

In the High Court of Punjab and Haryana at Chandigarh

Crl. Appeal No. S-1812-SB of 2003 (O&M)

Date of Decision: 27.01.2015

Ram Dulari and others

.....Appellants

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. D.S.Gurna, Advocate
for the appellants.

Mr. K.S.Aulakh, AAG, Punjab.

SABINA, J.

Appellants along with their co-accused Shiv Charan Dass had faced the trial qua commission of offence punishable under Section 306 of the Indian Penal Code, 1860 ('IPC' for short) in FIR No. 44 dated 28.1.2001, registered at Police Station Kotwali Bathinda. Trial Court vide judgment/order dated 2.9.2003 ordered the conviction and sentence of the appellants under Section 306 IPC. However, co-accused Shiv Charan Dass was acquitted of the charge framed against him. Hence, the present appeal by the appellants.

During the course of arguments, learned counsel for the appellants has not challenged the conviction of the appellants under Section 306 IPC but has submitted that sentence qua imprisonment of the appellants be reduced to the period already undergone by them. Learned counsel for the appellants has submitted that the deceased had died on 14.4.2000. Initially,

complainant did not express any doubt against anybody regarding the death of his son. FIR in question was registered after nine months of the occurrence i.e. on 28.1.2001. Although, complainant had stated that there were injury marks on the dead body of his son but as per the medical opinion, there were no external marks of injury on the person of the deceased. The deceased had not left any suicide note. Further, as per the complainant himself, the deceased had been separated by them as per the demand of the accused. Therefore, there was no occasion for the appellants to have abetted the suicide committed by the deceased. Be that as it may, learned counsel for the appellants has submitted that he does not challenge the conviction of the appellants under Section 306 IPC but has submitted that sentence qua imprisonment of the appellants be reduced to the period already undergone by them.

Keeping in view the facts and circumstances of the present case, it would be just and expedient to reduce the sentence qua imprisonment of the appellants to the period already undergone by them.

Accordingly, conviction of the appellants under Section 306 IPC, is maintained. However, sentence qua imprisonment of the appellants is reduced to the period already undergone by them.

Appeal stands disposed of accordingly.

**(SABINA)
JUDGE**

January 27, 2015

Gurpreet