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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Judgment reserved on: July 25, 2018

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Judgment delivered on: August 08, 2018

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CRL. A. 277/2012

1. KIRAN @ BABLI

2. NEERAJ

....Appellants

Through: Ms. Anu Narula, Advocate.

Versus

STATE

....Respondent

Through: Mr. Rajat Katyal, APP with Mr. Ashray Behura, Advocate with Inspector Narender Kumar, PS Burari.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE I.S.MEHTA

JUDGEMENT

08.08.2018

I.S.Mehta, J.

1. Instant appeal is directed against the Judgment dated 21.12.2011 and order on sentence dated 24.12.2010 passed by learned Additional Session Judge, NDPS (North), Delhi in Session Case No. 27/10, titled *State v. Neeraj & Anr.* which is arising out of FIR No. 80/2010 under Section 498A/304B/302/34 IPC, at Police Station Burari, whereby appellants have

been convicted under Section 302/34 IPC and were sentenced to undergo rigorous imprisonment for life and fine of Rs. 10,000/- each and in default of payment of fine to further undergo simple imprisonment for a period of four months.

2. The appellant aggrieved by the aforesaid judgment and order on sentence, preferred the present appeal.

3. The brief facts stated are that on receiving PCR call from Lady Constable Sunita, Daily Diary No.12-A i.e. Ex.PW-6/A was recorded. Thereafter, S.I. Rajiv Kumar (PW-17) along with Constable Mukesh (PW-12) reached to the spot i.e. House No.184, Gali No.4, A-Block, Tomar Colony, Burari, Delhi. On enquiry at the spot it revealed that the injured was taken to LNJP Hospital in a PCR Van. On inspection of the Crime team at the spot 6 burnt and 10 unburnt matchsticks, 1 piece of yellow coloured cloth and 1 piece of pink coloured cloth having burnt skin of the victim was found. Further a steel glass containing kerosene oil and a plastic can of five litre containing kerosene oil was found in open bathroom of the terrace.

4. Consequently, Crime team was called at the spot and they prepared Crime team report Ex.PW-14/A and kept Constable Mukesh on the spot to guard the premises, S.I. Rajiv Kumar (PW-17) reached the L.N.J.P. Hospital where he found injured admitted in the hospital with MLC No. 42046/10 Ex.PW-9/A and injured Priya was found not fit for the statement. Later, S.I. Rajiv Kumar at 7 PM enquired about her fitness from the doctor who at 7:10 PM declared that the injured fit for statement i.e., Ex.PW-20/A. Thereafter, S.I. Rajiv Kumar informed the S.D.M. (Civil Lines) Nityanand Bhardwaj

(PW-1) about condition of the injured and after being declared fit, her statement Ex. PW-1/A was recorded as follows:

STATEMENT(Ex. PW-1/A)

D.D. No. 12A
Date: 02.04.2010

Q1. What is your name?

A1. My name is Priya.

Q2. What is your Husband's name?

A2. My Husband's name is Neeraj.

Q3. Where do you live? Where do your Parents live?

A3. I live in Burari and my parents live in Uttam Nagar.

Q4. Who all live in your matrimonial home?

A4. My Husband, Myself, My Mother in Law alongwith my Brother in Law (*Dewar*) lives in my matrimonial home.

Q5. Does your Father in Law live with you?

A5. My Father in Law lives outside. (Vol. He works as watchman in school, and lives in school premises)

Q6. When did you get married?

A6. I got married on 29th November 2009.

Q7. How did you get burn injuries on your person?

A7. Last night I had a feud with my husband on which he even slapped me. Today morning i.e. 02.04.2010 after taking bath I performed my usual prayer, after sometime, thereafter, my husband Neeraj alongwith my Mother in Law Babli @ Kiran gushed some Kerosene Oil on me and then my husband lit the matchsticks and put me on fire. My Brother in Law (*Dewar*) Ankit was also present in my matrimonial home at that time.

Q8. When did this incident occur?

A8. This incident occurred today (02.04.2010) at 7AM.

Q9. Who tried to put off the fire?

A9. My Husband tried to put off the fire. At that time my Mother in Law Kiran @ Babli went out to fetch milk.

Q10. Who brought you to the hospital?

A10. My husband brought me to the hospital in Police PCR Van.

Q11. Does anyone trouble you at home?

