

Kamlesh Kumar and Others Vs. State of Delhi

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Court : Delhi

Decided On : Apr-13-2015

Judge : Sanjiv Khanna

Appellant : Kamlesh Kumar and Others

Respondent : State of Delhi

Judgement :

* IN THE HIGH COURT OF DELHI AT NEW DELHI + CRIMINAL APPEAL
No.505/1999 Reserved on:

21. t January, 2015 Date of Decision:

13. h April, 2015 % KAMLESH KUMAR AND OTHERS Through Mr. M.L. Yadav,
Advocate.Appellants Versus STATE OF DELHI Respondent Through Mr.
Varun Goswami, APP along with Inspector Ram Niwas, P.S. Roop Nagar.
CORAM: HONBLE MR. JUSTICE SANJIV KHANNA HON'BLE MR. JUSTICE
ASHUTOSH KUMAR SANJIV KHANNA, J.

By a common judgment dated 10th September, 1999, the appellantsKamlesh
Kumar, husband of the deceased Neeta; his brother Kishore Kumar and his sister-
in-law Manisha have been convicted for offences under Sections 304B and 498A
of the Indian Penal Code, 1860 (IPC, for short). By order on sentence dated 16th
September, 1999, the appellants have been sentenced to imprisonment for life
and fine of Rs.50,000/- each for the offence under Section 304B IPC. In default of

payment of fine, they have to undergo Simple Imprisonment for three years. For the offence punishable under Section 498A IPC, the appellants have been sentenced to undergo Rigorous Imprisonment for three years and to pay a fine of Rs.5,000/- each and in default of payment of fine, they would undergo further Simple Imprisonment for six months each. The sentences, it is directed, are to run concurrently and benefit of Section 428 of the Code of Criminal Procedure, 1973 (Cr PC, for short) has been granted.

2. The impugned judgment and order on sentence had also convicted and sentenced Ujjam Ven, mother of the appellant-Kamlesh Kumar. However, Ujjam Ven died during the pendency of the present appeal and in terms of order dated 18th February, 2005, the appeal preferred by her stands abated.

3. On the question of marriage of the deceased-Neeta with the appellant-Kamlesh Kumar, we have evidence of Mannu Bhai (PW-1) that the two had been married in October, 1994. According to Bharat Bhais (PW-2) deposition, the deceased Neeta had been married to the appellantaccused Kamlesh since December, 1994. Kamlesh Kumar (PW-10) has categorically deposed that the appellant-Kamlesh Kumar had got married to Neeta on 13th December, 1994. He testified that deceased Neeta was the daughter of his Bua, i.e. fathers sister. We are inclined to accept the testimony of PW-10 as to the date of marriage. Appellant-Kamlesh Kumar in his statement recorded under Section 313, Cr.P.C. has accepted that he got married to Neeta on 13th December, 1994. Thereafter, she started residing in her matrimonial home. CRL.A. No.505/1999 However, appellant Kamlesh had Page 2 of 21 claimed that the other three accused, i.e., Ujjam Ven (since deceased), Kishore Kumar and Manisha were residing in a separate house in Nand Nagri. We shall examine the veracity of the said claim at a later stage.

4. On the question of unnatural death of Neeta on 6th June, 1995, we have the testimony of Mannu Bhai (PW-1), to the effect that after about six months of marriage of his daughter to the appellant Kamlesh (PW-1), he came to know that Neeta had suffered burn injuries. Thereupon, he came to Delhi and went to the police station to make enquiries. Retired SI V.P. Singh (PW-8) has deposed that in the intervening night of 5th/6th June, 1995 he was posted as Incharge of Crime

