

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 631 OF 2008

RUKMINI YESHWANT KHARADE & ANR. APPELLANTS

VERSUS

STATE OF MAHARASHTRA RESPONDENT

O R D E R

1. We have heard learned counsel for the parties.
2. Several arguments have been raised by the learned counsel for the appellants with regard to the proximity of the last alleged cruelty and the actual date of the suicide. We see from the evidence that some kind of unpleasant remarks had been made against the deceased in May, 2001 when she gave birth to a female child and the allegation is that the appellants at that stage taunted her on that account. We, however, see that there is no allegation whatsoever in the evidence that after May, 2001 any kind of ill-treatment had been meted out to the deceased though she was living in the matrimonial home and had committed suicide in April, 2002. However, despite this assertion we are not inclined to examine the

merits of the case at this stage as a sentence of five years rigorous imprisonment has been imposed on the appellants under Section 306 of the Indian Penal Code and one year rigorous imprisonment under Section 498A, both the sentences to run concurrently as we have been told by the learned counsel for the appellants that as of today the appellants have undergone almost four years of the sentence. We, therefore, feel that ends of justice would be met if the sentence imposed under Section 306 of IPC is reduced to that already undergone.

3. With this modification in the order of the High Court, the appeal is dismissed.

4. We are told that the appellants are in custody. They shall be released forth with if not required in connection with any other case.

JUDGMENT

.....J
[HARJIT SINGH BEDI]

.....J
[GYAN SUDHA MISRA]

NEW DELHI
JULY 13, 2011.