

Mst Harkori

Vs

State of Rajasthan

Criminal Appeal No. 458 of 1989

(G. T. Nanavati, G. B. Pattanaik JJ)

09.12.1997

JUDGMENT

NANAVATI, J. –

1. In view of the consistent evidence of PWs 1 and 2 it was not possible for the learned counsel for the appellant to submit that the view taken by the High Court is unreasonable justifying for interference by this Court. Moreover, when leave was applied for by all the three convicted accused for filing an appeal, this Court did not grant leave to two. The findings recorded against them are now to be regarded as final. It would not be proper now to hold that evidence of PWs 1 and 2 ought not to have been believed. In view of this difficulty, the learned counsel did not seriously challenge the findings recorded by the High Court. Once the evidence of PWs 1 and 2 is believed, the conviction of the appellant will have to be confirmed. We, therefore dismiss this appeal.

2. The learned counsel for the appellant however, submitted that now there is no one in the family of the appellant to look after the daughter of the deceased, i.e., her own grand-daughter, as both her sons are in jail, undergoing the sentence imposed upon them in this case. He, therefore, submitted that the appellant may be given sufficient time to surrender so that she can make necessary arrangements for her grand-daughter. In view of the peculiar facts of this case, though we are dismissing her appeal, we grant six months' time to her to surrender to custody to serve out the remaining sentence.