Cell, ISBT, Delhi, and past midnight he had received a call regarding a burn case. On getting the said information, he went to House No.21/39, Shakti Nagar, Delhi and after inspection he prepared a detailed report, marked Exhibit PW-8/A. At the situs of the crime, PW-8 found out that the floor had been washed clean before he had visited the spot. Vinod Kumar Gupta (PW-11), a neighbour, who was previously residing in House No.21/39, Shakti Nagar, has testified that in the month of June, 1995 he was present in the house and at night he had seen the appellants Kamlesh Kumar, Ujjam Ven (since deceased) and Manisha sitting on a cot on the terrace. In the meanwhile, PW-11 heard screams from the portion of the house under occupation of Kamlesh and immediately rushed downstairs. He saw Neeta burning in the miyani. Appellant- accused Kishore was not present there and others who had gathered there, poured water to douse the fire. Neeta was immediately taken to the hospital in a car. Constable Rajbir Singh (PW-12) has deposed that around 11.10 P.M. on 5th June, 1995, he had received a call informing him that a woman in House No.21/39, Shakti Nagar, Delhi, had suffered from burn injuries. On reaching the spot, he found that the floor had been cleaned with water. Some pieces of burnt clothes were found lying there, which were lifted and sealed. Some burnt rags were also lifted from the drain near the house and taken into possession vide seizure memo, marked Exhibit PW-12/A. This statement of PW12 Constable Rajbir Singh corroborates the statement of PW-8 SI VP Singh. SI Shiv Nath (PW-17) had deposed that DD No.34A was marked to him for necessary action and thereafter he along with a constable had gone to Hindu Rao Hospital and collected the MLC of Neeta, aged about 22 years. The MLC, marked Exhibit PW- 15/A, mentions that Neeta was brought to the said hospital at 10.30 P.M. on 5th June, 1995, with alleged history of burn by self. As per the MLC, Neeta had sustained 75- 80% burns on her body and was declared medically unfit for statement. The MLC of Neeta was proved by K.V. Singh (PW-15), Medical Record Clerk, Hindu Rao Hospital, who had testified that he was working as a Record Clerk for the last ten years and had seen Dr. Veer Singh signing and writing. He was conversant with the writing of Dr. Veer Singh and he could identify the same. He further deposed that Dr. Veer Singh had left the hospital three years back in 1996 (PW- 15s testimony was recorded on 13th May, 1999). She was referred to RML Hospital, but since they refused to admit her, she was

subsequently admitted to Lok Nayak Jai Prakash Narayan Hospital. On 7th June, 1995 she succumbed to her injuries in the hospital. All the while, when Neeta was in the hospital, she was declared medically unfit to make a statement. Post-mortem of the deceased-Neeta was conducted by Dr. S.B. Singh (PW13) on 9th June, 1995 at about 11.30 A.M. The patient had dermo- epidermal burn injuries all over the body, except front and back of the outer half of the right thigh and buttock; soles of both feet; both axillae and perineal area; back of the right side chest; back of the abdomen and upper 2/3rd part of both buttocks. Skin had peeled off at most of the places, exposing red and white base. Hairs of scalp, eye lashes, eye brows had been burnt and singed. Blackening of skin was to be seen at most places due to depositions of soot due to unburnt carbon particles. Burns extended to 75% to 80% of the total surface area of the body. On internal examination, it was found that soot was also present in the trachea and all organs were congested. PW-13, Dr. S. B. Singh opined that the cause of death was burn shock and toxemia consequent upon burn injuries. In his opinion, the injuries were ante-mortem and were about two days old. All injuries were caused due to burns by fire. He proved the detailed postmortem report, marked Exhibit PW-13/A, by deposing that it was in his writing and was duly signed by him.

5. Having thus dealt with the question of the deceased victims marriage to the appellant Kamlesh and the unnatural death of the victim, it would now be apposite to deal with the questions of pivotal significance i.e. whether the deceased Neeta was subjected to harassment and cruelty by the appellants or some of them and whether the same was in connection with demand for dowry, so as to bring it under the ambit of Section 304B, IPC. The offence under Section 498A is broader and wider in its scope and ambit as it includes cruelty or harassment by the husband or his relatives, on account of dowry or even otherwise. Two contentions have been raised by the appellants before us. Firstly, the appellants aver that the deceased Neeta was never subjected to any cruelty and harassment on account of dowry or otherwise. Secondly, they allege that the prosecution has not been able to adduce concrete evidence to show that any such dowry demand was made soon before the victims death. The defence counsel also challenged the prosecution version on the ground that the main witnesses in the case i.e. Mannu Bhai (PW-1), the father of the deceased and Bharat Bhai, (PW-2) had turned

hostile and had not endorsed the prosecutions story.

