

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

% *Judgment Reserved on: August 01, 2017*
Judgment Delivered on: August 18, 2017

+ **CRL.A.725/2001**

MANPAL SINGH & ANR. Appellants

Through: Mr.Laxman Singh & Mr.Ajay
Kumar, Advocates.

versus

STATE OF DELHI Respondent

Through: Ms.Kusum Dhalla, APP for the
State

CORAM:
HON'BLE MS. JUSTICE PRATIBHA RANI

JUDGMENT

1. The appellants Manpal Singh and Mangla Devi are the father-in-law and mother-in-law of the deceased Manisha who are aggrieved by the judgment dated 16th July, 2001 and the order on sentence dated 18th July 2001 in Sessions Case No.177/1999 whereby they have been convicted for committing offence punishable under Section 304-B IPC and sentenced to undergo rigorous imprisonment for ten years with fine of ₹10,000/- and in default of payment of fine, to undergo rigorous imprisonment for three months.

2. In Sessions Case No.177/1999 (FIR No.306/1999, u/s 498-A/302/304-B IPC), along with the appellants herein namely Manpal

Singh and Mangla Devi, Jai Prakash-husband of the deceased Manisha also faced trial. Vide the impugned judgment, Jai Prakash had been found guilty for committing offence punishable under Section 498-A IPC and sentenced to undergo rigorous imprisonment for three years and to pay a fine of ₹5,000/- and in default of payment of fine, to undergo rigorous imprisonment for two months. Jai Prakash – husband of the deceased Manisha has already been released from jail after undergoing the sentence awarded to him.

3. Jai Prakash – husband of the deceased has not challenged his conviction and sentence by filing any appeal, nor the State has filed any appeal challenging his acquittal in respect of the offence punishable under Section 304-B IPC.

4. The brief facts leading to the prosecution of the appellants may be summarized as follows:

(i) On 15th June, 1999 at about 5:50 AM PW-8 Ct.Budh Ram who was on duty on PCR man Eagle 32 received information that one woman was lying in burnt condition near Holey Chowk at STD Booth. The PCR immediately reached the spot, picked up the burnt woman and got her admitted in Safdurjung Hospital. The information was also sent to the local police station, PS Sangam Vihar vide DD No.20/A. PW-14 ASI C.D. Upadhyay along with Ct.Dharam Vir Singh reached the spot where he came to know that the injured had already been removed to the hospital by PCR van. ASI C.D.Upadhyay reached the place of occurrence i.e. K-11/1159, Sangam Vihar where the house was lying open with traces of burning present there but the occupants of the house were missing. ASI C.D.Upadhyay borrowed a

lock from the neighbouring house and locked the room to keep the crime scene intact and left Ct.Dharam Vir Singh to guard the spot.

(ii) On reaching the hospital ASI PW-14 obtained the MLC of the injured Manisha and sought the opinion of the doctor about the condition of the injured as to whether she was fit to make statement. The doctor opined the patient to be fit to give statement. The SDM was informed telephonically to reach the Safdurjung Hospital who reached by 10:30 AM. The statement of the injured Manisha was recorded in question-answer form on the basis of which Ex.PW12/A was registered. The family of the injured was informed through wireless transmission (WT) message at their native place in Etah, U.P. PW-14 ASI C.D.Upadhyay – investigating officer was transferred and thereafter the further investigation was conducted by PW-9 SI Lehna Singh. The injured Manisha expired on 21st June, 1999 and the body was sent for post-mortem. The FIR No.306/1999 which was registered under Section 307 IPC, was converted into Section 302 IPC. After recording the statement of the father and brother of the deceased to the effect that that there was a demand of ₹1 lakh as dowry by the husband and in-laws, they were arrested in this case. After the completion of investigation, all the three accused were chargesheeted for committing the offence punishable under Section 498-A/302/34 IPC.

