



2023 INSC 994

IN THE SUPREME COURT OF INDIA
INHERENT JURISDICTION



REPORTABLE

REVIEW PETITION (CRIMINAL) OF 2023
(@ Diary No. 8152/2023)
IN
SPECIAL LEAVE PETITION (CRIMINAL) NO. 7528 OF 2018

SANJAY BABU LAL

Petitioner(s)

VERSUS

STATE OF HARYANA

Respondent(s)

O R D E R

As the petitioner - Sanjay Babu Lal is confined to jail, delay of 1606 days in filing the review petition is condoned.

Having heard learned counsel for the parties, the review petition is allowed. The order dated 31.08.2018 is recalled and SLP(Crl.) no. 7528/2018 stands restored to its original number and file.

Leave granted in SLP(Crl.) no. 7528/2018.

We have perused the trial Court records with reference to the statement of Lt. Col. (Dr.) T.S. Bhatti (PW-11), the statement made by the appellant - Sanjay Babu Lal under Section 313 of the Code of Criminal Procedure, 1973, as also, Exhibits PQ (Medical Case Sheet), PR (Proceedings of Medico-legal case) and PV (Site Plan). We have also perused the photographs, which are marked as Exhibits PC to PE.

Having regard to the aforesaid photographs, we do not think that the appellant - Sanjay Babu Lal has made out a case for acquittal. We are not inclined to interfere with the conviction of

the appellant - Sanjay Babu Lal for the offences punishable under Section 304B and Section 498A of the Indian Penal Code, 1860¹.

However, keeping in view the facts and circumstances of the case, including the factum that the appellant - Sanjay Babu Lal has a differently-abled son and the incident is of the year 2002, we are inclined to reduce the punishment awarded to the appellant - Sanjay Babu Lal from that of life imprisonment, to imprisonment for the period already undergone, which is ten years and nine months approximately as on 03.10.2023. However, the appellant - Sanjay Babu Lal will pay a fine of Rs.10,000/- (Rupees ten thousand only), and in default whereof, he will undergo simple imprisonment for a period of three months. On payment of fine/default sentence, the appellant - Sanjay Babu Lal will be released immediately, if not required to be detained in jail in any other case.

The sentence awarded under Section 498A of the IPC is maintained. Sentences will run concurrently.

The appeal is partly allowed and disposed of in the above terms.

Pending application(s), if any, shall stand disposed of.

.....J.
(SANJIV KHANNA)

.....J.
(BELA M. TRIVEDI)

**NEW DELHI;
NOVEMBER 08, 2023.**

1 In short, 'IPC'.