6. The trial court has arrived at the conclusion that Mannu Bhai (PW- 1), the father of the deceased, had been won over by the appellants. The Trial court has arrived at a similar finding in respect of Bharat Bhai (PW2), a neighbour, who used to reside in House No.21/34, Shakti Nagar, Delhi at the relevant time. It is to be noted that the FIR in the present case i.e. FIR No.151/ 1995, marked Exhibit PW-1/ A was registered on the statement of Mannu Bhai (PW-1), duly signed by him. This was accepted by PW-1 in his examination-in-chief. Perusal of PW1s Court testimony reflects that he has prevaricated on several material points. At one point, PW-1 asserted that his statement was recorded at the police station, but later resiled to state that his statement was recorded by the SDM in Tis Hazari Courts. On cross-examination by the Public Prosecutor for the State, Mannu Bhai (PW-1) has voluntarily stated that he was forced to make the statement to the SDM by his relatives. On cross-examination by the defence counsel, he endorsed the defence version that the deceased Neeta was living happily with her in- laws. PW-1 deposed that Neeta had written letters to him in which she said that she was leading a happy conjugal life. He accepted the defence version by stating that his daughter was unhappy on account of her inability to conceive and not on account of any mal-treatment by her in- laws or for failure to bring dowry. On the contrary, testimonies of Arvind (PW-3) and Kamlesh Kumar (PW-10) as noticed below are contrastingly different and implicate the appellants. On bare perusal of the statement made by PW-1 Mannu Bhai to the SDM, Exhibit PW-1/A, it can be seen that PW1had at that time asserted that his daughter had complained of harassment meted out to her by her in-laws to procure dowry. He acknowledged receiving a letter from Neeta, where she had mentioned that she was fed up on account of such harassment in her matrimonial house. On appraising the statements of PW1, we realise that there are glaring contradictions in his statements; Exhibit PW1A and the court deposition. Arvind, PW-3 has deposed that he had been residing in House No.21/44, Shakti Nagar, Delhi for six years and had known the appellants and the deceased Neeta. He was aware of the fact that the appellant Kamlesh Kumar had married Neeta, the deceased, in 1994. Arvind was a tailor by profession and the deceased-Neeta used to help him by stitching blouses. She used to collect cloth from his shop and stitch blouses at her

home. She had on several occasions told him about the harassment, she suffered at the hands of her mother-in-law Ujjam Ven (since deceased) and brother-in-law Kishore Kumar. She was tortured and tormented by her in-laws for bringing insufficient dowry. She was denied right to visit her parental home. The deceased Neeta had told PW-3 that her mother-in-law and brother-in-law used to demand money from her and would forcibly take away the money she earned from stitching. These facts had been divulged by Neeta on a visit to the house of PW-3, about two months prior to her death. In the cross-examination, Arvind (PW-3) was equally assertive. He has stated that his shop was at a short distance from the house of the appellant and it was barely a five minutes walk. He was familiar with and knew the appellants. The appellants were three brothers and were tailors. They were his biradri bhais. He had joined in the investigation of the case and his statement was recorded by the SDM.

7. Kamlesh Kumar (PW-10) was equally forthright and testified that he was working as a tailor in Delhi with one Bharat Bhai during the relevant period, before he shifted to his village. He used to visit the matrimonial home of Neeta occasionally and he also had opportunities and occasion to meet her either in the house of Bharat Bhai, his employer, or in the house of one Arvind, who was also from Gujarat. Neeta used to also stitch clothes for Bharat Bhai. Neeta would complain about her in-laws, i.e., mother-in-law, husband, brother-in-law and sister-in-law, who were harassing her to procure more dowry from her paternal home. PW- 10 Kamlesh has deposed that Neeta had once asked for Rs.5000/- from him to be paid to her in-laws, but he was unable to arrange the amount. This request for money was made at about 3-4 P.M. when he was on his way to his shop, about two months prior to her death. In his examination-in-chief, PW-10 Kamlesh Kumar had asserted that Neeta after hearing of his inability to arrange Rs. 5,000, had asked PW-10 to speak to her father. She had requested PW-10 to arrange and get the money for her father. Neeta was maltreated in her matrimonial home and was constantly vilified for dowry. This led to frequent quarrels. PW-10 Kamlesh came to know about the occurrence on 6th June, 1995 and thereafter he immediately went to the hospital. Neeta was alive at that time but could not speak because her condition was very precarious. She had sustained serious and extensive burn injuries. In his cross-examination, Kamlesh Kumar (PW-10) deposed that he knew

the appellant Kamlesh Kumar even before his marriage to Neeta, as he used to visit his house. He belonged to their biradri.