(iii) On the basis of the material placed on record by the prosecution, all the accused persons were charged for committing the offence punishable under Section 498-A/34 IPC. Appellants Manpal Singh and Mangla Devi were also charged for committing the offence

punishable under Section 302 IPC and in the alternative, under Section 304-B IPC.

(iv) During trial 14 witnesses were examined and statement of all the accused persons was also recorded under Section 313 Cr.P.C.. The appellants have examined three witnesses namely DW-1 Smt. Chandrawati – neighbour, DW-2 Sh.Ram Prasad – relative and DW-3 Sh.Pramod Kumar – relative in their defence.

(v) Learned Trial Court convicted the husband for committing offence punishable under Section 498-A IPC as in the dying declaration Ex.PW10/B deceased Manisha has stated that sometimes her husband used to beat her for money.

5. The father-in-law and the mother-in-law who have been convicted under Section 304-B IPC by the learned Trial Court for the following reasons:

(i) Dying declaration of Manisha was recorded by the SDM PW-10 Sh.A.Nedunchezhiyan in question-answer format. She has specifically stated that the father-in-law poured the kerosene oil and the mother-in-law lit the match box.

(ii) The testimony given by SDM PW-10 is worth believing and credit worthy as he had no enmity with the accused persons and that at the time of recording of the statement none from the family of Manisha was present in the hospital.

(iii) All the ingredients necessary to attract the provisions of Section 304-B IPC stand satisfied.

(iv) The defence witnesses examined to take the plea of alibi by father-in-law Manpal Singh are found to be untrustworthy.

6. On behalf of the appellants Mr.Laxman Singh, Advocate has submitted that the appellants are innocent and falsely implicated in this case by the deceased who was not having cordial relations with her in-laws. Her dying declaration could not have been made the basis for conviction due to the long time gap between when she was declared fit for making statement and when her statement was actually recorded. By the time her dying declaration was recorded she was under the influence of sedatives.

7. Learned counsel for the appellants has submitted that the deceased Manisha was admitted in the hospital with about 70-75% burns all over the body and in that condition it was just not possible to make a detailed statement/dying declaration.

8. Learned counsel for the appellants has also contended that there is also discrepancy in the alleged history given by the deceased before the doctor who prepared the MLC and in the statement recorded by the SDM PW-10. While in the MLC the alleged history has been recorded as under:

‘Alleged h/o kerosene oil being poured over her and being set fire by her husband and both in-laws while she was sleeping at about 4.00 am at their residence in Sangam Vihar.’

9. In the dying declaration Ex.PW10/B recorded by the SDM, the deceased has excluded her husband and implicated only father-in-law and mother-in-law to be the persons who set her on fire.

10. Learned counsel for the appellants has also pointed out another discrepancy as to who recorded the dying declaration i.e. PW-14 ASI

C.D.Upadhyay – the investigating officer or PW-10 Sh. A.Nedunchezhiyan – SDM. The SDM is a South-Indian and could not have written the dying declaration in Hindi in question-answer form which suggests that it was the IO who prepared the dying declaration and obtained the signature of the SDM on the same without any such statement being made by the deceased. This discrepancy as to who in fact actually recorded the dying declaration goes to the root of the matter and the benefit of doubt has to be given to the appellants who have been convicted mainly on the basis of the dying declaration recorded on the same day i.e. on 15th June, 1999.

11. Learned counsel for the appellants has also questioned the observation of the learned Trial Court that DW-2 and 3 are false witnesses. Further the opinion expressed that no marriage invitation could be there without printing the cards, is based on assumptions. The appellants belong to rural area and invitations are being extended by them orally or by personal visits. On the day of incident Manpal Singh was not at home as he had gone to extend the invitation of marriage of his niece to his relative at Badar Pur, Delhi but this plea of alibi has been rejected by the learned Trial Court without giving any valid reason.

