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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.A. 611/2017**

VIRENDER SINGH Appellant
Through Mr. Chetan Lokur, Advocate

Versus

STATE NCT OF DELHI Respondent
Through Mr. Hirein Sharma, APP for State

CORAM:
JUSTICE S.MURALIDHAR
JUSTICE VINOD GOEL

JUDGMENT

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13.08.2018

Dr. S. Muralidhar, J.:

1. This appeal is directed against the judgment dated 21st January, 2017 passed by the learned Additional Sessions Judge-02, Tis Hazari Courts, Delhi in Sessions Case No.28689/2016 arising out of FIR No. 34/2012 registered at Police Station ('PS') Gulabi Bagh convicting the Appellant for the offence under Section 302 IPC.

2. The appeal is also directed against the order on sentence dated 28th January, 2017 whereby the Appellant was sentenced to imprisonment for life with fine of Rs.25,000/- in default to undergo further Simple Imprisonment ('SI') for three months.

3. The charge framed against the Appellant was that he murdered his wife Darshani (hereafter 'the deceased') at around 1.30 pm on 17th April, 2012 at their residence at House No. 538/8, 3rd Floor, Nai Basti, Kishan Ganj, Delhi

by setting her on fire after pouring kerosene oil over her.

4. The three witnesses to the occurrence were the three children of the Appellant and the deceased, the eldest being Gaurav (PW-2), the second being Himani (PW-4) and the youngest Himanshu (PW-5).

5. PW-2 was around 16 years old when the incident occurred. He clearly stated that on 17th April 2012, they were all present inside the single room house on the third floor of the Nai Basti No.538/8, Kishan Ganj at around 1.30 pm, when the Appellant, who was a habitual drinker, demanded money from the deceased in order to purchase liquor. The deceased declined stating that she had kept aside the money for paying the fees of the children's schools and that she did not have any extra money. This angered the Appellant. He first gave her fist and leg blows. He told her that if she did not give him money, he would not allow her to live any more. He then took out a bottle containing kerosene oil and poured it over the deceased. PW-2 stated that he and his siblings tried to stop the Appellant but were unsuccessful. The Appellant gave fist and leg blows to PWs 4 and 5 as well. The Appellant then lit the deceased on fire by striking a matchstick. According to PW-2, he tried to save his mother by putting a blanket over her and sustained burn injuries on his hand as a result. The police arrived there on being informed. The injured was taken to the LNJP Hospital. She succumbed to her burn injuries at around 7 pm on the same day.

6. Nothing much could be elicited by the defence in the cross-examination of PW-2. Further PW-2 was fully corroborated in all material particulars as

to the incident by his two siblings PWs 4 and 5.

7. Mr. Chetan Lokur, learned counsel for the Appellant, sought to suggest that there was no evidence of PW-2 having suffered any burn injuries, as his MLC was not produced. The fact of the matter is that on the material aspects of his testimony, PW-2 was fully corroborated by PWs 4 and 5. All three were present in the room when the incident occurred. The deceased was in fact unwell that day as a result of which the children had not gone to school.

8. Two neighbours of the Appellant have also fully corroborated the version of the three children. These were Mantosh Gupta (PW-3) and Ghanshyam (PW-6). They speak about the children telling them that their father had burnt their mother by pouring kerosene oil over her. It was suggested by Mr. Lokur that it was unnatural for PWs 3 and 6 not to have immediately come to the rescue of the deceased or assisted in taking her to the hospital. The Court is unable to accept this submission for the simple reason that PWs 3 and 6 were neighbours but not friends of the deceased or the Appellant. They may not have wanted to become involved in a domestic quarrel. In any event, they are stated to have informed the police who came there and took the deceased and the Appellant away.

9. Mr. Lokur then tried to point out that although the Appellant accompanied the police in the PCR Van to the hospital along with the deceased and remained there throughout, he was not arrested till about 10 pm later that night. The Court does not see this as weakening the case of the prosecution one bit. Clearly, efforts were being made to attend to the victim first. In any

event the three children have clearly spoken about the incident and the role of the Appellant and have not been contradicted at all in their cross-examinations. Their testimonies by themselves are sufficient to bring home the guilt of the Appellant for the offence with which he was charged.

10. Having carefully examined the entire evidence with the assistance of Mr. Lokur and Mr. Hirein Sharma, the learned APP, this Court is not persuaded to come to a conclusion different from that reached by the trial Court as far as the guilt of the Appellant for the murder of his wife is concerned. Consequently, the Court finds no reason to interfere with either the impugned judgment of conviction or the order on sentence.

11. Although the trial Court appears to have awarded Rs.25,000/- as fine, there were no orders made for grant of any compensation to the children. The Court accordingly refers the matter to the Secretary, Delhi State Legal Services Authority ('DSLISA') to examine the appropriate compensation that should be paid to the children in terms of the Delhi Victims Compensation Scheme. For this purpose, a copy of this judgment will be delivered to the Secretary, DSLISA forthwith.

12. With the above observations, the appeal is dismissed. The trial Court record be returned together with a certified copy of this judgment.

S. MURALIDHAR, J.

VINOD GOEL, J.

AUGUST 13, 2018/mw