

SUPREME COURT OF INDIA

Santoshi

Vs.

State of M.P.

Crl.A.No.270 of 2003

(Dr.Mukundakam Sharma and Dr. B.S.Chauhan JJ.)

20.05.2009

ORDER

1. The present appeal is filed by the appellants, who have been convicted under Section 498-A of the *Indian Penal Code (in short 'IPC')*. Appellant No.1, Santoshi s/o Maniram Rathore, has been sentenced to undergo rigorous imprisonment for three years and to pay a fine of Rs.2,000/- by the Trial Court.

2. The said conviction and period of sentence was also upheld by the High Court. So far as the remaining appellants are concerned, they were also convicted under Section 498-A, IPC. But in case of two of them, i.e. Brahma and Maniram, the sentence awarded was three years rigorous imprisonment and with a fine of Rs.2,000/- each and in case of the remaining two the sentence awarded was for a period of one and half years and to pay a fine of Rs.2,000/- by each one of them.

3. The High Court, however, altered the sentence of the appellant Nos.2 to 5 and sentenced each of them to undergo imprisonment for a term of one year and to pay fine of Rs.2,000/- by each.

4. In the appeal, notice was issued. So far as appellant Nos.2 to 5 are concerned, they were released on bail on their furnishing bail bonds to the satisfaction of the Trial Court during the pendency of this appeal. The appeal is now listed for hearing before us. When we heard Mr. S.K. Gambhir, learned senior counsel appearing for the appellant, he fairly stated before us that so far as appellant No.1 Santoshi is concerned, he has already undergone the entire period of sentence i.e. three years and he has also paid the fine imposed upon him. In that view of the matter, the appeal filed by Santoshi has been rendered infructuous.

5. So far as the other appellants, namely, Brahma s/o Maniram Rathore, Maniram s/o Gopal Rathore, Kalawati w/o Maniram Rathore and Dakshri w/o Brahma Rathore, are concerned, they have also undergone imprisonment for a term of about 5 to 6 months. We are also informed that they have also paid the fine. Considering the facts and circumstances of the

case and also considering the fact that at least two of them are ladies, we alter the sentence of imprisonment awarded to them to the period already undergone by them.

6. With the aforesaid modification in the sentence, the appeal filed by the appellants stands disposed of in terms of the order passed by us. The bail bonds of the appellants who are on bail stand discharged. So far as appellant No.1 is concerned, he already stands released having undergone the sentence given to him and therefore he may not be re-arrested in connection with the present criminal case.