12. Learned counsel for the appellants has submitted that both the parties i.e. parents and in-laws of the deceased belong to lower strata of the society. In those days there was not even electricity connection in the house of the appellants and there was no question of making a dowry demand of Rs.1,0,000/- when they were aware of the financial capacity of the parents of the deceased Manisha. It has also been

contended that the deceased left for her parents home on her own and was brought back to her in-laws' house by her father about 4-5 months prior to the occurrence. Soon before her death, there was no cruelty caused to her as without making any complaint to police she stayed for 4-5 months at the matrimonial house after returning from the parents' house. No incident of cruelty being committed on her by either of the appellants was mentioned by her in the dying declaration and in these circumstances the appellants could not have been convicted for causing dowry death of Manisha.

13. Learned counsel for the appellants has also submitted that both the appellants are old and the mother-in-law even cannot stand because of her ailment. She needs constant support even to stand properly. They have already remained in custody for a period of about five years. They have been awarded sentence of ten years and in case this Court is not inclined to accept the submissions of the appellants on merits, at least on quantum of sentence a lenient view may be taken and their sentence may be reduced.

14. In emphatic refutation, the learned APP for the State submitted that admittedly the unfortunate incident wherein deceased Manisha suffered burn injuries to the extent of 70-75% had occurred within seven years of her marriage at her matrimonial home in suspicious circumstances. The factum of she being harassed on account of dowry demand of ₹1 lakh stands proved from the fact and circumstances that none from the family of her in-laws had even accompanied her to the hospital. The investigating officer PW-14 ASI C.D.Upadhyay found the house abandoned. Her dying declaration is sufficient to prove the

guilt of the appellants beyond reasonable doubts.

15. After outlining the rival contentions and with a view to appreciate them, it is necessary to take a stock of the evidence adduced by the prosecution and to ascertain whether findings arrived at by the learned Trial Court that it is a case of dowry death is valid in law.

16. It is admitted case of the parties that the deceased Manisha was married to Jai Prakash, son of the appellants. PW-1 Smt.Kamlesh, PW-2 Smt.Laxmi Gupta are the public witnesses/neighbours who have seen the deceased Manisha rushing out of her house on 15th June, 1999 at about 5:30 AM. The public witnesses have also stated that somebody informed the PCR and she was removed to hospital. But none of the family members from her in-laws came out to save her or accompany her to the hospital. PW-3 Kali Charan & PW-4 Ram Khilari are father and brother respectively of the deceased. They reached Delhi on the next day on receiving message from the police. Both of them have stated about the dowry demand of ₹1 lakh made by the appellants as well their inability to fulfill the demand. They have also stated that the deceased was made to live at her parents' house to pressurize them to fulfill the demand and about five months before the occurrence the father of the deceased (PW-3) left her at the matrimonial home and paid ₹10,000 (rupees ten thousand only) to the appellants to partly meet their demand of ₹1 lakh and assured to pay the balance in installments. PW-13 Dr.Deepak Nanda, Safdurjung Hospital prepared the MLC and at that time Manisha was conscious and oriented. At that time she gave the alleged history of kerosene oil

being poured over her and being set on fire by her husband and both in-laws while she was sleeping at about 4.00 am at their residence in Sangam Vihar. PW-13 Dr. Deepak Nanda has recorded on the MLC Ex.PW13/A as under:-

“.....The injuries were burns over face, neck bother upper limbs totally and interior portion of lower thins and legs and buttocks and posterior aspect of this and legs amounting to approximately 70% of total body surface area. The alleged history of Kerosene being poured over he and being set fire by her husband and both inlaws while she was sleeping at about 5 a.m. of 15-6-99 at their residence in Sangam Vihar.”

In his cross examination, he has stated that no relation was present when he examined her, which reads as under:

“.....The patient was conscious when I examined her because it was she who gave history of burning as recorded by me. Her orientation of mind was alright. No relation was present when I examined her.”

17. PW-14 ASI C.B.Upadhyay, PS Sri Niwas Puri who reached the spot on getting the information from the hospital has categorically stated that the house of the appellant was lying open with none of the occupants present there and with a view to guard the scene of crime he left the constable and also borrowed a lock from the neighbour house. He filed an application Ex.PW-14/A to seek opinion of the doctor whether the injured was fit to make statement and obtained the fitness at 8:10 AM from the doctor which is Ex.PW-10/A.

