

SUPREME COURT OF INDIA

Juglal

Vs.

State of Haryana

Crl.A.No.332 of 2007

(B.N. Agrawal and G.S. Singhvi JJ.)

08.05.2008

ORDER

1. Heard learned counsel for the parties.

2. The appellants of Criminal Appeal No.322 of 2007, along with accused Pawan Kumar, Ashok, Chanderpati and Krishna @ Babbu were convicted by the Trial Court under Section 304B of the *Indian Penal Code* [for short, 'I.P.C.'] and each one of them was sentenced to undergo rigorous imprisonment for a period of seven years. They were further convicted under Section 498A and sentenced to undergo rigorous imprisonment for a period of two years and to pay fine of Rs.2,000/- each; in default, to undergo further imprisonment for a period of six months. All the accused persons, except accused-Pawan Kumar, were also convicted under Section 302/34 I.P.C. and sentenced to undergo imprisonment for life and to pay fine of Rs.2,000/-; in default, to undergo imprisonment for a period of six months. All the sentences, however, were ordered to run concurrently.

3. On appeal being preferred, the High Court acquitted accused Ashok, Chanderpati and Krishna @ Babbu, whereas upheld the conviction of the other three accused persons. So far as accused-Pawan Kumar is concerned, it appears that he did not move this Court. Criminal Appeal No.322 of 2007 has been filed by accused-Juglal and Nathiya. The State, however, has filed an appeal bearing Criminal Appeal No.539 of 2007 against the order of acquittal of the High Court in relation to the aforesaid three accused persons.

4. The conviction of the accused persons is based upon the dying declaration of Ompati, Exhibit PF, which has been recorded by Ms. Roopam, Judicial Magistrate, P.W.4 in the presence of Dr. Ved Pal, P.W.5, who has given a certificate that the victim was in a fit state of mind. We have been taken through the dying declaration, Exhibit PF, as well as the evidence of P.Ws 4 and 5. We do not find any ground to discard the evidence. In our view, the High Court was quite justified in upholding the conviction of the appellants in Criminal Appeal No.322 of 2007 and no ground for interference by this Court is made out. So far as Criminal Appeal No.539 of 2007 filed on behalf of the State of Haryana is concerned, in our view the order of acquittal recorded by the High Court in relation to accused-Ashok,

Chanderpati and Krishna @ Babbu cannot be said to be perverse in any manner; as such, no interference in that appeal is called for.

5. Accordingly, the criminal appeals fail and the same are dismissed.