

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(S).1018/2018

HONNAIAH & ANR.

Appellant(s)

VERSUS

STATE THROUGH SHO

Respondent(s)

O R D E R

The appellants before this court were accused in a case under Section 498A read with Sections 3 and 4 of the Dowry Prohibition Act, 1961 (for short, DP Act), where their son, who was the husband of the deceased also additionally faced charges under Section 302 IPC. The deceased wife and the husband, i.e. the son of the present appellants and their daughter in law were admittedly living separately and the case of the prosecution is that their daughter in law was put to death by strangulation by her husband i.e., the appellants' son. It was further the case that there was also demand of dowry and cruelty etc.

2. The chargesheet was filed against all the accused and the trial was faced by five accused; A1 being the husband of the deceased; A2 being the daughter of the present appellants; and A5 being the son-in-law of the present appellants and the husband of A2; and A3 and A4 being the father and mother of A1.

3. In the case, all the accused persons were convicted under Sections 3 and 4 of the DP Act and A1 was additionally convicted for life sentence under Section 302 IPC by the Trial Court. Whereas the present appellants were only convicted under Sections 3

and 4 of the DP Act and were sentenced to simple imprisonment of one year and six months each respectively, and they were acquitted under Section 498A IPC by the Trial Court. Their conviction and sentence under Sections 3 and 4 of the DP Act has been upheld by the High Court in appeal, and additionally a fine has been imposed. A2 and A5 were acquitted by the High Court. Whereas the State's appeal against the acquittal under Section 498A IPC has been dismissed. The present appellants have already undergone 4 months of imprisonment and presently they are on bail, granted by this Court on 13.08.2018.

4. We have heard Mr. C.B. Gururaj, learned counsel for the appellants and Mr. D. L. Chidananda, learned counsel for the respondent.

5. The present appellant No.1 is aged about 85 years and appellant no.2 is presently 78 years old. These are the mitigating circumstances which work in favour of the appellants. For this reason, we uphold the conviction but reduce the sentence to what is already undergone, which is four months in jail.

6. Accordingly, the appeal is partly allowed. As the appellants are on bail, they need not surrender. Their bail bonds are discharged.

7. Pending application(s), if any, stand(s) closed.

..... J.  
[ SUDHANSHU DHULIA ]

..... J.  
[ AHSANUDDIN AMANULLAH ]

**NEW DELHI;  
FEBRUARY 06, 2025.**

ITEM NO.101

COURT NO.12

SECTION II-C

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Criminal Appeal No(s).1018/2018

HONNAIAH &amp; ANR.

Appellant(s)

VERSUS

STATE THROUGH SHO

Respondent(s)

[ AS FIRST ITEM ]

Date : 06-02-2025 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SUDHANSHU DHULIA  
HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH

For Appellant(s) :

Mr. C.B. Gururaj, Adv.  
Mr. Prakash Ranjan Nayak, AOR  
Mr. Animesh Dubey, Adv.  
Mr. Apoorv Nautiyal, Adv.

For Respondent(s) : Mr. D. L. Chidananda, AOR

UPON hearing the counsel the Court made the following  
O R D E R

The appeal is partly allowed in terms of the signed order. The operative part of the order is reproduced:-

"5. The present appellant No.1 is aged about 85 years and appellant no.2 is presently 78 years old. These are the mitigating circumstances which work in favour of the appellants. For this reason, we uphold the conviction but reduce the sentence to what is already undergone, which is four months in jail.

6. Accordingly, the appeal is partly allowed. As the appellants are on bail, they need not surrender. Their bail bonds are discharged."

Pending application(s), if any, stand closed.

(DEEPAK JOSHI)  
ASTT. REGISTRAR-cum-PS

(RENU BALA GAMBHIR)  
ASSISTANT REGISTRAR

(Signed Order is placed on the File)