



\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of reserving Judgment: 8<sup>th</sup> January, 2026

Date of decision: 16<sup>th</sup> March, 2026

IN THE MATTER OF:

+ CRL.A. 73/2003

VEER PAL

.....Appellant

Through: Ms. Aashaa Tiwari, Adv. alongwith  
Mr. Puneet Narula, Adv.

versus

STATE N.C.T. OF DELHI

.....Respondent

Through: Ms. Kiran Bairwa, APP for State  
with SI Preeti, PS SP Badli.

**CORAM:**

**HON'BLE MR. JUSTICE VIMAL KUMAR YADAV**

**JUDGMENT**

**VIMAL KUMAR YADAV, J.**

1. Humans rather all living beings immensely value and cling to the life in such a manner that nothing else is more important. Humans and animals behave, more or less, alike when existence itself is in jeopardy. All out effort is put in to survive, so much so that survival instinct triggers "*fight or flight mode*". And if driven to the wall, then even a deer turns back and resist, if not attack, on a predator, from whom the deer invariably tries to escape.

2. The life which is so precious would be taken away by one's own self and commit suicide. Suicide seems to be civilized world's problem as in the Tribal societies it was kind of unheard. However, it has entered in the Tribal societies with the entry of civilized world. Strength of the Tribal or so called



uncivilised societies i.e. strong, social and familial ties is being taken over by the stress, strains, tensions, etc. giving foothold to suicides there too.

3. If someone commits suicide then there are bound to be very compelling circumstances, where the suicidal tendencies overtake the survival instinct and the result is death. The circumstances cannot be put in a particular frame; it varies from person to person, situation to situation society to society, region to region and nation to nation. An oversensitive person needs a small trigger to end his life. Whereas another one would survive and fight back in those very circumstances or even worse. Nevertheless, there are bound to be reasons and compelling one, which drive a person to end his life and even normally strong persons finding no ray of hope, no way-out, no options and resultant no will to survive, may at times resort to suicide.

4. Veer Pal, the Appellant herein, was unlucky for second time also in his matrimonial alliances inasmuch as the second wife died prematurely under unusual/unnatural circumstances, whereas the first had already left this mortal world due to Tuberculosis. The second wife, namely, Sarvesh has seemingly died on account of poisoning, either self administered or thrust down her throat or mixed in her food. Her traumatic and tragic journey started at around 7:00 pm on 03.07.1999 ended on 04.07.1999 at about 4.40 am. She was taken to a local doctor and then to two nursing Homes/Hospitals i.e. Navjiwan Nursing Home and Jaipur Golden Hospital and ultimately died in Maharaja Agarsain Hospital at about 04:40 AM on 04.07.1999. Verily, no treatment was given to her before she could reach to Agarsain Hospital, as rest all three found it complicated in one or the other way.



5. The matter was reported to the Police by the Hospital Authorities at about 01:00 AM. The statement made by the brother of the deceased, namely, Hari Mohan, laid the foundation of the instant case as that statement resulted in registration of case FIR No. 521/1999 under Section 498-A/304-B of the Indian Penal Code (hereafter referred to as the IPC).

6. It was the complaint by Hari Mohan (PW-1) that his sister, deceased Sarvesh, was harassed and tortured by the Appellant for money, despite the fact that about Rs.3,00,000/- were spent in the marriage which took place in the year 1996. A fresh demand of Rs. 50,000/- through the victim was made after some time. The victim conveyed it to her parents and brother. Brother of the deceased, Hari Mohan (PW-1) gave Rs. 30,000/- out of the demand of Rs. 50,000/- but expressed his constraints and limitations to pay the balance Rs. 20,000/-. The Appellant again started ill treating the deceased in which a hiatus was there for some time. Sarvesh got some relief as she was not harassed for some time post receipt of Rs.30,000/-. Little realizing that it was short lived.

