

Mt. Rup Devi and anr. Vs. State of Himachal Pradesh

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Court : Himachal Pradesh

Decided On : Jan-11-1955

Reported in : 1955CriLJ679

Judge : Ramabhadran, J.C.

Acts : [Evidence Act, 1872](#) - Sections 3 and 30; ;[Code of Criminal Procedure \(CrPC\)](#) , [1898](#) - Sections 32, 164, 236, 367 and 510; ;[Indian Penal Code \(IPC\), 1860](#) - Sections 107, 201 and 302

Appeal No. : Criminal Appeal Nos. 14 and 15 of 1954

Appellant : Mt. Rup Devi and anr.

Respondent : State of Himachal Pradesh

Advocate for Def. : D.N. Vaidya, Govt. Adv.

Advocate for Pet/Ap. : Kirti Ram Tewari, Adv. for Gokal and; D.R. Chaudhary, Adv.

Disposition : Appeal rejected

Judgement :

ORDER

32. In view of all that has been said above, I allow appeal No. 14 of 1954, filed by Mt. Rup Devi in part. I set aside her conviction of an offence under Section 302,

read with Section 114, I. P. C, Instead, I convict her of an offence under Section 201, I. P. C., and, bearing in mind that she is only about 18 years of age and in all probability was led astray by Gokal (who was old enough to be her father), sentence her to undergo three years' rigorous imprisonment. As regards criminal appeal No. 15 of 1954, filed by Gokal, I maintain his conviction of an offence under Section 302, I. P. C., as well as the sentence of transportation for life inflicted upon him. He should thank his stars that in spite of the fact that he committed a brutal and premeditated murder, he was let off with the lesser of the two penalties prescribed by law, There was, however, no point in tacking on a fine of Rs. 300/- to the sentence of transportation for life. The sentence of fine is, therefore, set aside. Fine, if realized, must be refunded. Subject to this slight modification, Gokal's appeal is rejected.

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