

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

**CRIMINAL APPEAL NO. 1343 OF 2012**

**MUKESH KUMAR**

**... APPELLANT**

VERSUS

**STATE (GOVT. OF NCT OF DELHI)**

**... RESPONDENT**

**ORDER**

The Court is convened through Video Conferencing.

1. Heard Mr. Shiv Ram Sharma, learned Advocate-on-Record appearing for the appellant and Mr. Jayant K. Sud, learned Additional Solicitor General appearing for the Government of National Capital Territory of Delhi.
2. On the last occasion, when the matter came up for hearing on 22.07.2021, we were under the impression that the appellant is still languishing in jail and might be entitled to pre-mature release as per the Remission Policy, if any, formulated by the State.
3. With a view to know the exact period of sentence undergone by the appellant, we directed the learned Additional Solicitor General for the respondent on 13.07.2021, to furnish details to this Court on the next date of hearing about the actual period of sentence undergone by

the appellant as also the latest policy of the Government of N.C.T. of Delhi about the pre-mature release of convicts.

4. In compliance with the orders dated 13.07.2021 and 22.07.2021 passed by this Court, two affidavits are filed in the matter, *i.e.*, (i) by the Superintendent Central Jail No. 2, Tihar, New Delhi on 26.07.2021 and (ii) by the Deputy Commissioner of Police, Outer-North District, Delhi on 27.07.2021.

5. As per the affidavit filed by the Superintendent, Central Jail No. 2, the appellant was released on furlough on 11.07.2011 for a period of three weeks and his date of surrender was fixed for 01.08.2011. However, he did not surrender in jail on the due date and jumped furlough.

6. As per the affidavit filed by the Deputy Commissioner of Police, the appellant has so far not surrendered before the concerned Jail Superintendent and his whereabouts are not known.

7. Taking into consideration the above, we are of the considered view that the appellant is not entitled to be considered for premature release, even though he has undergone 11 years, 8 months and 17 days in jail, as on 01.08.2011.

8. We therefore proceed to deal with the present appeal on merits.

9. The present Criminal Appeal, by way of Special Leave arises out of the impugned judgment dated 16.07.2007 passed by the High Court of Delhi, at New Delhi, whereby the High Court affirmed the judgment dated 24.11.2003 and order dated 28.11.2003 passed by the Trial Court. *Vide* its judgment and order, the Trial Court convicted the appellant under Section 302 of the Indian Penal Code and sentenced him to rigorous imprisonment for life and imposed a fine of Rs 5,000/- for the murder of his wife. The Trial Court also convicted him under Section 498-A, IPC and sentenced him to undergo rigorous imprisonment for 3 years and imposed a fine of Rs.1,000/-.

10. The brief facts of the case necessary for the disposal of the present appeal are as follows: the appellant married the deceased one and a half years prior to the incident. It is alleged that the appellant subsequently started harassing his wife on account of her mother not giving him Rs. 10,000/- to open a kiryana shop. On 06.11.1999, the deceased visited her mother's (the complainant) house. The appellant is stated to have picked up the deceased from the complainant's house on the same night, and the couple had left for their house. On

07.11.1999, the house of the appellant and the deceased was found locked from the outside. On 11.11.1999, when a foul smell was noticed coming from the house of the appellant and his wife, the lock was broken, and the deceased's body was found on the bed.

11. As stated above, the Trial Court convicted the appellant for the offences under Section 302 and 498-A, IPC, and sentenced him to, *inter alia*, rigorous imprisonment for life. *Vide* the impugned judgment, the High Court dismissed his appeal. He has therefore approached this Court in the present appeal by way of Special Leave, challenging the same.

12. Heard the learned counsel for the parties and perused the record.

13. As per the evidence of P.W.-2, who is the mother of the deceased, the appellant and the deceased were residing at Gautam Colony, in rented accommodation which was 10 to 15 houses away from her house. According to the said witness, on 06.11.1999 her daughter, *i.e.*, the deceased, was present at her house and in the evening, the appellant came and took her to the rented house where they were staying.