18. It has also come on record that SDM arrived at the hospital and recorded the statement of the deceased in question-answer form which

is Ex.PW-10/B. Since dying declaration given by the deceased has been challenged on various grounds including the state of mind of the deceased at the time of making the dying declaration as well its authenticity pointing out discrepancy as to who recorded the statement surfacing in the statement of PW-10 Sh.A.Nedunchezhiyan – SDM and PW-14 ASI C.D.Upadhyay – the investigating officer, I am of the view that there is no such discrepancy. Sh.A.Nedunchezhiyan – SDM when examined as PW-10 has stated as under:-

*‘The fitness given by the doctor is Ex.PW10/A. After obtaining fitness certificate I recorded the statement of Manisha in question answer form. **I put question to Manish and the question and answers were recorded by Mr.Updhayay IO in my presence.** The statement recorded in question answer form was signed by me and the injured put thumb impression in my presence at point-A. My sig. are appearing on the statement is Ex.PW10/B at point-B.’*

19. The question put to the **IO** was **‘who recorded the statement’** and he correctly answered that it was PW-10 SDM. The question put to him was not **‘in whose hand writing the dying declaration is recorded’** otherwise he would have answered accordingly.

20. No doubt PW-10 Sh.A. Nedunchezhiya - SDM was not from the Hindi belt but there is nothing on record to infer that he could not converse in Hindi. Had it been so, when he was cross-examined on behalf of the appellants, he could have been asked as to whether he understood the questions and answers put during cross-examination in Hindi. It is also not the case of the appellants that during his examination-in-chief or cross-examination the questions were put to

him in English and answered by him in English or that he was not conversant with spoken Hindi.

21. The dying declaration Ex.PW-10/B is in simple language in question-answer form. Before inquiring from her about how the occurrence had taken place, she was asked about her name, husband's name, name of her father-in-law, mother-in-law, their addresses, name of her father and his address. It is relevant to note here that she was removed to hospital by PCR. At the time of her admission in the hospital or when the SDM (PW-10) recorded her statement, no family member, either from her parental side or from in-laws side was around to disclose either her name or the name of the other members of the family or their addresses. At the time of preparation of MLC as well at the time of recording dying declaration, the injured Manisha herself was answering all the questions put to her and was conscious and oriented as well fit to make statement. A bare look at the answers given by her is sufficient to satisfy the conscious of this Court about her fit state of mind. The questions put to the deceased and the answers given by her are as under:

(i) The first question put to her is about her name.

Q. Tumhara naam kya hai?

A. Manisha.

(ii) The second question is about her husband's name.

Q. Pati ka naam kya hai?

A. Jai Prakash.

(iii) Third question is how the occurrence has taken place.

Q. Yeh kaise hua?

A. Mere upar mere sasur ne mitti ka tel dala aur meri saas ne mere kapdon me machis laga di.

(iv) The fourth question is name of her father-in-law and mother-in-law.

Q. Tumhare sasur aur saas ka kya naam hai?

A. Sasur ka naam Pal Singh tatha saas ka naam Mangla Devi hai.

(v) The fifth question is why they have done so.

Q. Kyun aisa kiya?

A. Dahej me ek laakh rupey mere maa baap se mere saas sasur mangte the, jo nahi dene par mere saath aisa kiya hai.

(vi) Sixth is the question about any complaint from her husband.

Q. Tumhe apne pati se koi shikayat hai?

A. Nahi. Kabhi kabhi veh bhi paise ke liye marte the.

(vii) Seventh question is address of her matrimonial home.

Q. Tumhare sasural ka pata kya hai?

A. Makan No.K-II-1159, Sangam Vihar, New Delhi.

(viii) Eighth question is about the address of her parental home and she mentioned the name of her father and thereafter gives the address of her village.

