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IN THE HIGH COURT OF DELHI AT NEW DELHI

W.P.(CRL) 2357/2016

SITA RAM

Through Mr.M.N.Kural and Petitioner
Sharma, Advs. Ms.Pushpa

versus

NCT DELHI & ORS

Through Ms.Richa Nagpal, ASC for State. Respondents

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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09.01.2018

1 The status report of the State has been placed on record. The inquest proceeding qua the death of the victim (Hitesh Sagar) had been conducted. This final inquest report under Section 174 Cr.P.C. is a part of the record.

2 Record shows that the body of the deceased had been found on a railway track near Sarita Vihar railway phatak. The photographs of the deceased have also been placed on record. Body was found badly crashed. The dead body was preserved in the Subzi Mandi mortuary for 24 hours. The dead body was identified. In the course of inquiry statements of two brothers and the sister of the victim were recorded.

3 The statements of sister Manju and two brother Jitender and Ashish recorded under Section 161 Cr.P.C. on the same day i.e. on 15.5.2016 revealed that the victim had a strained marital relation with

his wife. His wife had not been living in the matrimonial on the date of death of the deceased. The deceased was in a state of depression. The statements of the three siblings of the deceased related that the deceased had died because of depression. The post mortem report of the deceased conducted on 16.5.2016 revealed that the cause of death was combined effect of cranio cerebral damage and haemorrhagic shock as a result of injury to vital organs consequent upon heavy blunt force impact which had led to the fatality. No foul play was noted.

4 On behalf of the petitioner it is pointed out that this post mortem report is in contradiction of the photographs which have been placed on record as the photographs show that the deceased had died while on the railway track; on a railway track a body would have been cut into pieces but in this case this not so; death was because of forceful impact.

5 This Court is not in agreement with this submission made by the learned counsel for the petitioner. The photographs show that the head of the victim was lying on one portion of the railway track and this had led to the forceful impact upon his head which had led to his death. The injuries on his head as depicted in the photographs match the post mortem report. There is no contradiction on this score. That apart this Court is of the view that the statements of the three siblings of the victim had been recorded forthwith. All of them had ruled out any foul play. All of them were of the view that since the deceased had strained relations with his wife and he was suffering from depression, this had led to his death. There is uniformity in their

version that the wife of the deceased at that point of time was living in her parental home. The fact that the wife of the deceased was not in her matrimonial home and in fact she had left her husband 3 days ago is not in dispute. It is also not in dispute that this complaint had been lodged by the father of the deceased 20 days after the date of the incident.

6 The prayer made in the present appeal that the matter has not been investigated properly and calls for a re-investigation may not be a prayer which can be granted by this Court. This is in view of the clear and categorical statements made by the siblings of the deceased who were close relations of the deceased and who have detailed a uniform version. The complaint of the parent of the deceased has come into picture much later. The fact that the wife of the deceased at that point of time was not living in the matrimonial home is also a fact which cannot be ignored. There is no merit in the petition. Petition dismissed.

INDERMEET KAUR, J

JANUARY 09, 2018

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