A11. My Mother in Law used to taunt me as to what Articles (dowry) have you got from your parent's home. Also my Matrimonial home is dominated by Mother in law of my Sister in Law (*Nanad ki Saas*) and husband of my Sister in Law (*Nanad ka Pati*) Ajay. My husband used to demand for motorcycle and money.

The aforesaid statement is given by me without any force and is based on true and correct facts as deposed and I have heard the same.

(Thumb impression of Right Foot)

Recorded by me
From 7:20 PM to 7:40 PM
On 02.04.2010
Sd/-
SDM (Civil Lines)

Sd/-
(Priya)
W/o Mr. Neeraj
Village:Burari

5. Thereafter, S.I. Rajiv Kumar reached on spot and prepared site plan Ex.PW17/B and seized vide seizure memo Ex.PW-12/A 6 burnt and 10 unburnt matchsticks, 1 piece of yellow coloured cloth and 1 piece of pink coloured cloth having burnt skin of the victim, a steel glass filled with one fourth kerosene oil and a plastic can of five litres containing kerosene oil was seized from open bathroom on roof. The seized articles were deposited in *Malkhana* vide Ex.PW-18/A. The accused Neeraj was interrogated and was arrested vide Ex.PW-12/B.
6. S.I. Rajiv Kumar reached LNJP Hospital on receiving the information regarding death of victim Priya on 03.04.2010 and met Basant Kumar (PW-2) and Satpal (PW-4) and recorded their statement and converted the case to Section 302 IPC.
7. The deceased Priya was declared dead and her dead body was sent for post mortem and post mortem report Ex.PW10/A was prepared, sealed parcel was taken into the possession and was deposited with *Malkhana*.
8. Thereafter, further investigation was done by I.O. Inspector Shiv Dayal (PW-21) and during the investigation he arrested accused Kiran @ Babli vide arrest memo Ex.PW-15/A and recorded the statement of witnesses and got prepared scaled site plan and Exhibits which were sent to FSL, Delhi and Section 304B IPC was further added and chargesheet was filed.
9. Subsequently, charge under Section 302/34 IPC and in alternative Section 498A/304B/34 IPC was framed on 19.08.2010.
10. The prosecution in order to prove its case has examined 21 witnesses; Sh. Nityanand Bhardwaj SDM, Civil Lines (PW-1), Sh. Basant Kumar (PW-2), Smt. Vichitra (PW-3), Sh. Satpal (PW-4), Sh. Vikas (PW-5), ASI Kishan

Singh (PW-6), H.C. Mahipal Singh (PW-7), H.C. Amarnath (PW-8), Dr. Vikas Sharma, CMO, LNJP Hospital (PW-9), Dr. Jyoti Barwa, JR Forensic Medicine, MAM College (PW-10), Ct. Ravinder Kumar (PW-11), Ct. Mukesh (PW-12), Ct. Ravinder (PW-13), S.I. Dheeraj Kumar (PW-14), Lady Ct. Preeti (PW-15), Dr. Kulbhushan, Senior Resident LNJP Hospital (PW-16), S.I. Rajiv Kumar (PW-17), H.C. Jagbir (PW-18), S.I. Manohar Lal (PW-19), Dr. Pranay R. Kapoor, Resident Doctor Batra Hospital (PW-20), Insp. Shiv Dayal (PW-21). Thereafter, prosecution evidence was closed. The statement under Section 313 Cr.P.C. of Neeraj and Kiran @ Babli were recorded on 09.08.2011. The accused persons preferred to examine 4 Defence Witnesses i.e., Sh. Raj Kumar (DW-1), Smt. Manju (DW-2), Accused Kiran @ Babli (DW-3), Accused Neeraj (DW-4) and closed the defence evidence.

11. After conclusion of arguments, the trial Court vide judgment dated 21.12.2011 and impugned order on sentence dated 24.12.2011 convicted the Appellants under Section 302/34 IPC and sentenced them to undergo rigorous imprisonment for life with a fine of Rs.10,000/- and in default of payment of fine, to undergo Simple Imprisonment for a further period of four months.

12. The learned counsel for Appellants has submitted that the deceased Priya committed suicide by putting herself on fire on 02.04.2010. It is further submitted that the victim before taking her to the hospital narrated to the neighbour Manju (DW-2) that she has put fire on herself casually. The neighbour Raj Kumar has been examined as DW-1 and when deceased Priya

was taken to the hospital in PCR Van, she also narrated the same to him in the PCR Van.