8. The counsel for the appellants has tried to assail the testimony of Kamlesh Kumar (PW-10) and Arvind Kumar (PW-3) as not credible and trustworthy. According to the defence, their testimonies ought to be rejected and disbelieved. However, in our considered opinion, there was no reason or cause for PW-3 and PW-10 to falsely implicate the appellants and make false allegations against them. They certainly knew the appellants and also the deceased. The fact that they were tailors is crystal clear. It is also an accepted position that the appellants Kishore Kumar, Kamlesh Kumar and the third brother Rajesh were also tailors. PW-3 and PW-10 were perturbed on coming to know about the burn injuries suffered by Neeta on 6th June, 1995. PW-10 had visited both the hospital and the house, i.e., the matrimonial home of the deceased-Neeta. The deposition of PW- 10 Kamlesh and PW-3 Arvind inspires confidence and is a genuine narration of the real and true state of affairs in the deceased victims conjugal home. The contention of the defence on this account therefore fails and is rejected.

9. The appellants have also placed reliance on the testimony of Vinod Kumar Gupta (PW-11), who was a neighbour of the appellants and the deceased at the time of the occurrence to undermine the credibility of PW10s and Pw-3s depositions. PW-11 had deposed that he previously lived as a tenant in House No.21/39, Shakti Nagar, Delhi from 14th August, 1994 till October, 1997. On 5th June, 1995, he had come to the roof of his tenanted premises in order to sleep, when he noticed that appellants Kamlesh Kumar, Manisha and Ujjam Ven (since deceased) and a female child were sitting on a cot. He had exchanged courtesy with them, but soon thereafter heard a scream and rushed downstairs. Son of the landlord had also come there by that time and they saw Neeta burning in the attic (miyani). The appellants except the appellant Kishore Kumar were present there and they started pouring water to douse the fire. Neeta was then taken to the Hindu Rao Hospital in the car of a third person. In the crossexamination, Vinod Kumar Gupta (PW-11) had deposed that Neeta as observed by him, was happily living with her in-laws. We do not however think that the aforesaid testimony of Vinod Kumar Gupta (PW11) reflects or shows that the depositions of Arvind (PW-

3) and Kamlesh Kumar (PW10) were false and make belief. The deceased got married six months prior to the date of occurrence and was living in her matrimonial home. Quite naturally, it would have taken time to adjust in a new setup and to open up with unknown persons. At the same time, we also have evidence that the deceased Neeta was doing tailoring work and in that connection she had interaction with Arvind (PW-3) and Kamlesh Kumar (PW- 10), who were also tailors by profession and belonged to her native place in Gujarat. We need to be cognizant of human psychology and realise that commonality of profession and native place reflect bonds of affinity between the deceased Neeta and PW-3 and PW-10 and so she had opened up to them and spoken about her ill-treatment in her matrimonial home. The deceased Neeta might not have developed the same kind of empathy with Vinod Kumar Gupta (PW-11) to speak to him. Thus, the factum that the deceased Neeta had not spoken to Vinod Kumar Gupta (PW-11), who was a neighbour and a stranger to her, does not in any way dent the prosecution version or even create an iota of doubt regarding the testimonies of Arvind (PW-3) and Kamlesh Kumar (PW-10).

10. Another issue or contention raised by the defence relates to the satisfaction of the condition soon before postulated under Section 304B, IPC. The defence counsel has argued that for Section 304B to apply, the prosecution has to first show that soon before the death the deceased was subjected to cruelty or harassment by her husband or his relative, for or in connection with any demand of dowry. The defence submitted that in the instant case, the prosecution has failed to adduce any evidence to show that soon before the unnatural death of Neeta, she was subjected to harassment or cruelty on account of or in connection with demand of dowry. We are however satisfied that in the present case the prosecution has successfully discharged the preliminary and primary burden placed on it. Indisputably, the unnatural death had occurred within six months of marriage. Arvind (PW-3) and Kamlesh Kumar (PW-10) had deposed about the pitiable condition of the deceased and her tribulations in her matrimonial home on account of her failure to bring dowry, which ultimately culminated in her death by way of burning.

11. To articulate and understand the meaning of the expression soon before and whether the said condition is satisfied in the case at hand, we would like to examine the case law on the said subject. In *Sunil Bajaj versus State of M.P.*, (2001) 9 SCC417 referring to the aforesaid ingredient/condition of Section 304B, it was observed that conviction for an offence can be on the basis of evidence, which may be either direct or circumstantial or both. In the facts of the said case, it was held that there was no evidence of demand of dowry or the deceased being subjected to cruelty for or in connection with demand of dowry. The marriage in that case had taken place in 1991 and the death had taken place in 1995. The Court had relied upon written communications and other factors while ruling out the applicability of Section 304B, IPC.

