitting Sanjay, Dhanpal and Jitender as also Parwati and Jeepu for the charge of conspiracy because no evidence was led of a meeting of the mind by the five accused, and acquitting Sanjay, Dhanpal and Jitender for the reason noted by us hereinabove in paragraph 21 above, the learned Trial Judge has given reasons in paragraph 19 to hold Parwati and Jeepu guilty of having participated jointly in throwing acid on Sandeep:

Thus the case of the prosecution qua the accused Sanjay, Dhanpal and Jitender @ Kallu also fails U/s 302 IPC and therefore, they all are also entitled for an order of acquittal in their favour therein. However, so far as the accused Parwati @ Kanta and Jeepu @ Deepu are concerned, the prosecution has been able to prove their presence at the spot at the relevant time of incident. The factum of death of Sandeep, which was unnatural one and was caused due to septicaemia, consequent upon infected burn injuries by pouring acid upon the deceased. Further as discussed earlier, the accused Jeepu @ Deepu by relying on a complaint made by her on 16.09.2010 Mark DA before the SHO PS Karawal Nagar stating therein that on 04.06.2010 Sandeep had tried to outrage her modesty and it was during that course to save herself she threw a bottle on Sandeep containing some liquid therein, which fell on the face and other body parts of deceased and some liquid had also fallen on her and she got treatment from Doctor Rajender Kumar, has confirmed her participation in the occurrence. Her version is further corroborated by the doctor by proving her MLC Ex.PW-14/A wherein the injuries of burn are reflected on her face, left forearm, right forearm, upper part from chest (right side) further corroborates her participation in the crime and therefore, the accused Jeepu @ Deepu and also the accused Parwati @ Kanta, who was present at the spot at the time of occurrence and there is nothing on record to suggest that she had not participated in the crime, are liable to be held guilty for causing the death of Sandeep.

(Underline and bold emphasized) 25. But immediately thereafter while discussing whether the offence made out is that of murder or culpable homicide not amounting to murder, in paragraph 20 of the decision the learned Trial Judge has reasoned:

The accused persons had not acted with an intention to cause such bodily injury, rather, accused Jeepu @ Deepu had poured acid on the deceased Sandeep to get herself escaped from the clutches of deceased.

26. It is apparent that there is a complete conflict in the two findings returned by the learned Trial Judge. For the purposes of determining the nature of the offence, the learned Trial Judge has reasoned that Jeepu @ Deepu was compelled to pour acid on Sandeep to save her modesty. In the preceding paragraph the learned Trial Judge has reasoned that since Parwati and Jeepu were present, even Parwati would be liable for the offence. Holding that acid was not poured on Sandeep intending to cause him any bodily injury, but to save herself Jeepu was compelled to pour acid on Sandeep, the learned Trial Judge has held that Parwati and Jeepu committed the offence of culpable homicide not amounting to murder punishable under Section 304-II IPC.

27. The reasoning of the learned Trial Judge in paragraph 19 of the impugned decision and said part of the reasoning which we have underlined and highlighted in bold, after quoting para 19 of the impugned decision, in para 24 above of our decision, is totally contrary to law because onus to prove innocence has been shifted on the shoulders of Parwati. The reasoning : and also the accused Parwati @ Kanta, who was present at the spot at the time of occurrence and there is nothing on record to suggest that she had not participated in the crime, are liable to be held guilty for causing the death of Sandeep, is contrary to the known principles of law. To hold one guilty on a negative reasoning that there is nothing on record to show that the person present did not participate in the crime, and thus would be liable to be held guilty is to say the least a perverse finding.

28. Once the learned Trial Judge held that Jeepu poured acid on the deceased to escape from the clutches of the deceased, the logical corollary would be to hold Parwati not guilty.