7. The FIR culminated into a charge-sheet and via evidence, statement of accused and arguments, the Appellant was held guilty for the charges under Section 498-A and 304-B of IPC and was sentenced to undergo Rigorous Imprisonment (R.I.) for three years and to pay a fine of Rs. 5,000/-. In default of payment of fine he was to further undergo Rigorous Imprisonment (R.I.) for two months for the offence under Section 498-A IPC. He was sentenced to undergo Rigorous Imprisonment (R.I.) for seven years for the offence under Section 304-B IPC. These sentences were to run concurrently. The judgment and order on sentence dated 19.12.2002 are the subject matter of the instant appeal.



8. It is asserted on behalf of the Appellant that he was residing peacefully and happily with his wife. When the situation came to the knowledge of the Appellant, it was he who took the victim to the local clinic of one Dr. Chadha, who washed off his hands by saying that the victim Sarvesh requires hospitalization and treatment, which led the Appellant to take the victim to other hospital/nursing home i.e. Navjiwan Nursing Home and then thereafter to Jaipur Golden Hospital. None of them found themselves capable of taking care of the wife of the Appellant, being the victim of some unknown poison. Ultimately, the Appellant along with his wife Sarvesh landed up in Maharaja Agarsain Hospital in Punjabi Bagh at about 12:10 AM on the intervening night of 3<sup>rd</sup> and 4<sup>th</sup> July, 1999. Whereas the problem arose at about 07:00 PM on 03.07.1999 after she took tea. The Police was informed at about 01:00 AM on the aforesaid intervening night. She was given some treatment but the victim Sarvesh could not survive and ultimately died at 04:40 AM at Maharaja Agarsain Hospital, Punjabi Bagh, Delhi.

9. Based upon the evidence before the Court through the mouth of the brother of the deceased, Hari Mohan (PW-1) and her parents, Ramji Lal (PW-2) and Smt.Ramwati (PW-3), coupled with the statement of other witnesses, the Appellant was held guilty, convicted and sentenced, as mentioned earlier under Section 498-A and 304-B IPC.

10. Learned counsel for the Appellant has assailed the impugned judgment on several counts that there are material contradictions and improvements in the statement of PW-1, PW-2 and PW-3. She further argued that the FIR was registered after a long delay of 10 days. She also argued that no written complaint was ever made by the deceased, Sarvesh, against the Appellant of any kind of inconvenience, torture or harassment.



Next attack was made on the MLC wherein it is mentioned that the deceased was found unfit for making a statement and still she told facts to her brother relating to her death, that she was poisoned by the Appellant. She did not utter a word to the Doctor. She further argued that the Trial Court appreciated the post mortem report but did not consider the CFSL report which gave negative result for any kind of poison. Ld.APP for the State stood by the judgment by asserting that it is as per the facts of the case and the law on the subject, therefore, does not require any interference or modification.

11. Learned counsel for the Appellant has placed reliance on the judgment titled as *Karan Singh vs. State of Haryana* in CRL.A. 1076/2014 delivered on 31.01.2025 by the Hon'ble Supreme Court, in support of the contentions put forth and submitted no offence can be attributed in the absence of any legal evidence to the effect that soon before the death, the victim was harassed in connection with demand for dowry. As such, in the absence of any such demand or harassment, the Appellant is liable to be acquitted.

12. However, the judgment has no application to the facts of the instant case inasmuch as there is no such material to reflect that there was no demand or no harassment relating to the demand of dowry. The evidence on record, on the contrary, reflects that a demand of Rs. 50,000/- was there out of which Rs. 30,000/- was paid by the brother of the deceased Hari Mohan, but the Appellant kept on coaxing and pestering the deceased for the balance amount of Rs. 20,000/-. This fact has come in the statement of all the vital witnesses. Whereas in the judgment relied upon by the learned counsel for the Appellant there was absence of demand inasmuch as the demand of refrigerator, motorcycle and mixy came in the third statement at a very



belated stage, giving rise to the belief that it was nothing but an afterthought. No such situation is there in the instant case so far as, harassment and demand are concerned.

