

ITEM NO.26

COURT NO.6
S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SECTION IIA

Petition(s) for Special Leave to Appeal (Crl)... 2010

CRLMP.NO(s). 23051

(From the judgement and order dated 21/01/2010 in CRLA No. 505/2001 of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

RAJBIR @ RAJU & ANR

Petitioner(s)

VERSUS

STATE OF HARYANA

Respondent(s)

(With appln(s) for c/delay in filing SLP)

Date: 22/11/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU
HON'BLE MRS. JUSTICE GYAN SUDHA MISRA

For Petitioner(s) Mr. A.P. Mohanty, Adv.

UPON hearing counsel the Court made the following
O R D E R

Delay condoned.

Issue notice to petitioner No.1 why his sentence be not enhanced to life sentence as awarded by the trial Court.

Issue notice to the respondent-State regarding petitioner No.2.

In the meantime, petitioner No.2 only is ordered to be released on bail to the satisfaction of the trial Court in connection with case arising from FIR No. 279 of 1998 dated 4.9.1998, P.S. Sadar Rohtak.

We further direct all trial Courts in India to ordinarily add Section 302 to the charge of section 304B, so that death sentences can be imposed in such heinous and barbaric crimes against women.

Copy of this order be sent to Registrar Generals/Registrars of all High Courts, which will circulate it to all trial Courts.

(Parveen Kr. Chawla)
Court Master

(Indu Satija)
Court Master

[Reportable Signed Order is placed on the file]



REPORTABLE

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

**PETITION(S) FOR SPECIAL LEAVE TO APPEAL CRL NO...../2010
(Crl.MP No. 23051/2010)**

Rajbir @ Raju & Another

..Petitioners

versus

State of Haryana

..Respondent

O R D E R

Delay of 158 days in filing the special leave petition is condoned.

The petitioner No.1 Rajbir(husband) was found guilty of murdering his pregnant wife Sunita for demanding cash amount barely 6 months after their marriage. He was awarded life sentence under Section 304 B, IPC, apart from sentences under other sections. The Punjab & Haryana High Court has reduced the sentence to 10 years rigorous imprisonment. Petitioner No.2(mother of Rajbir) was awarded two years rigorous imprisonment.

We fail to see why the High Court has reduced the sentence of petitioner No.1 Rajbir. It appears to be a case of barbaric and brutal murder. This is borne out by the injuries which are in the evidence of Doctor, PW 2, which are as follows:

"1. A diffused contusion radish in colour on right side of face extending between left half of both lips and upto right pinna.

And from the zygomatic area to right angle mandible. On dis-section underline tissue was found Ecchymosed.

2. On right side of neck, a diffused contusion 3.5 cm x 2.5 cm situated 2.5 cm

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posterior inferior to right angle of mandible. On dis-section underlying area was Ecchmosed.

3. A contusion size of 7.5 cm x 5 cm over left side of neck just below angle of mandible. Underlying area on dissection was Ecchymosed.

4. Multiple reddish contusion of various sizes from 0.5 cm x 0.5 cm to 1 cm x 0.5 cm on both lips including an area of 6 x 4 cms. On dissection, underlying area was Ecchymosed.

5. A laceration of size of 1.5 cm x 1 cm present inside the lower lip corresponding to lower incisor tooth and all of the neck on both sides below thyroid bone was found Ecchymosed on dis-section.

Scalp and skull were healthy. Uterus contained a male foetus of four months.

Cause of death in our opinion was due to smothering and throttling which was ante-mortem in nature and was sufficient to cause death in ordinary course of nature."

The above injuries, prima facie, indicate that the deceased Sunita's head was repeatedly struck and she was also throttled.

We have recently held in the case of *Satya Narayan Tiwari @ Jolly & Another vs. State of U.P., Criminal Appeal No.1168 of 2005 decided on 28th October, 2010* that this Court is going to take a serious view in the matters of crimes against women and give harsh punishment.

This view was reiterated by us in another special leave petition in the case of *Sukhdev Singh & Another vs. State of Punjab* and we issued notice to the petitioner as

to why his life sentence be not enhanced to death sentence.

Issue notice to petitioner No.1 why his sentence be not enhanced to life sentence as awarded by the trial Court.

As regards petitioner No.2 (Mother of petitioner

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No.1), it is alleged that she is about 80 years of age.

Issue notice to the respondent-State regarding petitioner No.2.

In the meantime, petitioner No.2 only is ordered to be released on bail to the satisfaction of the trial Court in connection with case arising from FIR No. 279 of 1998 dated 4.9.1998, P.S. Sadar Rohtak.

We further direct all trial Courts in India to ordinarily add Section 302 to the charge of section 304B, so that death sentences can be imposed in such heinous and barbaric crimes against women.

Copy of this order be sent to Registrar Generals/Registrars of all High Courts, which will circulate it to all trial Courts.

.....J.
[MARKANDEY KATJU]

NEW DELHI;
NOVEMBER 22, 2010

.....J.
[GYAN SUDHA MISRA]