

**SUPREME COURT OF INDIA**  
**Bench: SANJIV KHANNA, BELA M. TRIVEDI**  
**Date of Decision: NOVEMBER 08, 2023**

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

**SANJAY BABU LAL** **Petitioner(s)**

**VERSUS**

**STATE OF HARYANA** **Respondent(s)**

**Sections, Acts, Rules, and Articles mentioned in the judgment:**

- Section 313 of the Code of Criminal Procedure, 1973

Section 304 B , 498 A of the Indian Penal Code, 1860

**Subject of the Judgment:**

The judgment pertains to a review petition in a criminal case involving the appellant, Sanjay Babu Lal, and his conviction under Section 304B and Section 498A of the Indian Penal Code, 1860.

**Headnotes**

Criminal Appeal – Review Petition – Delay in filing the review petition condoned due to petitioner’s confinement – Review petition allowed, order dated 31.08.2018 recalled, and SLP(Crl.) no. 7528/2018 restored to its original number and file. Leave granted in SLP(Crl.) no. 7528/2018.

Criminal Procedure – Examination of trial Court records and evidence – Appellant’s conviction under Section 304B and Section 498A of the Indian Penal Code, 1860 upheld – However, appellant’s punishment reduced from life imprisonment to imprisonment already undergone (ten years and nine months as of 03.10.2023) – Appellant fined Rs. 10,000, with three months of simple imprisonment in default. On payment of fine/default sentence, appellant to be released immediately, if not required in any other case.

Disposition – Appeal partly allowed – Sentences to run concurrently – Pending applications, if any, disposed of.

**Referred Cases: None.**

## **ORDER**

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 RP(Crl.) Diary No. 8152/2023 in SLP(Crl.) No. 7528/2018 1 the appellant – Sanjay Babu Lal for the offences punishable under Section 304B and Section 498A of the Indian Penal Code, 1860<sup>1</sup>.

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.

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