12. In *Hira Lal and Others versus State (Government of NCT), Delhi*, AIR 2003 SC2865 reference was made to Section 113B of the Evidence Act, 1872, which reads as under:

[113B. Presumption as to dowry death-When the question is whether a person has committed the dowry death of a woman and it is shown that soon before her death such woman had been subjected by such person to cruelty or harassment for, or in connection with, any demand for dowry, the court shall presume that such person had caused the dowry death. Explanation.--For the purposes of this section, "dowry death" shall have the same meaning as in section 304B of the Indian Penal Code.

Adverting to the 21st Report of the Law Commission of India on Dowry Deaths and Law Reforms, it was observed that Section 113B, Evidence Act, raises a presumption in law when an accused is tried under Section 304B, IPC. When death occurs otherwise than under natural circumstances and where the victim had been subjected to cruelty or harassment prior to her death in connection with demand of dowry, it would be viewed as a case of dowry death. Referring to the question of what constitutes soon before, the Supreme Court elucidated that this was a relative term and interpretation of the same would depend upon the factual matrix of each case. No strait jacket formula should be applied or a ritualistic, mechanical interpretation resorted to while construing the said aspect. The

proximity test, as prescribed by the Supreme Court in a catena of cases, does not specify a definite period and determination of the said period is to be left to be determined by the courts depending upon the facts and circumstances of each case. Suffice, it was indicated that the expression soon before would normally imply that the intervening period between the concerned cruelty or harassment and the death in question should not be unduly long so as to break the connect between the two. If the alleged incident of cruelty is so remote in time and has become stale, so as to not disturb the mental equilibrium of the victim concerned, it would be of no consequence. Otherwise, the requirement of soon before is satisfied. A similar view was expressed in *Kaliyaperumal and Another versus State of Tamil Nadu*, (2004) 9 SCC157 13. In *Sudhakar versus State of Maharashtra*, (2000) 6 SCC671 the Supreme Court while referring to a judgment of the Calcutta High Court in *Protima Dutta v. State*, [(1977) 81 CWN713] elucidated that in cases where there is sustained cruelty, proximity may even extend to a period of three years. In *Harjit Singh versus State of Punjab*, (2006) 1 SCC463 the Supreme Court emphasised that the idea behind the expression soon before is to emphasize that death should in all probabilities have been the aftermath of such cruelty or harassment. There should be a perceptible nexus between the death and the dowry related cruelty or harassment of the victim. Interval or gap between cruelty and death should not be very wide, for the court must be in a position to gauge that in all probability the death was on account of harassment or cruelty for dowry. Recently, the Supreme Court dealt with this issue in *Anjanappa versus State of Karnataka*, JT2013(14) SC340 and *Surinder Singh versus State of Haryana*, AIR 2014 SC817. In *Anjanappa case (supra)*, parents of the victim had turned hostile and the Court observed that they were either won over or pressurized into supporting the accused. It was further held that the trial court should have seen through the insincerity and dishonesty in the statements of the victims parents and relied upon evidence of other witnesses. The Supreme Court relied upon the dying declaration and ruled out any possibility of accidental death. The aforesaid judgment would be relevant in the facts of the present case, as we are satisfied that this is not a case of accidental death. Again, this is a case wherein father of the deceased Mannu Bhai (PW-1) has taken a diametrically opposite stance from the version given earlier. It is also to be noted that in the

present case the crime scene or the place of occurrence was washed clean prior to the arrival of the police team. The photographs placed on record, marked Exhibit PW-9/ 1 to 5, do indicate presence of burnt rags in a room and the fact that the floor was clean. The said photographs were taken by Constable Mahi Lal (PW-9) at about midnight on 6th June, 1995. Neither the facts indicate, nor is it palpable that this was a case of accidental fire. In the statements under Section 313 Cr.P.C., the appellants accept that deceased-Neeta was not very happy with her marriage with Kamlesh Kumar propounding that she was interested in getting married to someone else in Gujarat and also because she could not conceive a child. At the same time, it was stated that it was a case of accidental death. The statement that deceased-Neeta could not conceive and was unhappy on that account is rather far-fetched as the marriage had taken place barely six months back. No such suggestion was given by the father or other public witnesses including Arvind (PW-3) and Kamlesh Kumar (PW-10). Similarly, the statement that deceased-Neeta wanted to marry a third person appears to be concocted and invented. No details or particulars to corroborate the same have been given. Had the deceased-Neeta liked someone else, it would have been indicated or so stated specifically and clearly. As far as the theory of accidental fire is concerned, it has not even been stated or argued that Neeta was cooking food at the relevant time and, therefore she accidentally caught fire. As per the post-mortem report and the MLC Exhibits PW-13/A and PW-15/A, Neeta was badly burnt and was smelling of kerosene. There was soot all over her body. The question of accidental fire, therefore, does not arise.

