

SUPREME COURT OF INDIA

Urmila Minor

Vs.

Raju

S.L.A.(Crl) No.5725-5726/2004

(B. N. Agarwal and P. K. Balasubramanyan JJ.)

06.01.2005

ORDER

1. Heard the parties.

2. Leave granted.

3. Respondent No. 1-Raju was convicted by trial Court under Section 376 read with Section 511 of the Indian Penal Code and sentenced to undergo rigorous imprisonment for a period of three years and to pay fine of Rs. 1, 000/-, in default, to undergo further imprisonment for a period of three months. On appeals being preferred, the High Court of Punjab & Haryana affirmed the conviction but reduced the sentence of imprisonment from three years to six months and directed to pay compensation of Rs. 25, 000/-. Hence, these appeals by special leave.

4. From the impugned orders, rendered by High Court, it appears that only ground for reduction of sentence was that the offence was committed twelve years ago and the prosecutrix had already been married. In the present case, the prosecutrix was seven years old at the time of commission of offence and we are of the view that High Court was not justified in reducing the sentence of imprisonment.

5. Accordingly, the appeals are allowed and impugned orders passed by the High Court reducing the sentence of imprisonment from three years to six months and awarding compensation of Rs. 25, 000/- are set aside and the sentence of imprisonment and fine awarded by trial Court is restored. Respondent No. 1 is directed to be taken into custody forthwith to serve out the remaining period of sentence for which compliance report must be sent to this Court within one month from the receipt of copy of this order by trial Court.