

\$~1

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

CRL.L.P. 49/2018

THE STATE GOVT OF NCT OF DELHI

..... Petitioner

Through: Ms.Kusum Dhalla, APP with S.I.
Manoj, P.S. Alipur

versus

SANJEEV @ ANNU & ORS.

..... Respondents

Through: None.

**CORAM: JUSTICE S. MURALIDHAR
JUSTICE I.S. MEHTA**

ORDER

01.02.2018

%

1. This is a petition by the State seeking leave to appeal against the judgment dated 12th September 2017 passed by the learned Special Judge (NDPS), North, Rohini Courts, Delhi in S.C.No.58174/2016, arising out of FIR No.410/2013, acquitting the Respondents of the offences under Sections 498A/304B read with Section 34 IPC.

2. The case of the prosecution was that on 5th September 2013, at around 6.55 pm, the SDM, Alipur received a phone call from SI Ravinder that a young lady, Ruby, who had married about three months ago, was hospitalized in SRHC Hospital, Narela having consumed acid. The SDM was further informed that the deceased was not fit to make a statement. Later on, the deceased was shifted to Jaipur Golden Hospital where she was declared dead on 5th September 2013 at about 11.34 pm. The post mortem of the deceased was conducted on the following date at 11am at BJRM Hospital.

3. The prosecution relied on the statements of the parents of the deceased i.e. Kishan Lal (PW-1) and Kusum (PW-2), to establish the guilt of the Respondents for the aforementioned offences. It was sought to be projected that although no dowry was demanded at the time of the marriage, not long after the marriage of the deceased with Respondent No.1, the Respondents began demanding that the parents of the deceased (PW-1 and PW-2) buy Respondent No.1 a car. PW-1 was a rickshaw puller and PW-2 was working as household help. Even the Respondents are stated to be part of the economically weaker section of society.

4. The trial Court has discussed at length the depositions of PW-1 and PW-2. Both of them do not appear to have supported the prosecution at the trial. Importantly, neither of them supported the prosecution case of the deceased having been harassed for dowry or to buy a car. In fact, both PW-1 and PW-2 deposed that all the four accused persons had in fact shown great concern and accompanied the deceased to the hospital and in fact bore the entire expense of the treatment of the deceased till her death. Even Raj Virender (PW-4), the neighbour, admitted during cross-examination that he had never seen or noticed any quarrel between the deceased and her husband or his family. He further admitted that the “accused tried to save the life of the deceased by taking her to the hospital” and they also did not try to run away after the incident.

5. In the circumstances, the trial Court was not inclined to come to the conclusion that the accused had harassed the victim for dowry or that they had abetted, in any manner, the consumption of acid by her. The further

evidence on record shows that the information pertaining to the intake of acid by the deceased was communicated not only to the family of the deceased but also to the police by the accused. This conduct was wholly inconsistent with the criminal act of abetting the suicide of the deceased which the Respondents were charged with.

6. The deceased was taken to the hospital in the vehicle of PW-6. At this point she was conscious and speaking and is stated to have said that she had consumed acid which is used in bathrooms. Further, she is purported to have said, “*Aur main to merna chahti hoon, mujhe gaddi ke neeche dal do*”. Even PW-6 did not notice any quarrel between the accused and the deceased at any time before her death.

7. Having gone through the grounds and having heard the learned APP for the State, the Court is unable to discern any error committed by the trial Court in its analysis and reasoning. The Court is unable to disagree with the conclusion reached by the trial Court that the prosecution has failed to prove its case against the four accused persons beyond reasonable doubt.

8. Consequently, the Court declines to grant leave to appeal. The petition is dismissed.

S. MURALIDHAR, J.

I.S. MEHTA, J.

FEBRUARY 01, 2018/‘*anb*’