

2022 LiveLaw (SC) 695

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
M. R. SHAH; J., B.V. NAGARATHNA; J.
AUGUST 10, 2022

CRIMINAL APPEAL NO. OF 2022 (Arising out of SLP (Crl.) No. 4221 of 2022)
Ajhola Devi & Anr. VERSUS State of Jharkhand

Indian Penal Code 1860- Section 304B - Offence of dowry death -the legislative intent of incorporating IPC section 304-B was to curb the menace of dowry death with a firm hand-in dealing with cases under section 304-B, such legislative intent has to be kept in mind- a strong message must go in the society that a person who commits such an offence of dowry death and/or the offences under the Dowry Prohibition Act shall be dealt with an iron hand.

(Arising out of impugned final judgment and order dated 04-03-2015 in CRA(SJ) No. 282/2001 passed by the High Court of Jharkhand at Ranchi)

For Petitioner(s) Mr. Raj Kishor Choudhary, AOR Mr. Shakeel Ahmed, Adv Mr. Anupam Bhati, Adv Mr. Nakul Chaudhary, Adv Ms. Apurva Gaur, Adv

For Respondent(s) Mr. Vishnu Sharma, Adv. Mr. Puneet Singh Bindra, Adv. Ms. Madhusmita Bora, AOR Mr. Dipankar Singh, Adv. Ms. Anupama Sharma, Adv.

ORDER

Leave granted

1. Having heard learned counsel appearing on behalf of the respective parties and having gone through the judgment and order passed by the learned Trial Court, confirmed by the High Court, convicting the appellants/accused – father-in-law and mother-in-law of the deceased for the offences under Section 304-B read with Section 201 of Indian Penal Code (IPC) and even on re-appreciation of the entire evidence on record, though not required while exercising powers under Article 136 of the Constitution of India, we are of the opinion that both, the learned Trial Court as well as the High Court have rightly convicted the accused for the aforesaid offences. We see no reason to interfere with the order of conviction passed by the learned Trial Court confirmed by the High Court.

2. It is prayed on behalf of the appellants that lesser punishment may be imposed looking to the age of the accused. However, it is required to be noted that the appellants herein/father-in-law and mother-in-law are convicted for the dowry death. The demand of dowry has been established and proved by the prosecution. The deceased died within a period of one year of her marriage. The accused came out with a false case/theory that the deceased died because of Diarrhoea, which has not been established and proved by the defence. The minimum punishment for the offence of dowry death is 07 years and the maximum punishment is life imprisonment. The learned Trial Court has awarded the sentence of 10 years R.I.

Considering the aforesaid facts and circumstances of the case and more particularly, considering the fact that it is a case of dowry death, the learned Trial Court was right in imposing sentence of 10 years R.I., which has been rightly upheld by the High Court. The legislative intent of incorporating Section 304-B was to curb the menace of dowry death with a firm hand. In dealing with cases under Section 304-B, such

legislative intent has to be kept in mind. The offence under Section 304-B – offence of dowry death is the offence against society. Such offences have serious impact upon society. Keeping in mind the aforesaid aspects, imposition of sentence for the offence of dowry death is required to be considered. A strong message must go in the society that a person who commits such an offence of dowry death and/or the offences under the Dowry Prohibition Act shall be dealt with an iron hand. Therefore, in the facts and circumstances of the case, imposing 10 years R.I. only cannot be said to be disproportionate to the offence committed. Therefore, no interference of this Court is called for so far as the imposition of sentence of 10 years R.I. is concerned.

In view of the above and for the reasons stated above, the present Appeal fails and the same deserves to be dismissed and is accordingly dismissed.

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