

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

Criminal Appeal No(s). 899 of 2009

SANGITA @ REKHA SAMBHAJI MALODE

Appellant(s)

VERSUS

THE STATE OF MAHARASHTRA

Respondent(s)

J U D G M E N TBANUMATHI, J.:

(1) The appellant, who is the sister-in-law of the deceased-Surekha, has been convicted for the offence under Section 498-A and Section 306 I.P.C. read with Section 34 I.P.C. and was sentenced to undergo imprisonment for a period of two years and five years respectively (to run concurrently). Vasant, brother of the appellant and husband of the deceased-Surekha, was also convicted for the same offences and is said to have already undergone the sentence of imprisonment imposed upon him.

(2) By the order of this Court dated 20th February, 2009 notice was issued limited only to the quantum of sentence.

(3) Mr. Sushil Karanjkar, learned counsel appearing for the appellant, has submitted that the appellant being a married lady and by and large has been residing only with her husband at Nasik is having two grown up children to be taken care and her family.

(4) The occurrence was of the year 2002. The appellant is said to have undergone one year ten months and ten days, out of the total imprisonment imposed upon her.

(5) Considering the facts and circumstances of the case, the sentence of imprisonment of five years imposed upon the appellant for the offence under Section 306 I.P.C. is reduced to a period of two years.

(6) The appeal is allowed in part accordingly.

(7) We make it clear that the reduction of sentence is in the peculiar facts and circumstances of the present case and the same may not be treated as precedent. The appeal is accordingly disposed of.

(8) The appellant is to surrender to custody within a period of four weeks to serve the remaining sentence failing which she shall be taken to custody.

(9) A copy of this order be sent to the concerned trial court for necessary action.

.....J.
(R. BANUMATHI)

.....J.
(INDIRA BANERJEE)

NEW DELHI,
SEPTEMBER 12, 2018.