Q. Tumhare maiyke ka pata kya hai?

A. Pita ka naam Kalicharan Gaon, Vajidpur, Thana Sidhpura, Zila Etah, UP hai.

22. The above answers confirm that she was in fit state of mind.

She was conscious of the fact that in villages as there is no house number, her father's name was required to be given for the complete address. There is nothing on record to suggest that immediately after 10:30 AM when her dying declaration was recorded she became unfit for statement. Rather she survived for six days after suffering the burn injuries.

23. The contention on behalf of the appellants that the dying declaration is not in the hand writing of the SDM in itself is no reason to discard the dying declaration for the reason given above in paras 17 and 18. Even at the cost of repetition it can be mentioned that the injured was removed to the hospital by PCR and the details appearing in the MLC or in the dying declaration could not have been known either to the police or to the doctor or to the SDM. The details were given by the injured being accurate, further confirm that she was in fit state of mind when brought to the hospital as well as when her dying declaration Ex.PW-10/A was recorded.

24. The reliance placed by the learned counsel for the appellants on the decision reported as Rajaram vs. State of NCT of Delhi 2013 (1) JCC 41 has no applicability in the above proved facts. It has been proved by the prosecution that when deceased Manisha was removed to hospital by PCR, when she was hospitalized or when the history of burns was recorded by PW-13 Dr.Deepak Nanda or her statement in question-answer form (Ex.PW10/B) was recorded by the SDM PW-10 Sh.A.Nedunchezhiyan, none of the family member was present around her. So it is not a case of she being tutored by anyone before she made the statement before the SDM which is now being treated as

dying declaration.

25. The primary contention raised on behalf of the appellants that the dying declaration is the sole piece of evidence against them which could not have been relied upon by the learned Trial Court to base their conviction has to be rejected. It has been proved by the prosecution that dying declaration has been recorded by PW-10 SDM after the patient was declared fit for statement. During cross-examination of PW-10 – the SDM and PW-14 - the first Investigating Officer in whose handwriting the dying declaration appears, no legal infirmity could be pointed out which could render it inadmissible.

26. The appellant Manpal Singh has taken the plea of alibi whereas the appellant Mangla Devi has stated in her statement recorded under Section 313 CrPC that the parents of the deceased Manisha wanted her to marry somewhere else (*dusri jagah baithana chahte the*) to which she opposed, hence falsely implicated.

27. Conflicting versions have been given by the appellants during their examination under Section 313 Cr.P.C. about the reason why the deceased had to stay at her parental home before she was brought back by her father about five months before this occurrence. As per the mother-in-law, the deceased used to quarrel as she wanted to live separately. No such reason for any quarrel has been stated by the appellant Manpal Singh in his statement under Section 313 Cr.P.C. Even versions of defence witnesses are not in consonance with the above plea.

28. DW-1 Smt.Chandrawati – neighbour of the appellant has stated that on 14th June at 3.00 pm she had visited the house of the appellants

to invite for the birthday celebration of her son Pinku aged 5 years. The deceased was present and did not respond to the invitation. She knew the family of the appellants for twelve years prior thereto and the deceased was a bit crack from mind. She also stated that deceased was in love with some boy who used to visit Jai Prakash's house (husband of the deceased) and whenever he came, there was a quarrel in the house. During her cross examination, she admitted that she was not even invited for the wedding of Jai Prakash with the deceased and was not aware of the name of the village of her native place. DW-1 Smt.Chandrawati has deposed about the love affair of the deceased which was not even the case of the appellant or the husband of the deceased to be the root cause for the quarrel.