13. The learned counsel for Appellants further submitted that MLC Ex.PW9/A indicates that fire injury caused on the person deceased Priya was an accident and there is no hand of the Appellants putting her to fire. It has been further submitted that version given by Manju (DW-2) is corroborated with the statement of Raj Kumar (DW-1), accused Kiran @ Babli (DW-3) and accused Neeraj (DW-4) which is further corroborated with the statement of Investigating officer S.I. Rajiv Kumar (PW-17) and mobile crime team report vide Ex. PW-14/A.
14. The learned counsel for Appellants further submitted that S.I. Rajiv Kumar during the cross examination has admitted that deceased Priya told him that she herself got burn injuries but he has not recorded her statement to this effect in rukka or any other document.
15. The learned counsel for Appellants further submitted that dying declaration Ex.PW-1/A is not a creditworthy document as deceased was not in a fit state of mind to depose anything. Moreover, before making any statement she has been tutored by her parents. Therefore, the dying declaration Ex.PW-1/A is not a creditworthy document.
16. The learned counsel for Appellants further submitted that when two theories appears on record, the benefit of preponderance of probability is given to the accused and further submitted that mere suspicion cannot be the ground of conviction and relied upon the following judgments in support of their contentions.

- i. ***T.K. Reddy v. State of A.P.***(2002 (3) JCC 1575 SC)

- ii. *T. Aruntperunjothi v. State* (2006 CRI. L. J. 3290)
 - iii. *Smt. Misri Devi & Ors. V. State* (2011 (1) JCC 395 DHC)
 - iv. *Kalu Ram v. State of Rajasthan* (2000 SCC (CrI) 86)
 - v. *Mohan Lal & Ors. v. State of Haryana* (2007(1) JCC 749)
 - vi. *Budh Ram @ Pappu & Ors. v. State* (2010 (3) JCC 2343 DHC)
 - vii. *Pintu Ruidas v. State* (2011 (1) CRIMES 567 (Cal))
 - viii. *Anirudh Sen v. State (NCT of Delhi)* (2006 (3) JCC 2076 DHC)
 - ix. *Narender Singh & Anr. V. State of M.P.* (2004 SCC (Cri) 1893 SC)
 - x. *Vikramjit Singh @ Vicky v. State of Punjab* ((2007) 1 SCC (Cri) 732)
 - xi. *State of Haryana v. Ram Singh* (2002 CRI. L.J. 987)
 - xii. *Ashish Batham v. State of M.P.* (AIR 2002 SC 3206)
 - xiii. *Md. Alimuddin & Ors. v. State of Assam* (1992 CRI. L.J. 3287)
17. Per contra, the learned Assistant Public Prosecutor for the State has submitted that deceased Priya got married with Neeraj (A-2) on 29.11.2009 and the deceased was put on fire by the appellants at around 7AM at matrimonial home for want of more dowry i.e. motor-cycle and Rupees One Lakh.
18. The learned Assistant Public Prosecutor for the State has further submitted that soon after the incident, deceased was admitted to LNJP Hospital vide MLC Ex.PW-9/A and during her treatment at hospital she made statement naming the involvement of her husband and mother in law for putting her on fire. The said statement is Ex.PW-1/A. The dying declaration was recorded at the hands of SDM and there was no occasion for false implication in present case and Court below has rightly convicted the Appellants.

Circumstantial Evidence

19. Instant is a case based on circumstantial evidence. The law relating to circumstantial evidence is discussed by the Apex Court in Para 4 of the Judgment ***Sudama Pandey V. State of Bihar (2001) 1 SCC 679*** which is reproduced as –

“..... It is a settled principle that in the case of circumstantial evidence, the various circumstances should be able to form a chain pointing to the guilt of the case of the accused. In case where is only circumstantial evidence, the Court has to consider the evidence adduces by the prosecution and decide whether the evidence proves particular facts relevant for the purpose for the case and when such facts are proved the question arises whether the facts are capable of giving rise to any inferences of the guilt of the accused person or not. An inference of guilt can be drawn only if the proved fact is wholly consistent with the guilt of the accused and certainly he is entitled to the benefit of doubt if the proved fact is consistent with his innocence.”

