

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

(1) CRA-D-323-DB of 2015 (O&M)

Kuldeep

.... Appellant

Versus

State of Haryana

..... Respondent

(2) CRA-D-384-DB of 2015 (O&M)

Rakesh Kumar

.... Appellant

Versus

State of Haryana

..... Respondent

(3) CRA-D-397-DB of 2015 (O&M)

Vikash

.... Appellant

Versus

State of Haryana

..... Respondent

Reserved on : 19.09.2019

Date of decision : 25.09.2019

**CORAM :- HON'BLE MR. JUSTICE RAJIV SHARMA
ACTING CHIEF JUSTICE**

HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Surender Lamba, Advocate,
for the appellant in CRA-D-323-DB of 2015.

Mr. Aditya Sanghi, Advocate,
for the appellant in CRA-D-384-DB of 2015.

Mr. R.S. Cheema, Senior Advocate, with
Mr. Ishan Khetarpal, Advocate,
for the appellant in CRA-D-397-DB of 2015.

Mr. Surender Singh Dhaliwal, Legal Aid Counsel,
for all the appellants.

Mr. Vivek Saini, DAG, Haryana.

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RAJIV SHARMA, ACTING CHIEF JUSTICE

1. Since common questions of law and facts are involved in these appeals, i.e. CRA-D-323-DB of 2015, CRA-D-384-DB of 2015 and CRA-D-397-DB of 2015, therefore, these are taken up together and being disposed of by a common judgment.

2. These appeals are instituted against the judgment dated 11.02.2015 and order dated 13.02.2015, rendered by learned Additional Sessions Judge, Narnaul, in Sessions Case No. RT-14 of 2013/2014, whereby appellants Kuldeep, Rakesh Kumar and Vikash, who were charged with and tried for the offences punishable under Sections 120-B, 304-B and 302 read with Section 120-B of the Indian Penal Code (hereinafter referred to as 'IPC' for brevity sake), were convicted and sentenced to undergo imprisonment for life and to pay a fine of ₹ 1 lac each, and in default of payment of fine, to undergo simple imprisonment for a period of two years, under Section 302 read with Section 120-B IPC.

3. The case of the prosecution, in a nutshell, is that ASI Janak Singh along with HC Satbir Singh was on patrol duty in Government

vehicle during the intervening night of 26/27.08.2013. He received a wireless message from EASI Ramjeet, Police Post Nizampur that a motor vehicular accident had taken place on Khetri road, Nizampur turn. ASI Janak Singh reached at the spot. One woman, namely Anita, was lying on the road in injured condition. Vikash, husband of the woman, and some villagers of village Nizampur, were also standing there. A private vehicle was arranged and the woman was sent to General Hospital, Narnaul. In the next morning, intimation was received from Police Post General Hospital, Narnaul, that Anita wife of Vikash had expired. ASI Janak Singh along with HC Satbir Singh reached General Hospital, Narnaul. Vikash and his family members were present in the hospital. The family members of the deceased from the parents side were informed. Anil, brother of deceased Anita, presented an application Ex.PW.1/A. According to contents of the application, his sister Anita was married with Vikash on 24.05.2010. She was being harassed by her in-laws on account of demand of dowry. On 20.07.2013, Anita informed him on telephone that she was beaten by her in-laws. She also received injury on her head. Anita was killed by her in-laws, including Vikash, Hawa Singh, Vikram, Bhateri and Saroj. FIR was registered. Post-mortem examination on the dead body was got conducted from PGIMS, Rohtak. Accused made disclosure statements. After their arrest, investigation was completed and challan was put up after completing all the codal formalities.

4. The prosecution examined as many as fourteen witnesses in support of its case. The appellants were also examined under Section 313 Cr.P.C. They denied the case of the prosecution. They also examined one

witness in their defence.

5. The appellants were convicted and sentenced, as noticed herein-above. Hence, these appeals.

6. Learned counsel appearing on behalf of the appellants have vehemently argued that the prosecution has failed to prove its case against their clients. Learned counsel appearing on behalf of the State has supported the judgment and order of the learned Court below.