29. Independent of the reasoning of the learned Trial Judge, we have reappraised the evidence and would highlight that there are no eye witnesses to the incident. Dharmvir, the person to whom Sandeep allegedly made a phone call, as claimed by Babli PW-1, has not been examined as a witness and no evidence has been

led that there was a landline number in Parwatis house where Sandeep suffered acid burns. There is no evidence that Sandeep was having a mobile phone with him. The two dying declarations made by Sandeep, the first to SI Ashwani Kumar which is Ex.PW-1/A and the second to Sh.P.K.Sofat which is Ex.PW-6/A are untrustworthy because of two reasons. Firstly, they do not explain the acid burn injuries on Jeepu and secondly for the reason given by the learned Trial Judge based upon Sandeeps post mortem report Ex.PW-9/A and the testimony of Dr.Anju Rani PW-9 who conducted the post mortem. The trickling acid burn injuries would have caused acid burn injuries on the hands of those who would have held Sandeep when somebody threw acid on him. In the two dying declarations Sandeep has stated that after Parwati made him drink alcohol and made him lie on the bed, Sanjay pinned him down by holding his hands and Dhane pinned him down by holding his feet and Kalu (Jitender) threw acid on him. There are no injuries caused by a corrosive substance on the hands of Sanjay or Dhane. There is no evidence that either Sanjay or Dhane or Jitender were present in the house of Parwati when Sandeep suffered acid burn injuries. We thus concur with the reasoning of the learned Trial Judge that the two dying declarations had to be disbelieved because there was a possibility of Sandeep speaking a lie to save himself, if he had lived, from the charge of Jeepu that he attempted to outrage her modesty and in self defence she threw a bottle containing acid on him, and when she threw the bottle she was not aware that there was acid in the bottle.

30. Parwati would also be entitled to the benefit of doubt.

31. That leaves us to deal with the case on Jeepu.

32. Now, even Jeepu has not told the complete truth. Her version that past midnight, Sandeep was lying naked on the bed is correct. The evidence thereof is that clothes of Sandeep were seen in the room by SI Ashwani PW-20 and Ct.Vikas PW-21. He was removed to the hospital in a nude condition. Had acid been thrown on him when he was wearing his clothes the same would have been burnt by acid and would have been seized by SI Ashwani Kumar. Thus, we have independent corroborative evidence to the claim of Jeepu that the deceased was nude. But her claim that as Sandeep chased her into the toilet, intending to rape her, and in self

defence she picked up a handy bottle lying on the ledge of the toilet and threw the same at Sandeep, little realizing that there was an acid in the bottle, which realization dawned on her when some acid splashed on her lower face, neck, arm and upper chest, is untrue for the reason no bottle containing acid or having traces of acid or for that matter no bottle at all was seen in the room where Sandeep suffered acid burns. On the contrary the tiffin box container Ex.PW-1/P3 was the one in which the corrosive substance : sulphuric acid and hydrochloric acid was contained before it was thrown on Sandeep would bring home the point that Jeepu poured the corrosive substance into the metallic container and threw the same at Sandeep. We take judicial notice of the fact that both : sulphuric acid and hydrochloric acid react with metal and if kept stored in a metallic container would eat through the metallic container within a few minutes. It is obvious that the corrosive substance popularly known as tehzab (used to clean sticky stains in toilets) was used by Jeepu. When she threw the same on Sandeep some got spilled on her. The photographs Ex.PW-1/B3 to Ex.PW-1/B9 would show, as probalilize by us in para 7 above that Sandeep was lying on the bed when acid was thrown on him. The spillage was directed towards his torso and this explains the mattress Ex.PW-1/P1 burnt substantially towards the head rest side of the bed and moving down the length of the bed in a manner which is possible only when the person was lying on the bed and as this person got up, with substantial acid thrown on the torso, the trickling effect causing burns in the lower part of the body. The trickling burns on the buttocks and the back are also thus explainable. To put it pithily, Jeepu has thrown acid on Sandeep when he was lying on the bed and not, as claimed by her, when he chased her inside the toilet.