13. Another judgment titled as *Charan Singh @ Charanjit Singh vs. State of Uttarakhand* in CRL.A. 447/2012 decided on 20.04.2023 by the Hon'ble Supreme Court has been relied upon by the learned counsel for the Appellant asserting that the Appellant, in the instant case, should be acquitted of the charge in the absence of any cogent evidence that soon before the death, the victim was subjected to cruelty or harassment in connection with the demand for dowry. In the judgment relied upon by the learned counsel for the Appellant, none of the witnesses had stated about cruelty or harassment to the deceased, by the Appellant or any of his family members, which was the reason, which weighed in the mind of the Hon'ble Supreme Court to reach to a conclusion that the pre-requisites under Section 304-B IPC and 113-B Indian Evidence Act (hereinafter referred to as 'IEA') are not there. In contrast, in the instant case witnesses are there for establishing demand and harassment in the shape of the parents and the brother of the deceased. As such the judgment relied upon by the learned counsel for the Appellant have no bearing on the facts of the instant case.

14. The case of the prosecution primarily hinges upon the testimony of the brother of the deceased i.e. PW-1 and her parents, who have been examined as PW-2 and PW-3. The testimony on record is capable to indicate that some sort of harassment or torture was there for the deceased inasmuch as the demand of Rs. 50,000/- was made and despite the payment of Rs. 30,000/- by Hari Mohan, the victim was ill-treated for the balance amount. It seems that she was driven to the wall on this aspect and ultimately, it resulted into her death. It was an unnatural death, as has been reflected in the MLC and



Postmortem report Ex.PW4/A and Ex.PW6/A respectively. The primary requirements of Section 498-A IPC and presumption in terms of Section 113-B IEA are there on record inasmuch as the deceased was married to the Appellant in year 1996 and died on 04.07.1999. It was an unnatural death by some unknown poison and the complaints of harassment and torture were also there in the shape of demand of Rs. 50,000/-.

15. Requirements under Section 498-A IPC have been detailed in *Smt. Neera Singh vs. State (Govt of NCT of Delhi)*, 2007 SCC OnLine Del 1921, in the following manner :-

*“Cruelty as defined in Section 498A of the IPC must meet the following requirements:*

- 1. There should be harassment of the woman.*
- 2. Harassment should be with a view to coercing her or any person related to her to meet the unlawful demand of a property or valuables security.*
- 3. The harassment may be even where on account of failure by woman or any person related to her to meet any such demand earlier made.”*

16. Reference can also be made to the judgment in *Ramesh Kumar Vs. State (Govt. of NCT of Delhi)*, 2014 (207) DLT 438, the Court observed:-

*"If the woman is harassed on account of her failure or the failure of her relatives to meet an unlawful demand for property or valuable security, that also constitutes cruelty, within the meaning of Section 498-A of IPC. The expression 'harassment' has not been defined in Section 498-A of IPC, but its dictionary meaning is to subject someone to continuous vexatious attacks, questions, demands or other unpleasantness, etc. But, it is not harassment of every nature which is punishable under Section 498-A of IPC. In order to attract criminal liability, there should be torture physical or mental, by positive acts. Such acts should be aimed at persuading or compelling the woman or her relatives to meet an unlawful demand of any property or valuable security or it should be actuated by the failure of the woman or her relative to meet such a demand."*



*Every harassment does not amount to “cruelty” within the meaning of Section 498A. For the purpose of Section 498-A, harassment simpliciter is not “cruelty” and it is only when harassment is committed for the purpose of coercing a woman or any other person related to her to meet an unlawful demand for property, etc. that it amounts to “cruelty” punishable under Section 498-A IPC, **State of A.P. v. M. Madhusudhan Rao**, (2008) 15 SCC 582.*

