

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Appeal No. 93 of 2004**

1. Daulal @ Dev Lal Verma, S/o Begaraha @ Mangalu Verma, aged about 36 years,
 2. Begaraha @ Mangalu Verma, S/o Bhaggu, aged about 60 years,
 3. Kaushalya Bai, Wife of Begaraha @ Mangalu, aged about 55 years.
 4. Ku. Derhin Bai, D/o Begaraha @ Mangalu, aged about 18 years,
- All R/o Village Chandana, Thana Magarload, District Dhamtari, (C.G.).

---- Appellants**Versus**

1. State of Chhattisgarh Through the Police Station Magarload, District Dhamtari, (C.G.).

---- Respondent

For Appellants	:	Shri Shobhit Koshta, Advocate.
For Respondent/State	:	Smt. Smita Ghai, P.L.

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****20/12/2019**

1. This appeal has been preferred against the judgment dated 23.01.2004 passed in Sessions Trial No. 444/2001 by the Additional Sessions Judge, Dhamtari, District Dhamtari, (C.G.), whereby the Appellants have been convicted for the offence punishable under Section 498-A of the Indian Penal Code and sentenced to undergo R.I. for 3 years and to pay fine of Rs. 1000/- each with default stipulation.
2. During pendency of this appeal, appellant Nos.2 & 3 namely Begaraha @ Mangalu Verma and Kaushalya Bai have died. Therefore, this appeal is abated with regard to appellant Nos.2 & 3 as per the order

dated 24.09.2019 passed by this Court.

3. Facts of the case are that in the year 1991, marriage of the deceased Urvashi Bai was solemnized with appellant No.1 Daulal @ Dev Lal Verma. Allegedly, after the marriage, appellants used to harass and torture the deceased for not doing household works. Due to that deceased left her matrimonial house and went to her parental house. She lived at her parental house for about one year, thereafter, matter was compromised and deceased came along with appellant No.1 to her matrimonial house. It is further alleged that, present appellants again started harassing and commit mar-pit with the deceased. Then, deceased reported the matter against the appellants on 15.10.1999 at women police station, Durg. Subsequently, an agreement was executed between both the parties and matter was compromised and appellant No.1 took the deceased at his village Chandana. That on 09.06.2001, due to harassment and cruelty done by her in-laws, deceased consumed poisonous substance and committed suicide. Thereafter, matter was reported and police registered the crime against appellants for the offence punishable under Section 498-A and 306 of I.P.C.. After completion of investigation, charge-sheet was filed. Trial Court framed the charges. Prosecution examined as many as 15 witnesses. No defence witness has been examined. Statement of the appellants under Section 313 of the Cr.P.C have been recorded, wherein they have pleaded their innocence and false implication in the matter.
4. After trial, the trial Court has acquitted all the appellants from the

offence punishable under Section 306 of I.P.C. but convicted and sentenced the appellants as mentioned in paragraph one of this judgment. Hence, this appeal.

5. Learned Counsel appearing for the appellants submits that he does not want to press this appeal on merits and confines his argument to the sentence part only. He further submits that the Appellants have undergone about 1 month out of total jail sentence of 3 years, they have no criminal antecedent and they are facing the *lis* since 2001, therefore, he prays that the jail sentence awarded to the appellants may be reduced to the period already undergone by them.
6. Per contra, learned Counsel appearing for the State supported the impugned judgment and submits that the sentence awarded by the trial Court is just and proper and requires no interference.
7. I have heard learned Counsel appearing on behalf of the parties and perused the record minutely.
8. Considering the above facts and circumstances of the case, particularly considering that out of total jail sentence of 3 years, the appellants have undergone about 1 month, they are facing the *lis* since 2001, no fruitful purpose would be solved if the appellants would be sent back to jail after nineteen years and there is no criminal antecedent against them, I am of the view that the ends of justice would be met if, while upholding the conviction imposed upon the appellants, the jail sentenced awarded to them is reduced to the period already undergone by them.

9. Consequently, the appeal is partly allowed. The conviction of the appellants under the aforementioned Section is affirmed and they are sentenced to the period already undergone by them. The fine sentence is affirmed.
10. Records of the Court below be sent back along with a copy of this order forthwith for information and necessary compliance.

Sd/-
(Arvind Singh Chandel)
Judge