14. In Surinder Singhs case (supra), it was held that the proximity test is not a rigid one; rather it calls for adopting a pragmatic and sensitive approach by the courts. In the said case, the death had occurred within three months and four days of marriage, which was a very short period and, therefore, the Court observed that the test of soon before was satisfied. It was further observed that the test should be applied in such a manner so as not to defeat the purport of the provision and without losing sight of reality. The meaning which ought to be given should be in accord with the legislative intent. It was observed:

25. Before closing, the most commonplace argument must be dealt with. In all cases of bride burning it is submitted that independent witnesses have not been examined. When harassment and cruelty is meted out to a woman within the four walls of the matrimonial home, it is difficult to get independent witnesses to depose about it. Only the inmates of the house and the relatives of the husband, who cause the cruelty, witness it. Their servants, being under their obligation, would never depose against them. Proverbially, neighbours are slippery witnesses. Moreover, witnesses have a tendency to stay away from courts. This is more so with neighbours. In bride burning cases who else will, therefore, depose about the misery of the deceased bride except her parents or her relatives?. It is time we accept this reality. We, therefore, reject this submission.

15. One of the pleas taken in the present appeal is that Kishore Kumar and Manisha, brother-in-law and sister-in-law of the deceased were residing separately. This is not correct and is not borne out from the record, including the cross-examination of the public witnesses. Presence of Manisha is clearly deposed to by Vinod Kumar Gupta (PW-11). Arvind (PW-3) and Kamlesh Kumar (PW-10) have also referred to the acts of cruelty and dowry demand by three appellants.

16. The appellants had also examined Prakash Chand Gupta (DW-1), who deposed that Kishore Kumar had a separate house and used to reside in Nand Nagri with his wife, mother and children and the appellant Kamlesh Kumar used to reside separately with his wife Neeta, the deceased. However, in his cross-examination, DW-1 was not able to point out the address of the appellants at Nand Nagri or the house number of appellant Kamlesh Kumar at Shakti Nagar. In the cross-examination of Mannu Bhai (PW-1) and Bharat Bhai (PW-2), no such suggestion was made. In fact, Bharat Bhai (PW-2) in his cross-examination had stated that the accused persons, i.e., appellants, including Ujjam Ven (since deceased) were living in Shakti Nagar, though he accepted that the accused persons, i.e., the appellants and Ujjam Ven (since deceased) were also having another house in Nand Nagri. No such suggestion was given during the cross-examination of Arvind (PW-3) or Kamlesh Kumar (PW-10). The said plea is, therefore, rejected.

17. The last issue relates to the quantum of sentence to be awarded. We do not see any convincing/ persuasive reason or ground to alter the sentence awarded to the appellant-Kamlesh Kumar, husband of the deceased-Neeta. However, we are inclined to reduce the sentence awarded to Kishore Kumar, brother-in-law and Manisha, sister-in-law of the deceased. Their sentence is accordingly reduced to a period of seven years for the offence punishable under Section 304B, IPC. They shall also undergo a Rigorous Imprisonment for three years for the offence under Section 498A, IPC imposed. Fine of Rs.50,000/- for the offence under Section 304B, IPC and Rs.5,000/- for the offence under Section 498A, IPC imposed by the trial court is also maintained. In default of payment of fine for offence punishable under Section 304B, they shall further undergo Simple Imprisonment for a period of one year and in default of payment of fine for offence punishable under Section 498A, they shall undergo a Simple Imprisonment three months each instead of Rigorous Imprisonment for three years and Simple Imprisonment of six months each imposed by the trial court. The sentences will run concurrently and benefit of Section 428 Cr.P.C. will be granted. The appeal is allowed to the extent indicated above. Trial court records will be sent back. The appellants, who are on bail pursuant to suspension of sentence, shall surrender within a period of one month from today to undergo the remaining sentence. In case the appellants do not surrender, the trial court shall take steps to enforce compliance. Trial court record will be sent back.-.sd- (SANJIV KHANNA) JUDGE -sd- (ASHUTOSH KUMAR) JUDGE APRIL13 2015 VKR

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