29. DW-2 Sh.Ram Prasad, brother-in-law of the appellant Manpal Singh has appeared to depose that one day prior to burning of Manisha, Manpal Singh came to his house at about 7:00 PM and left the house next day morning at about 8:00 AM. DW-2 Sh.Ram Prasad has given his address of 20, Budh Vihar near Badarpur and the appellants are residents of Sangam Vihar which is not far away from there. During his cross-examination DW-2 has stated that the marriage for which he was invited was attended by him as well convict Manpal Singh. Surprisingly Manpal Singh nowhere stated that he had attended the marriage nor any photograph of the marriage has been placed on record to prove that DW-2 and the appellant attended that marriage. Even if it is ignored, the fact remains that after the incident of burning in early morning at about 5.30 am on 15th June, 1999, Jai Prakash who is son of the appellant and husband of the

deceased (co-accused in this trial) was arrested on the next day i.e. 16th June, 1999. The appellants surrendered on 1st July, 1999 which indicate that they were evading arrest till that date. It is highly improbable that when the deceased Manisha, their daughter-in-law was admitted in the hospital with 70-75% burns, her husband was in jail, the appellant Manpal would be attending the marriage despite the fact that he had been named by the deceased to be the person responsible for setting her on fire.

30. DW-3 Sh. Pramod Kumar has been examined to prove that on the night of 14th June, 1999 when he visited the house of the appellants, deceased was in an angry mood. She had a weak mind. She wanted a government job for her husband and a separate house for her which was the cause of quarrel. He also stated that she several times poured kerosene oil on her to threaten the accused persons. About the incident dated 15th June, 1999, he stated that on the night of 14th June he alongwith Jai Prakash and Mangla Devi was sleeping on the roof top and woke up when he heard noise in the morning. When he came down, he saw that the outside gate was open and Munni Devi (deceased) went out. The neighbours informed that she had set herself on fire. He went to the police station and there he came to know that she had been taken to the hospital. In hospital they continued searching but could not find her. He also stated that Mukesh – brother of Jai Prakash (husband of the deceased) was sent to the village Etah in U.P. to inform her family but he was beaten and confined. With the intervention of the local Deputy Superintendent of Police, he could be released by sending force.

31. So far as version of DW-3 Sh. Pramod Kumar is concerned, there is not even an iota of evidence that another son of the appellant had ever visited Etah – native place of the deceased to inform about the occurrence. Neither any police record from Etah, U.P. has been requisitioned to prove this fact nor Mukesh has been examined as defence witness. It is a matter of record that even DW-3 though claimed to be present on the fateful night at the house of the deceased, and saw the deceased running out of the house (she was burning at that time) he did not accompany her to the hospital. Hence his presence at the spot is doubtful. The statement of this defence witness has been rightly disbelieved by learned Trial Court.

32. The appellant Manpal Singh has taken the plea of alibi. Learned Trial Court has found the testimony of DW-2 Sh. Ram Prasad in this regard to be false for the reason that defence failed to prove that any such marriage was fixed for which he had gone to extend the invitation on a day prior to this occurrence or it was in fact solemnized.

33. In the statement under Section 313 Cr.P.C. the appellant Manpal stated as under:

“I was not at home at the time of incident. I had gone to invite guests for marriage of my niece which was fixed for 25th June, 1999.”

Neither he has given the name of the relatives, the place visited by him, name of the niece or her father and the place where the marriage was to be solemnized.

34. In the decision **Munna Kumar Upadhyay vs. State of Andhra**

Pradesh (2012) 6 SCC 174, it was held as under:

“it is a settled law that the statement under Section 313 Code of Criminal Procedure is to serve a dual purpose, firstly, to afford to the Accused an opportunity to explain his conduct and secondly to use denials of established facts as incriminating evidence against him....”

35. I concur with the finding of the learned Trial Court in this regard.

36. Another plea taken on behalf of the defence during trial was that they did not abandon the house but visited the hospital and were looking for the injured with her nick name ‘Muniya’. Mere query from the Reception in Emergency or even from the duty constable about the patient being brought by PCR from Sangam Vihar with burn injuries would have been enough for them to locate the patient in the hospital or contact the IO who reached the Burn Ward. They preferred to abscond after the incident leaving their house unattended and they did not have enough time to even lock their house.

