

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1770 OF 2011
(Arising out of SLP(Crl.) No.2950/2010)

RASH BEHARI PAL

Appellant(s)

:VERSUS:

STATE OF JHARKHAND

Respondent(s)

O R D E R

1. Leave granted.
2. This appeal has been preferred against the judgment and order dated 11.11.2009 passed by the High Court of Jharkhand at Ranchi in Criminal Appeal No.580 of 2002 whereby the High Court upheld the conviction and sentence of the appellant awarded by the Trial Court and dismissed the appeal filed by the appellant.

3. Brief facts of this case are recapitulated as under:

One Anil Kumar Chandra son of late Narendra Nath Chandra, resident of Sarani, P.S. Tundi, District Dhanbad gave his fardbeyan at Village Dumaria to

C.B. Singh, ASI, P.S. Bindapathar, stating that his daughter was married to Ras Bihari Pal son of Triveni Pal in 1996. In the beginning, the relation between them was cordial but after some time, her in-laws started demanding money, TV, etc. and started torturing his daughter Rita. On 10.09.1999 her daughter Rita was killed by setting her on fire by her husband Rash Bihari Pal, father-in-law Triveni Pal, mother-in-law Paroli Pal, brother-in-law Dasu Pal, Sadhan Pal, Nimai Pal and Uttam Pal.

4. On the basis of the fardbeyan, an FIR was registered on 11.09.1999 at Police Station Nala Bindapathar, Sub Division Jamtara, District Dumka and after investigation, charge-sheet was submitted against the appellant Rash Bihari Pal and four other persons. After taking cognizance, the case was committed to the Court of Sessions for trial. The Court of 1st Additional Sessions Judge, Jamtara after examining the prosecution and the defence evidence brought on record, vide its judgment and order dated 7.9.2002, convicted the appellant under Section 304B of the Indian Penal Code ("IPC") and sentenced him to undergo rigorous imprisonment for eight years.

5. Aggrieved by the aforesaid judgment and order of conviction passed by the 1st Additional Sessions Judge, Jamtara, the appellant filed an appeal before the High Court of Jharkhand. The High Court dismissed the appeal filed by the appellant and upheld the conviction and sentence of the appellant as awarded by the 1st Additional Sessions Judge, Jamtara.

6. The appellant approached this Court by filing special leave petition. This Court issued notice to the State limited to the quantum of sentence. The State of Jharkhand has filed its counter affidavit. We have perused the same.

7. The evidence on record clearly establish demand of dowry, harassment and torture by the appellant. The deceased Rita Pal had suffered 90% burn injury. There being sufficient evidence on record, the Trial Court has rightly found the appellant guilty of the offence punishable under Section 304B IPC.

8. Though we are of the considered view that the

appellant has rightly been convicted under Section 304B IPC, but in the facts and circumstances of this case, we deem it appropriate to reduce the sentence of the appellant from eight years to seven years. The judgment and order passed by the Trial Court and the impugned judgment of the High Court are modified to the aforesaid extent. The appeal is accordingly disposed of.

.....J
(DALVEER BHANDARI)

.....J
(DEEPAK VERMA)

New Delhi;
September 9, 2011.

JUDGMENT