

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.552 OF 2017  
(Arising out of S.L.P. (Crl.) No. 5501 of 2014)

LAXMAN

Appellant(s)

Versus

STATE OF U.P.

Respondent(s)

O R D E R

Leave granted.

2. This appeal by special leave is directed against the judgment and order dated 11.3.2014 passed by the High Court of Judicature at Allahabad in Criminal Revision No. 2135 of 2006 whereby the High Court dismissed the revision petition of the appellant holding that there is no sufficient ground to interfere with the impugned judgment(s) and order(s) passed by the Courts below.

3. The appellant herein was prosecuted in the case instituted by his wife for the charges under Sections 323, 506, 498A of Indian Penal Code and

Section 3(4) of the Dowry Prohibition Act, 1961. After leading evidence, the CJM, Mahoba convicted him under Section 498A of IPC as well as Section 3(4) of Dowry Prohibition Act, 1961 and sentenced under both the Sections mentioned above to suffer concurrently eight months imprisonment and to pay a fine of Rs.1,000/-, in default to suffer three months further imprisonment.

4. The appellant's appeal before the Additional Sessions Judge, Mahoba came to be dismissed so also the Revision Petition before the High Court. Assailing the order of the High Court, the appellant filed the present appeal.

5. On 14<sup>th</sup> July, 2014 this Court exempted the appellant from surrendering and on 19<sup>th</sup> August, 2014 notice was issued limited to the quantum of sentence.

6. Learned counsel for the appellant submits that the case was instituted by the complainant-wife only with a view to get rid of him, as the complainant was not interested to live with him. The parties had undergone considerable length of matrimonial life out of which two daughters were born long back, but

unfortunately none was survived. Therefore, she was not interested to live with the appellant and falsely fabricated the case. The appellant belonging to economically weaker section and there never arises the dowry demand in their community. There was in fact no authentic evidence of dowry demand, cruelty or atrocity on the wife at the hands of appellant. The Courts below have not properly appreciated the material and evidence on record. The accused-appellant works as a sweeper who belongs to poor and downtrodden community who suffers and struggles for basic amenities in life. The appellant is a daily wage labourer and has already suffered a month's imprisonment. He is about 58 years old, not keeping good health due to old age related ailments.

7. On the other hand, learned counsel appearing for the State supported the judgments of the Courts below.

8. Having heard learned counsel on either side and upon going through the material on record, we are of the considered view that the ends of justice would be met if we modify the sentence imposed on the

appellant by reducing it to the period already undergone by him, without interfering with the condition of fine. Ordered accordingly.

9. The appeal stands disposed of.

.....J.  
(N.V. RAMANA)

.....J.  
(PRAFULLA C. PANT)

New Delhi,  
March 10, 2017

ITEM NO.34

COURT NO.11

SECTION II

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

Petition(s) for Special Leave to Appeal (Crl.) No(s). 5501/2014

(Arising out of impugned final judgment and order dated 11/03/2014 in CRLR No. 2135/2006 passed by the High Court Of Judicature at Allahabad)

LAXMAN

Petitioner(s)

VERSUS

STATE OF U.P.

Respondent(s)

(with appln. (s) for bail and exemption from filing c/c of the impugned judgment and exemption from filing O.T. and office report)

Date : 10/03/2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N.V. RAMANA

HON'BLE MR. JUSTICE PRAFULLA C. PANT

For Petitioner(s)

Mr. Anis Ahmed Khan, Adv.  
Mr. Shoaib Ahmad Khan, Adv.  
Mohd. Naved Mian, Adv.

For Respondent(s)

Mr. Yoginder Handoo, Adv.  
Mr. Nikhil Bhat, Adv.

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

Leave granted.

The appeal is disposed of in terms of the signed order.

[SUKHBIR PAUL KAUR]  
A.R.-CUM-P.S.

[S.S.R. KRISHNA]  
ASSISTANT REGISTRAR

(Signed order is placed on the file)