37. The neighbours PW-1 Smt.Kamlesh & PW-2 Smt.Laxmi Gupta, public witnesses had no enmity with the appellants. They had deposed as to what they had seen i.e. a lady on fire running out of the house who turned out to be daughter-in-law in that house and she being removed to the hospital by the PCR. The fact that a crowd gathered outside the house but the family members preferred to stay in-door and then to abscond, in itself is a strong incriminating circumstance against them. The entire defence is nothing but an after-thought and has rightly been disbelieved by the learned Trial Court.

38. The evidence led in this case proved beyond reasonable doubts

all the ingredients of Section 304-B IPC i.e.:

- (i) Manisha died of the burn injuries suffered by her on 15th June, 1999.
- (ii) The unnatural death had taken place within seven years of her marriage.
- (iii) Soon before her death she was subjected to harassment by her husband and in-laws for non-fulfillment of their demand of ₹1 lakh.
- (iv) To put pressure on her parents, she was made to stay for about ten months at her parental home in UP. Her father who is a poor person, could arrange only rupees ten thousand which he paid when he came to leave her daughter at her matrimonial home with assurance to fulfill the remaining demand gradually.
- (v) In her dying declaration she was consistent about demand of ₹1 lac and that she was harassed by her in-laws and also sometimes beaten by her husband on account of non-fulfillment of demand of rupees one lakh.
- (vi) She rushed out of her house with her body on fire and somebody from the public informed the police and she was removed to the hospital by PCR.
- (vii) There was no family member around her at that time when her MLC was prepared or her dying declaration was recorded by the SDM by dictating to the IO in the question & answer form recorded in Hindi.
- (viii) The nature of the questions put and the answers given by her fully establish that she was in fit state of mind at that time and answered all the questions completely giving the details wherever

necessary.

39. A cumulative consideration of the overall evidence is sufficient to prove the charge under Section 304-B IPC qua the appellants. The prosecution has proved that the unnatural death of Manisha in the matrimonial home within three years of her marriage was a dowry death as she was set on fire by the appellants for non-fulfillment of their demand of rupees one lakh.

40. Since the prosecution succeeded in proving all the crucial ingredients that deceased Manisha was set on fire by the appellants when she was at her matrimonial home on non-fulfillment of the demand of rupees one lakh made by them which could not be fully satisfied by her father, the finding of guilt returned by the learned Trial Court calls for no interference by this Court.

41. Thus, the appeal challenging their conviction under Section 304-B IPC is dismissed.

42. Learned counsel for the appellants has prayed for taking a lenient view on the quantum of sentence awarded to the appellants highlighting their poor economic condition, their old age as well medical condition of the appellant Mangla Devi.

43. Taking into consideration the entire facts and circumstances and the submissions made on behalf of the appellants, it would meet the ends of justice if the substantive sentence of 10 years awarded to them for committing the offence punishable under Section 304-B IPC is reduced to 7 years. Thus, the impugned order on sentence is modified to the extent that substantive sentence of 10 years awarded to the appellants is reduced to 7 years. The sentence of fine is maintained.

44. As per the nominal roll available on record, the period of sentence undergone by the appellants are as under:-

Appellant Manpal Singh:

As on 15.09.2004 appellant Manpal Singh has undergone four years, eleven months and seventeen days and has earned the remission of eleven months and twenty days.

Appellant Mangla Devi

As on 17.09.2004 appellant Mangla Devi has undergone four years, eleven months and twenty days and has earned the remission of eleven months and twenty days.

45. The appellants are hereby directed to surrender before the Jail Superintendent on 19th August, 2017 by 5.00 pm to undergo the remaining sentence.

46. LCR (reconstructed) be sent back along with copy of this order.

47. A copy of this order be sent to the Jail Superintendent for information and compliance.

48. A copy of the order be also given dasti to the appellants under the signature of Court Master.

49. The compliance of the above directions given to the appellants shall be communicated by the Jail Superintendent to this Court.

**PRATIBHA RANI
(JUDGE)**

AUGUST 18, 2017
'hkaur'