The Presence of deceased in Matrimonial Home

20. The deceased was married on 29.11.2009 and was living in Matrimonial home i.e., House no. 184, Gali no.4, Block -A, Tomar Colony, Burari, Delhi on 02.04.2010 with Neeraj (A-2) alongwith mother in law Kiran @ Babli (A-1) and brother in law Ankit.
21. Shri. Basant Kumar S/o Shri. Ram Nath (PW-2) father of the deceased Priya, Smt. Vichitra W/o Basant Kumar (PW-3) mother of the deceased Priya and Vikas (PW-5) cousin brother of the deceased Priya deposed that deceased Priya got married with Neeraj (A-2) on 29.11.2009 and was residing at the Matrimonial home.

22. Both the accused persons have not disputed their presence in matrimonial home in their statement under Section 313 Cr.P.C., 1973. Further, both the accused/appellant have also not denied that they were living with deceased Priya till 02.04.2010 i.e., date of the incident at matrimonial home.
23. Accused Kiran @ Babli in her cross examination further admitted that she has two Sons and two Daughters, the younger son, Ankit studies in Class 7th and her husband works as watchman in a school and he lives in that school and visit the matrimonial home once or twice in 2-3 months. Therefore, on the date of incident at matrimonial home the husband accused Neeraj (DW-4), Accused mother in law Kiran @ Babli (DW-3) and Brother in Law Ankit were residing, which stands proved. The said factum is also corroborated with the dying declaration Ex.PW-1/A.

Dying Declaration

24. Under the common law, hearsay evidence is no evidence, however Sub Section 1 of Section 32 of Indian Evidence Act 1872 specifies that when a statement is made by a person as to the cause of his death, the said statement becomes relevant. The legal maxim '***nemo moriturus proesumitur mentiri***' (a man will not meet his maker with a lie in his mouth) also strengthens the same . The relevant para of Apex Court Judgment in ***Paniben v. State of Gujrat (1992) 2 SCC 474*** is relevant:

“...The situation in which a man is on death bed is so solemn and serene when he is dying the grave position in which he is placed, is the reason in law to accept the veracity of his statement. It is for this reason the requirements of oath and cross-examination are dispensed with. Besides, should the dying declaration be excluded it will result in mis-carriage of justice because the victim being generally the only eye witness in a serious crime, the exclusion of the statement would leave the Court without a scrap of evidence.”

25. In ***Atbir v. Govt. (NCT of Delhi)*** ((2010) 9 SCC 1) the Supreme Court has laid down the following guidelines with regard to admissibility of Dying Declaration:

- i. Dying declaration can be the sole basis of conviction if it inspires the full confidence of the court.
- ii. The court should be satisfied that the deceased was in a fit state of mind at the time of making the statement and that it was not the result of tutoring, prompting or imagination.
- iii. Where the court is satisfied that the declaration is true and voluntary, it can base its conviction without any further corroboration.
- iv. It cannot be laid down as an absolute rule of law that the dying declaration cannot form the sole basis of conviction unless it is corroborated. The rule requiring corroboration is merely a rule of prudence.
- v. Where the dying declaration is suspicious it should not be acted upon without corroborative evidence.
- vi. A dying declaration which suffers from infirmity such as the deceased was unconscious and could never make any statement

cannot form the basis of conviction

- vii. Merely because a dying declaration does not contain all the details as to the occurrence, it is not to be rejected.
- viii. Even if it is a brief statement, it is not to be discarded.
- ix. When the eyewitness affirms that the deceased was not in fit and conscious state to make the dying declaration, medical opinion cannot prevail.
- x. If after careful scrutiny the court is satisfied that it is true and free from any effort to induce the deceased to make a false statement and if it is coherent and consistent, there shall be no legal impediment to make it the basis of conviction, even if there is no corroboration.

26. The prosecution has examined PW1 Nityanand Bhardwaj (SDM Civil Lines) who specifically stated that on 02.04.2010 he was posted as SDM(Civil Lines), on that day he received a message from SHO Burari at 10:30 am that a lady has been admitted at LNJP hospital with burn injuries it was further informed that she was not fit for statement at that time and he would be informed whenever she would become fit for statement. At around 5:30 PM he received a message from S.I. Rajiv Kumar that the injured lady is fit for statement, he reached LNJP hospital at about 7 PM and also met S.I. Rajiv Kumar. The doctor then certified that injured Priya is fit for statement and he recorded Priya's statement from 7:20PM to 7:40 PM in question answer form, since both the hands of the injured were burnt he took the thumb impression of injured's right foot, after completion of the statement he signed the same and forwarded it to the SHO for appropriate action, the said statement is Ex.PW1/A his endorsement at Ex.PW-1/B and

his signature pointed and marked as “X”.