*Cruelty can either be mental or physical. It is difficult to straitjacket the term cruelty by means of a definition because cruelty is a relative term. What constitutes cruelty for one person may not constitute cruelty for another person, **G.V. Siddaramesh v. State of Karnataka**, (2010) 3 SCC 152.*

*The concept of cruelty and its effect varies from individual to individual, also depending upon the social and economic status to which such person belongs, **Gananath Pattnaik v. State of Orissa**, (2002) 2 SCC 619.*

17. Certain aspects are clearly and cogently present in the instant case, that is death of a human being, death being unnatural and that the deceased happens to be a female who died within 07 years of marriage. All these are sufficient to raise presumption of a dowry death inasmuch as persistent demands and harassments were there qua the deceased.

18. Demands were being raised by the Appellant whereby the sum of Rs. 50,000/- was sought. Harassment was there in this context and when the brother of the deceased Hari Mohan, paid a sum of Rs. 30,000/- the harassment subsided for some time. However, it again resurfaced when the deceased could not arrange the balance amount of Rs. 20,000/-. There is no specific time frame given, and the reason is obvious as neither the deceased, nor the parents of the deceased, nor the brother of the deceased were educated. So much so that date of marriage is also not known to them as they could only tell that marriage took place in the year 1996. In such



circumstances, expecting them to keep track of the maltreatment of the deceased and the demands raised meticulously is nothing but expecting too much from them. The deceased was being subjected to harassment, off and on for the balance amount of Rs. 20,000/-. It seems harassment became an integral part of the life of the deceased which drove her to end her life as no direct evidence has been found that her death was caused either by the Appellant or his family members.

19. Nevertheless death occurred which is a fact. As regards soon before her death she was subjected to harassment and cruelty, as referred above, no definite date and time etc. is available but then ill-treatment of the deceased continued unabated for quite some time. This can be inferred from the fact that the initial demand of Rs. 50,000/- was there and when a sum of Rs. 30,000/- was paid, the ill-treatment of the victim stopped but it was resumed after some time for the balance of amount of Rs. 20,000/-.

20. While elaborating the concept of soon before death, the observations made in ***Kans Raj Vs. State of Punjab***, (2000) 5 SCC 207:-

*“15.....The term “soon before” is not synonymous with the term “immediately before” and is opposite of the expression “soon after” as used and understood in Section 114, Illustration (a) of the Evidence Act. These words would imply that the interval should not be too long between the time of making the statement and the death. It contemplates the reasonable time which, as earlier noticed, has to be understood and determined under the peculiar circumstances of each case. In relation to dowry deaths, the circumstances showing the existence of cruelty or harassment to the deceased are not restricted to a particular instance but normally refer to a course of conduct. Such conduct may be spread over a period of time. If the cruelty or harassment or demand for dowry is shown to have persisted, it shall be deemed to be “soon before death” if any other intervening circumstance showing the non-existence of such treatment is*



*not brought on record, before such alleged treatment and the date of death. It does not, however, mean that such time can be stretched to any period. Proximate and live link between the effect of cruelty based on dowry demand and the consequential death is required to be proved by the prosecution. The demand of dowry, cruelty or harassment based upon such demand and the date of death should not be too remote in time which, under the circumstances, be treated as having become stale enough.”*

21. Presumptions are rebuttable and thus, do not in themselves stand against the Appellant. Nevertheless a prima facie presumption against the Appellant was there, as it can be seen that certain requisites are already there in the shape of marriage, death within 7 years of marriage, death being unnatural with a history of dowry demand, torture and harassment etc.

22. The victim died under unnatural circumstances in the year 1999, i.e. within 07 years of marriage. There were certain unexplained small injuries on the body of the deceased but as per the postmortem report, the cause of death was suspected poisoning by some unknown substance. These facts are sufficient to raise presumption against the Appellant. But then there is no evidence about the fact that the death by poisoning was engineered by the Appellant. Testimony of Hari Mohan on the aspect of dying declaration, made by the deceased, does not inspire confidence for the reason that Hari Mohan could not have been with the deceased prior to her death, giving an opportunity to the deceased in confiding or making any statement about her death.

