

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 709 OF 2009

JHABOO MAHATO & ANR.

APPELLANTS

VERSUS

THE STATE OF JHARKHAND

RESPONDENT

O R D E R

1. This appeal is directed against the judgment and order passed by the High Court of Jharkhand at Ranchi in Criminal Appeal No.1210 of 2003, dated 27.11.2007. The High Court, by its judgment and order, has affirmed the judgment and order passed by the learned Sessions Judge, in Sessions Trial No.410 of 1994, dated 08.08.03. It is these orders which are called in question by the appellants before us.

2. The first appellant(A1), herein is the father-in-law of the deceased, Jamni Devi, and the second appellant(A2) is the husband of the deceased. By the said judgment and order of the Sessions Judge, they are convicted and sentenced to simple imprisonment of 10 years for the offences punishable under Section 304-B of the Indian

Penal Code (the "IPC" for short) and simple imprisonment of 5 years with a fine of Rs.15,000/- each under Section 3 of the Dowry Prohibition Act, 1961 ("the Act" for short) and a simple imprisonment of 6 months under Section 4 of the Act. In default of payment of fine, they were ordered to undergo simple imprisonment of 3 months each. It was further ordered that all the substantive sentences awarded to the appellants shall run concurrently and the period of sentence already undergone were set-off.

3. Having heard the learned counsel for both the parties, we are of the opinion that the High Court and the Trial Court have not committed any error which would call for our interference. However, the learned counsel for the appellants would submit that A1, namely, Jhaboo Mahato is suffering from Oral Cancer and is advised to undergo Chemotherapy. It is also brought to our notice that the wife of A1 is also suffering from Cancer and there is no other person to take care of them.

4. Taking a sympathetic view to the deteriorating health conditions of A1 and his wife, as also keeping in view the date of the alleged incident as well as the pendency of the appeals before various courts, we are of the

considered opinion that the sentence awarded by the Trial Court and as confirmed by the High Court be reduced.

5. In view of the above, we reduce the sentence of A1 from 10 years to 7 years. We are informed by the learned counsel for the appellants that both the accused persons are on bail. If it is so, their bail bonds are cancelled and they are directed to surrender forthwith before the Trial Court and serve out the remaining period of the sentence.

Appeal disposed of in the above terms, accordingly.



.....J.
(H.L. DATTU)

JUDGMENT

.....J.
(CHANDRAMAULI KR. PRASAD)

NEW DELHI;
DECEMBER 06, 2012.