14. On 07.11.1999, at about 7.00 a.m., P.W.-3, the brother of the deceased, went to the house of the appellant to bring back his sister

as it was Diwali, but he found the room of the appellant locked and returned.

15. On 11.11.1999, the landlady informed P.W.-3 that a foul smell was emanating from the room of the appellant and that the door should be broken open. P.W.-2 and P.W.-3 went to the room with a hammer, but as someone had already intimated the police, the police broke open the lock of the room and found the deceased's body lying on the cot.

16. As per the evidence of P.W.-17, *viz.*, Mohan Lal, who is the uncle of the appellant, the appellant told him that he had murdered his wife.

17. The testimony of P.W.-17 was corroborated by P.W.-18, his wife, to the effect that the appellant came to their house on the intervening night of 06.11.1999 and 07.11.1999 and voluntarily confessed that he had killed his wife.

18. Taking into consideration all the circumstantial evidence and particularly, the evidence of P.W.-17, uncle of the appellant and P.W.-18, aunt of the appellant, that the appellant visited their house and confessed that he had murdered his wife, we see no reason to disturb the well-recorded findings of both the Courts convicting the appellant.

19. Accordingly, we confirm the conviction and sentence imposed upon the appellant and dismiss the appeal on merits.

20. It may be noted that this Court, *vide* order dated 03.09.2012, granted bail to the appellant as it was not brought to our notice that he had misused the concession of furlough and was absconding. Consequent to the dismissal of his appeal, the appellant's bail bond stands cancelled. The police is directed to take the appellant into custody forthwith to serve out the remainder of his sentence.

21. On 22.07.2021, this Court had directed the learned Additional Solicitor General to file an affidavit by the next date of hearing clearly indicating the possibility of the creation of a portal for inmates, as also their counsel, which could be used by them to access details about the period of incarceration suffered by them. Such a mechanism was suggested keeping in mind the condition of convicts languishing in prison for long periods of time, despite the existence of a remission policy, because information relating to their incarceration period was not easily available to them.

22. The learned Additional Solicitor General informs us today that all prisons in Delhi have installed e-kiosks for prisoners to know their case particulars including the status of their court case and their period of incarceration. It was further submitted that this Court can access the details of prisoners through e-prison/court module developed by the National Informatics Centre.

23. So far as this limited issue is concerned, we are keeping the matter pending for further hearing and direct the Registry to list the matter after four weeks.

.....CJI.  
(N. V. RAMANA)

.....J.  
(SURYA KANT)

**NEW DELHI;**  
**JULY 28, 2021.**

ITEM NO.102

Court 1 (Video Conferencing)

SECTION II-C

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G SCriminal Appeal No.1343/2012

MUKESH KUMAR

Appellant(s)

VERSUS

STATE (GOVT. OF NCT OF DELHI)

Respondent(s)

Date : 28-07-2021 This appeal was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE SURYA KANT

For Appellant(s)

Mr. Shiv Ram Sharma, AOR

For Respondent(s)

Mr. Jayant K. Sud, ASG  
Ms. Rashmi Malhotra, Adv.  
Mr. Vibhu Shankar Mishra, Adv.  
Ms. Swarupma Chaturvedi, Adv.  
Mr. B. V. Balaram Das, AORUPON hearing the counsel the Court made the following  
O R D E R

The Court is convened through Video Conferencing.

Appeal is dismissed in terms of the signed order.

On 22.07.2021, this Court had directed the learned Additional Solicitor General to file an affidavit by the next date of hearing clearly indicating the possibility of the creation of a portal for inmates, as also their counsel, which could be used by them to access details about the period of incarceration suffered by them. Such a mechanism was suggested keeping in mind the condition of convicts languishing in prison for long periods of time, despite the existence of a remission policy, because information relating to their incarceration period was not easily available to them.

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So far as this limited issue is concerned, we are keeping the matter pending for further hearing and direct the Registry to list the matter after four weeks.

(VISHAL ANAND)  
ASTT. REGISTRAR-cum-PS

(R.S. NARAYANAN)  
COURT MASTER (NSH)

(Signed Order is placed on the file)