

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRIMINAL APPEAL NO. 725 OF 1999

Smt. Sumitra Bai, wife of Ganesh Sharma, aged about 24 years (As per certificate 15 years), R/o Telhanala Khursipar Bhilai, District Durg.

... Appellant

Versus

State of Madhya Pradesh (now Chhattisgarh), through P.S. Chhavni, District Durg.

... Respondent

For Appellant	:	Mr. B.D. Badgayan, Advocate.
For Respondent	:	Mr. U.K.S. Chandel, Panel Lawyer.

Hon'ble Shri Navin Sinha, Chief Justice

Hon'ble Shri Justice P. Sam Koshy

Judgment on Board

Per NAVIN SINHA, C.J.

15/03/2016

1. The Appellant stands convicted under Section 302 IPC to life imprisonment with fine of Rs. 500/-, in the event of failure to pay which she was required to undergo three months further rigorous imprisonment, as ordered on 17.2.1999 by the 8th Additional Sessions Judge, Durg, in Sessions Trial No. 304 of 1998.

2. The Appellant is alleged to have set the deceased on fire by pouring kerosene oil upon her and then lighting it. First Information Report, Exhibit P-9, was lodged by PW-1, Manharan, on 29.8.1998 at around 21:00hrs with regard to an occurrence the same day at 5:00pm naming the Appellant as the accused. PW-1, Manharan deposed that he along with PW-2, Dilip, tried to douse the fire. Their MLC, Exhibits P-12 and 14 respectively, confirm burn injuries suffered by them in the process making them reliable injured witnesses. PW-3, Meena Bai, wife of PW-2, Dilip and PW-4, Rameshwari, wife of PW-1, Manharan are also stated to

be eyewitnesses. In view of the eyewitness account available, the conviction, in our opinion calls for no interference.

3. On 20.9.1999, this Court had called for a report with regard to the plea of juvenility raised on behalf of the Appellant. The report of the 8th Additional Sessions Judge, dated 22.10.1999, states from the school admission register that her date of birth was 17.1.1984 which makes her below 18 years of age on the date of occurrence i.e. 29.8.1998.

4. The Appellant is therefore entitled to the benefit of the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2000 (hereinafter called 'the Act'). She has already remained in custody for more than the maximum period of three years permissible in law for a juvenile.

5. The matter is therefore forwarded to the appropriate Juvenile Justice Board for passing appropriate orders with regard to sentence under Section 20 of the Act.

6. The Appellant who is on bail, shall continue to be so till appropriate orders are passed by the concerned Juvenile Justice Board.

7. The appeal is dismissed with the aforesaid directions and observations.

Sd/-
(Navin Sinha)
Chief Justice

Sd/-
(P. Sam Koshy)
Judge