27. The contention of the learned counsel of appellants Ex.PW-1/A dying declaration is a result of tutoring by parents of the deceased doesn't seem to be correct.
28. Nityanand Bhardwaj SDM (PW-1) stated that the injured was declared fit for statement by doctor on duty Dr. Pranay R. Kapur (PW-20) in LNJP hospital on 02.04.2010 at 7:10 PM. While he was recording the statement of deceased Priya from 7:20 PM to 7:40 PM, he denies that deceased was in immense pain and was feeling dizzy or hazy. However he categorically stated that deceased was replying to his questions properly, this indicates that the deceased was mentally fit for making statement. Dr. Pranay R. Kapur (PW-20) also confirms that mental fitness of the injured patient. It is not out of place to mention here that statement Ex.PW1/A was recorded between 7:20 PM to 7:40 PM and whereas deceased died on the subsequent date i.e., 3.04.2010 at 3:25 AM vide post mortem report Ex.PW-10/A. PW-1 has clarified during the cross examination that when he was recording the statement of deceased Priya at LNJP Hospital mother of the deceased was asked to leave the room to ensure that the deceased should not tell under any pressure or coercion to make falsehood statement.
29. The contention of the learned counsel of Appellants that deceased Priya put herself ablaze is not convincing as the fact on record suggests contrary.
30. The Seizure Memo Ex.PW-12/A indicates that 1 piece of yellow coloured cloth and 1 piece of pink coloured cloth having burnt skin with 6 burnt and 10 unburnt matchsticks was found on ground floor, whereas a 5 litre plastic can containing kerosene and 1 steel glass having $\frac{1}{4}$ kerosene oil

was found in the bathroom which is situated on the roof. The theory of Deceased Priya putting kerosene oil on herself in bathroom and coming down to the ground floor to set herself ablaze on fire is ruled out as no kerosene was found on the stairs.

31. The plea of the Appellants that deceased narrated to S.I. Rajiv Kumar (PW-17) that she ablaze herself is also contrary to the record as PW-17 during cross examination by learned Assistant Public Prosecutor categorically admitted that statement of deceased is neither on police file nor on judicial file. The relevant extract of cross examination of PW-17 is reproduced hereunder:

"It is correct that the said statement of Priya recorded by me is neither on Judicial file nor in the police file."

32. As per the version of the Neeraj (DW-4) he put off the fire by putting on blanket and the said blanket was neither found at the home by the Crime Team nor same has been recovered at LNJP Hospital and this indicate the falsehood version of Neeraj (DW-4).
33. The MLC Ex.PW9/A shows that deceased Priya was admitted in LNJP Hospital on 02.04.2010 at 8:28 AM and on medical examination , she was found to be unfit for statement at around 11:25 AM and later on examination by PW20/A by Dr. Pranay R. Kapur, she was found to be fit for the statement at around 7:10 PM, Therefore, the facts emerging on record shows that the statement given by the deceased Priya between 7:20 to 7:40 to Nityanand Bhardwaj, SDM (PW-1) was a voluntary statement without pressure, influence and coercion from outside force in a fit mental condition. As such dying declaration EX.PW1/A goes against the Appellants. Reliance placed on ***Pawan Kumar v. State of H.P.*** (2017) 7 SCC 780.

Section 106 of IEA

34. Admittedly, on the date of the incident deceased Priya was living in House no. 184, Gali no.4, Block -A, Tomar Colony, Burari, Delhi, alongwith husband Neeraj, mother in law Kiran @ Babli and brother in law Ankit, since all of them were together in the aforesaid matrimonial home, Neeraj being husband is presumed to have personal knowledge of manner in which deceased Priya received burnt injuries on her person, both the accused persons fail to bring on record the manner in which deceased Priya got burnt they also fail to explain the presence of defence witnesses and took a false plea that she burnt herself.

35. In ***Trimukh Maroti Kirkan v. State of Maharashtra (2006) 10 SCC 681*** Supreme Court observed as follows:

“Where an accused is alleged to have committed the murder of his wife and the prosecution succeeds in leading evidence to show that shortly before the commission of crime they were seen together or the offence takes place in the dwelling home where the husband also normally resided, it has been consistently held that if the accused does not offer any explanation how the wife received injuries or offers an explanation which is found to be false, it is a strong circumstance which indicates that he is responsible for commission of the crime.”

