

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO. 1507 of 2008

AMARCHAND TIWARI & ORS.

..... APPELLANTS

VERSUS

STATE OF M.P.

..... RESPONDENT

O R D E R

1. The appellants herein have been convicted under Section 498A of the Indian Penal Code and whereas appellant No. 1, 2 and 3 had been sentenced to undergo rigorous imprisonment for one year, appellant No. 4 Vishnu Prasad, the husband, has been sentenced to undergo three years rigorous imprisonment. It is the conceded position that Amarchand Tiwari and Gayatri Devi, A1 and A3, have already undergone the one year's sentence whereas A4 has undergone two years and eight months of the sentence. We, accordingly, feel that the ends of justice would be met if the sentence of Vishnu Prasad is reduced to that already undergone by him. Insofar as appellant No. 2 Navratri Tiwari is concerned, we find that she was about 17 years of age as on the date of the F.I.R. She was, accordingly, a

juvenile on that date. Being a juvenile she could not have been tried in a Criminal Court along with the other accused. In normal circumstances, we would have sent this matter back to the Juvenile Board insofar as she was concerned but in the light of the fact that many years have lapsed since the prosecution started, we find that this procedure is not required to be resorted to in the present case. In view of the above facts the trial against Navaratri Devi appellant must be held to be vitiated and her order of conviction is accordingly, set aside. She is deemed to be acquitted.

2. No further orders are necessary.

3. The appeal stands disposed of accordingly.

.....J
[HARJIT SINGH BEDI]

.....J
[CHANDRAMAULI KR. PRASAD]

NEW DELHI
APRIL 26, 2011.