23. According to Hari Mohan, he reached the hospital at Pitampura, although he has not given the name of the hospital, but then the deceased was, by that time removed from there and was advised to go to Agarsain Hospital, where the deceased with Appellant-Veerpal reached at 12:10 AM



as has come in the testimony of Dr. CM Bansal (PW-4) and is evident from the MLC Ex.PW4/A also. Hari Mohan, on the other hand, says that his sister told him in the Hospital about being poisoned by the Appellant. In addition to that it has been observed by Dr. CM Bansal on the MLC itself that the deceased was unfit for statement when she was brought to the hospital and same is the deposition of SI Gopal Ram (PW-11). All these circumstances reflect that deceased was not in a position to tell anything to anybody. Had it been possible, then in that case she should have told the doctor, who was preparing the MLC and he must have tried to gather some information about how it happened and who and what does she suspect to be responsible for the situation in which she was. There is nothing on record on this count. In such circumstances, it is highly unbelievable that deceased was in a position to make any dying declaration/statement relating to her death to her brother. This takes out the Appellant from the purview of the Section 304-B IPC, but that does not absolve him.

24. The medical sheet/Death Report Ex. PW-6/B-12 reflects that two persons including the deceased took the tea, which was laced with some unknown poison resulting into the death of Smt. Sarvesh. Incidentally, except the deceased, the other person, who had taken the tea, did not face any complication reflecting that it was the tea of deceased only which was laced with some unwholesome and poisonous substance. Thus, question arises as to whether somebody played foul and mixed something in the tea of the deceased or that it was the deceased who herself poisoned it.

25. The circumstances exist in the shape of harassment to the victim for demand of money/dowry. It has come on record that Rs. 50,000/- was demanded by the Appellant and after paying Rs.30,000/-, the family of the deceased, more particularly, the brother of the deceased, expressed their



inability, which seemingly enraged the Appellant. The harassment and dowry demand thereafter, started afresh. In such circumstances, there is a possibility that the deceased herself, fed up with her life, administered or mixed something poisonous in her tea and committed suicide. The only other possibility is that the Appellant or somebody else from the family of the Appellant mixed something in the tea of the deceased. Normally, kitchens are taken care of by the female folk of the family and therefore, in these circumstances it is highly unlikely that somebody else had the access to the kitchen or the tea being prepared or served by the deceased to herself and the Appellant. There is a grey area here as it cannot be said for sure that who mixed what in the tea. As both the possibilities exist where it could be the Appellant or it could be the deceased herself.

26. Sufficient evidence, as discussed herein before, is there with regard to cruelty relating to the dowry bringing Section 498-A IPC into play. In the given circumstances when it could not be established as to who caused the death of the deceased or who administered the poison like substance in her tea or otherwise then the only inference which could be there is in the shape of suicide. Circumstances in which the deceased was placed, were such that she, despite partially / substantially satisfying the expectations of her husband, was not spared from the harassment. Since her brother PW-1 Hari Mohan had already expressed his inability to meet financial demands of the deceased, she had none left to fall back upon. It appears that she had no other option or way out left to avoid her continuous harassment but to end her life.

27. Under almost identical circumstances Hon'ble Supreme Court in ***Moti Lal vs. State of MP***, AIR 2004 SC 2909 observed in the following words:-

*“The case of the prosecution was that the Appellant used to*



*harass his wife from the beginning on the ground that she had not brought sufficient dowry and often used to pester her to bring more gold and money from her father. Whenever she used to remind the parents that the status and economic position of her father did not permit further dowry being given as demand, the deceased used to be not only taunted and harassed but also threaten and beaten at times even driven out of the house.”*

Under the aforesaid circumstances, the deceased consumed poisoned pesticide and died.