33. But what happened between Sandeep and Jeepu is not known to us for the reason both : Jeepu and Sandeep have told a lie. Whereas Sandeep has given a version exculpatory of Jeepu which is totally unbelievable, even Jeepu has given a version which is substantially untrue.

34. But the nugget of truth in her statement that Sandeep was lying naked on the bed throws light on one possibility : either Jeepu got extremely angry seeing Sandeep lying nude on the bed with the room unbolted and causing embarrassment to her when she entered the room to access the kitchen to drink

water, and she said something to Sandeep regarding his lying nude and Sandeep saying something obscene to Jeepu who in anger went to the toilet or the kitchen, most probably the kitchen because the tiffin box container would be in the kitchen, and pouring acid in the tiffin box container she threw the same at Sandeep. The acid burn injuries on Jeepu can only possibly take place if a person has a corrosive substance in a container with a wide mouth, and as the liquid is thrown forward with a jerk, some spilt on to Jeepu.

35. Thus, the principle of law that failure of the prosecution to explain grievous or more than simple injuries on the person of the accused probabalizes a self defence would not be applicable in the peculiar facts of the instant case. It is trite that the entire case of the prosecution cannot be thrown overboard simply because the prosecution does not explain the injuries on the person of the accused. The question then to be considered would be as to what is the effect of the non-explanation of those injuries, which would always be a question of fact and not one of law and one which would depend upon the circumstances of each case as held by the Supreme Court in the decision reported as AIR 1974 SC1550 Onkarnath Singh vs.State of U.P.

36. We are faced with a peculiar situation. Sandeep, the deceased has spoken a complete lie in his two dying declarations Ex.PW-1/A and Ex.PW6/A. Jeepu has spoken less than half the truth.

37. Jeepus version of acting in self defence being unbelievable, the only inference left would be that the deceased and Jeepu had some verbal dialogue and at that time the deceased was lying on the bed. Something infuriated Jeepu who went to the kitchen, picked up a metallic tiffin box container, poured acid in the container and came back to throw the same on Sandeep and when she threw the acid on Sandeep, some part got spilt on her. The burn injuries on Sandeep covered more than 50% of the body area but were probably not very deep burns, evidenced by the fact that Sandeep lived for more than three months and twenty days after he was burnt. The date of the incident is June 04, 2010. Sandeep died on September 24, 2010. Under the circumstances, acting under some provocation, Jeepu throwing acid on Sandeep which caused Sandeeps death, would make liable

Jeepu for the offence of culpable homicide not amounting to murder punishable under Section 304 Part-II IPC. As regards the sentence imposed upon Jeepu, we are of the opinion that sentence to undergo rigorous imprisonment for eight years is excessive. The adequate sentence has to be of five years.

38. Crl.A.No.1685/2014 and Crl.A.No.1416/2014 filed by the State and Crl.A.No.1123/2014 filed by Kamlesh are accordingly dismissed.

39. Crl.A.No.1133/2014 filed by Parwati is allowed. Her conviction and the sentence imposed by the learned Trial Judge are set aside. She is acquitted. Bail bond and surety bond furnished by her when she was admitted to bail by this Court are discharged.

40. Crl.A.No.1135/2014 filed by Jeepu is disposed of maintaining her conviction for having committed an offence punishable under Section 304 Part-II IPC, but the sentence imposed is reduced. She shall undergo rigorous imprisonment for a period of five years and pay fine in sum of `1000/- (Rupees One Thousand only), in default she shall undergo simple imprisonment for fifteen days. Needless to state she shall be entitled to the benefit of Section 428 of the Code of Criminal Procedure. The bail bond and surety bonds furnished by her are cancelled. Jeepu shall surrender to undergo the remaining sentence.

41. TCR be returned. (PRADEEP NANDRAJOG) JUDGE (MUKTA GUPTA)  
JUDGE DECEMBER24 2014 mamta/skb

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