

SUPREME COURT OF INDIA

Rajakbi

Vs.

State of Uttar Pradesh

Crl.A.No.223 of 1999

(Doraiswamy Raju and Arijit Pasayat JJ.)

21.04.2004

ORDER

1. Two persons, who were the mother-in-law and father-in-law of the deceased faced trial for alleged commission of offence punishable under Sections 302 and 498-A IPC. The Trial Court directed the acquittal. The State of Karnataka preferred an appeal questioning the correctness of the acquittal. The High Court by the impugned judgment set aside the acquittal and directed the conviction for offence punishable under Sections 302 and 498-A IPC. It appears that before the delivery of judgment dated 23.10.1998 by the High Court, Makbul, the father-in-law of the deceased, who was respondent No.1 before the High Court, had died on 17.10.1998. The present appeal is by Rajakbi, the mother-in-law of the deceased.

2. Having heard learned counsel for the parties, we feel that the conviction of the appellant under Sections 302 and 498-A IPC is to be altered to Section 304-B IPC and 498-A IPC with custodial sentence of seven years and three years respectively. The sentence are, however, directed to run concurrently.

3. The appeal is allowed to the extent of modification of conviction and alteration of sentence.

4. The appellant, who is on bail, shall surrender to custody to serve remainder of the sentence.

5. The appeal is finally disposed of.