28. Trial Judge in the aforesaid case of **Moti Lal** (*supra*) held the Appellant Moti Lal guilty and convicted him. High Court also maintained the conviction and sentence, which was finally challenged before the Hon’ble Supreme Court, where also the Appellant could not convince about his innocence and thus, the Appeal was dismissed holding the Appellant responsible for the offence under Section 498-A and 306 IPC while observing in the following words:-

*“So far as the challenge sought to be made on merits as to the conviction of the appellant is concerned, we find that both the courts below have undertaken an independent consideration of the materials on record in the light of the contentions urged on behalf of the appellant and yet found the prosecution case fully substantiated on the basis of concrete and relevant materials brought or record. The defence plea as to want of sufficient proof for demand of additional dowry and harassment on that account and as to the appellant being possession of sufficient resources in Bank have been considered elaborately and found rejected for valid and relevant reasons supported by concrete materials produced. The ample materials on record overwhelmingly support the factual findings concurrently recorded by both the courts below and they are not shown to be vitiated for any infirmity whatsoever to call for or justify the interference of this Court in the appeal filed under Article 136 of the Constitution of India. The evidence on record, to which our attention has also been drawn by the learned counsel, sufficiently makes out the*



*case of persistent and unabated harassment and acts of cruelty meted out to the deceased by not only pestering her and her relative to give more and more by way of additional dowry from time to time, but that she has been ill-treated physically and consequently the challenge made to the concurrent findings is not only bereft of substance but does not merit countenance in our hands. The quantum of sentence, keeping in view the serious nature of the offences, also cannot be said to be on the higher side, for showing any further leniency.”*

29. So what has emerged on record is that the victim and the Appellant got married in the year 1996 and at the time of marriage, the parents of the deceased spend about Rs. 3,00,000/- in all. The deceased was harassed in relation to the demand of Rs. 50,000/-, and apart from that the Appellant and his family members were not satisfied by what all was done at the time of marriage.

30. Testimony of only the parents of the deceased and most importantly the brother of the deceased Hari Mohan are of utmost importance. It has come in their testimony that sort of dowry demand and related harassment was there. Hari Mohan is the only person who has stated about the circumstances of the death of his sister Sarvesh. According to him, his sister, Sarvesh, while she was in the hospital, told him that she has been administered poison by the Appellant herein. This fact has not been shared by the deceased with anyone else. On the face of it, this amounts to dying declaration and there is, apparently, no reason why it should be disbelieved.

31. However, certain circumstances are there which remain unexplained. The prime witness for the prosecution, Hari Mohan is unsure about the hospital where this fact of being administered poison was shared by deceased with him. This becomes all the more important when it is found from the record that the deceased was admitted to Maharaja Agrasen



Hospital at about 12:10 AM on the intervening night on 03.07.1999/04.07.1999 but Hari Mohan says that the deceased shared the factum of being poisoned at 08:00 PM on 03.07.1999 at Agarsain Hospital. According to Hari Mohan, the deceased was taken to the local doctor and from there she was taken to Navjiwan Nursing Home and from there to Jaipur Golden Hospital. As none of those three medical establishments, treated the deceased therefore, she was finally taken to Agarsain Hospital. The record reveals that she reached there at around 12:10 AM in the night. Dr. C.M. Bansal (PW-4), unfolds that on 04.07.1999, patient Sarvesh Devi was brought at the hospital by Veerpal at 12:10 AM and patient was found unfit for statement. In such circumstances, when Hari Mohan could reach to his sister, deceased Sarvesh in Maharaja Agarsain Hospital only and was not accompanying the deceased, nor had he met her, either at the clinic of the local Doctor or Navjiwan Nursing Home or at Jaipur Golden Hospital, then, in that case, how come he became aware or how the aspect of being poisoned was shared by the deceased with him at 08:00 PM and in which hospital. The only hospital which is relevant in this context is Maharaja Agarsain Hospital where the victim reached at around 12:10 AM. This riddle remains unsolved and puts a question mark on the version of the prosecution.