36. Similarly, in ***Danyaneshwar v. State of Maharashtra (2007) 10 SCC 445***, the observation of Supreme Court is as under:

“It has not been disputed before us that the deceased was murdered in her matrimonial home. It is not the case of the appellant that the offence was committed by somebody else. It is also not his cause that

there was a possibility of an outsider to commit the said offence. One of the circumstances which is relevant is that when the couple was last seen in a premises to which an outsider may not have any access. It is for the husband to explain the ground for unnatural death of his wife.”

37. As the incident happened at 7:00 AM on 02.04.2010 within the four walls of the home which admittedly was occupied by the Appellants, Under Section 106 Indian Evidence Act 1872, the onus was on them to explain the injury of deceased especially when dying declaration Ex.PW1/A does not put any allegation on father in law and brother in law Ankit.

Defence witness is not credible

38. The accused Neeraj examined himself under Section 315, Cr.P.C. as DW-4 who takes the false plea that deceased set herself burnt and fails to bring on record the manner in which the deceased got burnt. Raj Kumar (DW-1) is a procured witness as his presence is not corroborated with any Defence witnesses or the documents of the PCR van which took the deceased to the hospital. As per Manju (DW-2) she has seen deceased Priya sitting in *aangan* at that relevant point of time. The site plan Ex.PW-19/A does not show any *aangan* and her statement is not corroborated with the remaining Defence witnesses and her version does not inspire confidence, also she does not say anything in respect of presence of Raj Kumar (DW-1). The version given by DW-3 that she had gone to fetch milk from market and the incident subsequently happened is contrary to the records and dying declaration.

Medical Evidence

39. Dr. Jyoti Barwa Junior Forensic Research MAM College who conducted the post mortem on the body of the deceased has proved post mortem report vide Ex.PW10/A. As per the post mortem report Ex. PW10/A the cause of death of deceased Priya was due to shock consequent upon burn injuries, all injuries are ante mortem and are caused by flames of fire which is corroborated with MLC Ex.PW-9/A. The date of death i.e., on 03.04.2010 which connects to the incident occurred on 02.04.2010 which goes against the accused persons.

Motive

40. Basant Kumar (PW-2) has stated specifically that deceased Priya got married with Neeraj on 29.11.2009 and she visited thrice after her marriage to her parents before the date of the incident. PW-2 has further stated that when Priya visited third time she narrated to her parents that she has been harassed for not bringing sufficient dowry and was being pressurized for bringing money and motor-cycle from the parents. Statement of PW-2 is corroborated with statement of Smt. Vichitra (PW-3), mother of the deceased, as she has stated that on 01.04.2010 at about 10:30 PM deceased Priya had called her mother from the telephone of her sister in law and told that she was being harassed by the accused as they were demanding dowry and asked her to bring cash of rupees one lakh and a motor-cycle. The said statements are corroborated with dying declaration Ex.PW-1/A which goes against the accused persons.

Conclusion

41. The glaring facts emerging on record as discussed above are that deceased got married with Neeraj A-2 on 29.11.2009 and she died with burn injuries on 03.04.2010 after making statement Ex.PW-1/A . She was living at the matrimonial house at House No.184, Gali No.4, A-Block, Tomar Colony, Burari, Delhi. with A-1, A-2 and one Ankit. A-1 and A-2 did not prefer to examine Ankit as a Defence Witness however A-1 and A-2 examined themselves as DW-3 and DW-4 respectively and failed to explain the manner in which deceased received burn injury on her person in the aforesaid house. The chain of the circumstances as discussed above is consistent which connects A-1 and A-2 to their guilt and their plea that deceased Priya received burn injuries by herself is a false plea. Judgments relied upon by A1-and A-2 is of no help to them. Thus the plea taken by A-1 and A-2 is false.
42. Therefore we find no infirmity in the impugned judgment dated 21.12.2012 and order on sentence dated 24.12.2011 passed by the learned Additional Session Judge and the same is upheld. the appeal is dismissed and all the pending applications (if any) are disposed of.
- LCR file be sent back forthwith along with a copy of this judgment. No order as to costs.

**I.S.MEHTA
(JUDGE)**

**VIPIN SANGHI
(JUDGE)**

AUGUST 08, 2018