

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRA-S No.1735-SB of 2003 (O&M)
Date of Decision: 27.07.2016**

Ramji Lal and another

...Appellant(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE ANITA CHAUDHRY

1. Whether Reporters of local papers may be allowed to see the judgment? Yes/No
2. To be referred to the Reporters or not? Yes/No
3. Whether the judgment should be reported in the digest? Yes/No

Present: Mr. H.S. Jalal, Advocate
for the appellants.

Mr. Sanjay Kr. Saini, A.A.G. Haryana.

ANITA CHAUDHRY, J.

The appellants were convicted under Section 498-A IPC and were sentenced to undergo rigorous imprisonment for a period of two years along with fine of Rs.5,000/- each. The trial Court had acquitted the appellants under Section 304-B IPC.

The brief facts are only being given as the only prayer made by the appellants is limited to the quantum of sentence.

Bhagwati was married to Hira Lal in year 2000. The unfortunate incident took place on 24.04.2002. Bhagwati returned to her parent's house. The child was born in the house of her parents. The husband took his wife back to the matrimonial home thereafter. The allegations thereafter were that there was a demand of scooter and gold ornaments which the complainant could not fulfill. The complainant

received information that his daughter was seriously ill. On receiving the information he along with member of brotherhood went to the house of the accused and found the dead body of their daughter lying in the court yard. Blood was oozing from the mouth. A complaint was presented to the police. First Information Report was registered. After the necessary formalities, the police had challaned the husband and the father in law.

The trial Court noted that no poison was found in the FSL report. The Medical Officer had given his opinion that the death was on account of peritonitis, as a result of perforation in the stomach and acquitted the accused for the offence punishable under Section 304-B IPC and convicted them only under Section 498-A IPC to the sentence mentioned here-in-before.

Counsel for the appellants has urged that the incident is of 2002 and the appellants have faced a protracted trial and had remained in custody even though they were not responsible for the death. The counsel refers to the period of custody as noted in the judgment and had urged that Ramji Lal had remained in custody from 29.04.2002 to 23.06.2002 and Hira Lal had remained in custody from 29.04.2002 to 26.07.2002 and the sentence be reduced to already undergone. It was urged that Ramji Lal was 65 years old at the time of conclusion of the trial and he was 78 years old now.

Considering the circumstances of the case and the fact that the appellants have faced a protracted trial of fourteen years. They have remained in custody as well. Considering the entirety the sentence is reduced to already undergone. There will be no change in the fine. The

fine if not deposited be deposited within two months.

With the above modification alone, the appeal stands disposed of.

(ANITA CHAUDHRY)
JUDGE

27.07.2016
Sunil

Whether speaking/reasoned : Yes/No

Whether reportable : *Yes/No*