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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% *Date of Decision: November 20, 2017*

+ **CRL.A. 23/2011**

POONAM DEVI

..... Appellant

Through: Mr.Pradeep Khatri, Mr.Dhan  
Mohan, Mr.Pranay Garg and  
Mr.Pawan Mehra, Advocate  
with appellant in person.

versus

STATE, NCT OF DELHI

..... Respondent

Through: Mr.Rajni Gupta, APP for the  
State with ASI Devender  
Kumar, PS Uttam Nagar.

**PRATIBHA RANI, J. (Oral)**

1. The instant appeal has been preferred by the appellant impugning the judgment and order on sentence dated 21<sup>st</sup> December, 2010 passed in Sessions Case No.122/1 whereby she has been convicted for committing the offence punishable under Section 307 and 325 IPC and sentenced as under:-

- (i) U/S 307 IPC : to undergo SI for three years with fine of ₹2500/- and in default of payment of fine, to undergo SI for six months.
- (ii) U/S 325 IPC : to undergo SI for three years with fine of ₹2500/- and in default of payment of fine, to undergo SI for six months.

All the sentences were ordered to run concurrently.

2. Briefly stating, the prosecution case is that on 7<sup>th</sup> December,

2002 vide DD No.16-A an information was received at PS Uttam Nagar from Gandhi Nursing Home, Om Vihar that one lady Smt.Savitri, aged 50 years, was admitted in the Nursing Home who was beaten by her daughter-in-law. The said DD was assigned to SI Vipin Kumar who alongwith Ct. Raj Kumar went to Gandhi Nursing Home where he found injured Savitri admitted and she was 'unfit for statement' at that time. On 12<sup>th</sup> December, 2002 Smt.Savitri Devi made statement on the basis of which case FIR No.1032/2002 under Section 307/325 IPC was registered at PS Uttam Nagar against her daughter-in-law i.e. the appellant herein. The appellant was arrested in this case and after completion of investigation, chargesheet was filed for the offences complained of.

3. The petitioner pleaded not guilty to the charges framed under Section 307/325 IPC. The prosecution examined 13 witnesses in all in support of its case. Statement under Section 313 CrPC of the appellant was recorded wherein she has denied the case of prosecution. After trial, the appellant was convicted for committing the offence punishable under Section 307/325 IPC and sentenced in the manner stated above.

4. Appellant is present in person alongwith her counsel.

5. Learned counsel for the appellant, on instructions, submits that appellant is not challenging her conviction in this case. However, prayer has been made for taking a lenient view on the quantum of sentence. Learned counsel for the appellant submits that the appellant is a widow and having two sons. She is an illiterate lady. Presently she alongwith her one son is living at her brother's house and her

second son is under the care and protection of her in-laws. Learned counsel for the appellant submits that the appellant being the single parent has to look after her one son hence a lenient view may be taken on the point of sentence.

6. Since the appellant is not challenging her conviction under Section 307/325 IPC, the same is upheld.

7. Now coming on the quantum of sentence, the injured in this case is mother-in-law of the appellant who is also looking after one son of the appellant and in case, the appellant is sent to Jail to undergo the remaining substantive sentence, the son staying with her would be the real sufferer. Taking into consideration the submissions made on behalf of the appellant, the substantive sentence awarded to the appellant for committing the offence punishable under Sections 307/325 IPC is reduced to the period already undergone by him in this case. However, the fine imposed on the appellant is enhanced by ₹50,000/- in addition to the fine amount of ₹5,000/- imposed by the learned Trial Court.

8. The appellant is directed to deposit the enhanced fine of ₹50,000/- with the Registrar General of this Court within four weeks, failing which she shall undergo imprisonment for six months.

9. If the fine amount of ₹50,000/- is deposited by the appellant, the same shall be released to the injured/victim Smt.Savitri for which the Registrar General will issue notice to the injured/victim to appear before him to receive the compensation amount.

10. Intimation regarding deposit of compensation amount may also be sent to the concerned Jail Superintendent for information and

updatation of record.

11. The appeal is allowed modifying the order on sentence to the above extent.

12. TCR be sent back alongwith copy of this order. Copy of this order be sent to the concerned Jail Superintendent for information.

As prayed, copy of the order be given dasti to learned counsel for the appellant.

**PRATIBHA RANI  
(JUDGE)**

**NOVEMBER 20, 2017**

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