32. In view of the foregoing discussion there is no merit in the Appeal, however, the conviction of the Appellant under Section 304-B IPC cannot be sustained as there is no positive evidence with regard to causing death of Sarvesh by Appellant, family or anybody. However, a person has died, and the only possibility in such circumstances is that of committing suicide by the deceased, which attracts Section 306 IPC.



33. The legal position as regards Sections 306 IPC which is long settled, was reiterated by the Supreme Court in the case of ***Randhir Singh v. State of Punjab***, (2004) 13 SCC 129 as elaborated in para 12:-

*“12. Abetment involves a mental process of instigating a person or intentionally aiding that person in doing of a thing. In cases of conspiracy also it would involve that mental process of entering into conspiracy for the doing of that thing. More active role which can be described as instigating or aiding the doing of a thing is required before a person can be said to be abetting the commission of offence under Section 306 IPC.”*

34. It has been a consistent view of the Courts that cruelty and harassment meted out to the victim should be such leaving no scope or alternative except to end the life and that there should be some proximity in harassment and the time of occurrence compelling the person to commit the suicide

35. In the instant case, the harassment in the shape of demands was there being persistent even after the payment of Rs. 30,000/-, for the remaining Rs. 20,000/- and that triggered something inside the victim, which persuaded her to end her life. Her brother expressed his helplessness and refused to pay Rs. 20,000/- which she was expecting from him. On the other hand, being continuously pestered by the Appellant and as the instigations or incitement or provocation need not be direct but has to be there in any form of communication which includes non-verbal communication too. The victim was harassed initially but when a sum of Rs. 30,000/- was paid her harassment subsided and subdued for some time. It was, however, simmering somewhere with the Appellant. It resurfaced again and raised its ugly face in the form of fresh round of pestering, when the balance amount of Rs. 20,000/- could not be arranged by her from her parents / brother.



Seemingly, this was a constant and persistent bone of contention between the Appellant and the deceased. Placed under such circumstances the deceased decided to end her life by consuming some sort of poison laced tea.

36. As such, while maintaining the conviction of the Appellant under Section 498-A IPC, he is held guilty for the offence under Section 306 IPC instead of 304-B IPC, notwithstanding the fact that no specific charge under Section 306 was framed as was not required to be framed against the Appellant, as was observed in *K. Prema S Rao vs Yadla Srinivas Rao*, AIR 2003 SC 11.

37. The punishment also needs to be modified, as the Appellant was sentenced to undergo RI for a period of 07 years under Section 304-B IPC and that no longer being the situation, in view of the conviction under Section 304-B IPC being converted to Section 306 IPC. The Appellant was a young man of 26 years of age having his parents and two minor children of 03 and 06 years to support when he was sentenced on 19.12.2002. Apparently, the Appellant must be in a different phase of life where children have grown up and the Appellant getting old day by day. Since, he has already undergone a period of about 03 years 08 months and 10 days during trial and post conviction. In the fitness of circumstances, the sentence needs to be modified, inasmuch as the punishment is to be considered for a different offence now. Additionally, the kids of the Appellant, who were 03 and 06 years in the year 2002, would now be 27 and 30 years of age having their families and relatives. The fallout of the punishment would not be confined to the Appellant alone. The Appellant is heading towards the evening of his life. The long drawn criminal trial and proceedings thereafter, must have not only wisened him but tired him out too. And when he has spent nearly 04 years in custody at the pre-trial and post conviction stage put



together, then it seems further incarceration would not be appropriate, positive and productive, and would not serve any purpose. As such, considering the otherwise clean antecedents; it seems that the period of custody already undergone by the Appellant would be sufficient to meet the ends of justice; ordered accordingly.

38. Appeal, together with applications if any, stands disposed off accordingly.

**VIMAL KUMAR YADAV, J**

**MARCH 16, 2026/ps/tng**