7. We have heard learned counsel for the parties and gone through the judgment and record very carefully.

8. PW.4 Dr. Chandra Prakash led his evidence by filing affidavit Ex.PW.4/A. He along with Dr. K.M. Sharma and Dr. Vandna Yadav conducted post-mortem examination on the dead body of Anita. They noticed following injuries on the body :-

1. An incised wound (2.5 x 0.5 x 0.5 cm) was present over left parietal area of scalp, muscle deep. No bony injury was seen beneath on dissection.
2. An impact abrasion was present over right side of face extending from forehead to right cheek involving outer angle of right eye, swelling was present around right eye (12 x 8 cm) parchment like in consistency. No evidence of bony injury seen beneath.
3. A linear abrasion (2.5 x 0.5 cm) was present over right angle of mandible.
4. An abrasion (3 x 2 cm) was present over left cheek.
5. Multiple abrasions were present around mouth ranging from 0.1 x 0.1 cm to 1.5 x 0.5 cm on angle of mouth right side (1 x 0.5 cm) and left side (1.5 x 0.5 cm) of pressure abrasion type. No evidence of teeth, tongue or gum injury seen.

6. An abrasion (3 x 0.5 cm) was present over chest right side over lower 1/3rd outer aspect, no evidence of any bony injury seen beneath on section.
7. An abrasion was present over left scapular area over lower side (8 x 1.5 cm), no bony injury seen.
8. An abrasion (4 x 1 cm) directed down upwards over right shoulder, outer aspect, no bony injury was seen.
9. Multiple graze abrasions were present around outer aspect of right elbow joint of size 0.5 x 0.5 cm to 8 x 4 cm, no bony injury seen.
10. Multiple abrasions were present over outer aspect of right forearm, oblique in direction and no evidence of bony injury was seen.
11. Multiple abrasions were present over outer aspect of right wrist joint 3 x 1 cm to 0.5 x 0.2 cm and dorsal aspect of right hand (8 x 4 cm), no evidence of bony injury was seen on section.
12. Multiple abrasions were present around left elbow joint varying from 1 x 0.5 cm to 8 x 2 cm in size, no evidence of bony injury was seen.
13. Multiple abrasions were present over outer aspect of left forearm, no evidence of bony injury was seen.
14. Multiple abrasions were present over left wrist joint over outer aspect and back side of left hand ranging from 0.2 x 0.2 cm to 1.5 x 0.5 cm in size, no evidence of bony injury was seen.
15. A graze abrasion was present over back over pelvic area in middle of size 14 x 5 cm, no evidence of bony injury was seen.
16. A graze abrasion (8 x 4 cm) was present over right gluteal area over outer aspect with surrounding zone of bluish bruise seen. No evidence of bony injury was seen.
17. Three parallel abrasions were present over right thigh

directed outwards inside of size from top to bottom (7 x 1.5 cm), (3 x 1.5 cm) and (5 x 1.5 cm), no evidence of bony injury was seen.

18. Multiple abrasions 0.2 x 0.2 cm to 1.5 x 1 cm were present over outer aspect of right knee, no evidence of bony injury was seen.
19. A graze abrasion directed above downwards (10 x 4 cm) was present over outer aspect of left hip, no evidence of bony injury was seen.
20. Multiple abrasions 0.2 x 0.2 cm to 1 x 0.8 cm were present around left knee joint, no evidence of bony injury was seen.
21. Multiple abrasions were present around left ankle and outer aspect of left foot involving toes of left foot of size 0.1 x 0.1 cm to 1 x 0.5 cm, no evidence of bony injury was seen.
22. Multiple whitish abrasions were present over inner aspect of left foot, no blood stains were seen.
23. Two abrasions were present over abdominal wall over left side, flank area 2 x 0.5 cm & 3 x 0.5 cm.

He proved the post mortem report Ex.PW.4/B. He gave his opinion Ex.PW.4/C to the effect that cause of death in this case was mechanical asphyxia due to smothering which was sufficient to cause death in normal course of nature. In his cross-examination, he denied the suggestion that the cause of death was shock and haemorrhage.

9. PW.9 Dr. K.M. Sharma corroborated the statement of PW.4 Dr. Chandra Parkash. He deposed that 23 injuries observed on the body of Anita were not sufficient to cause death in the ordinary course of nature individually and collectively. He denied the suggestion that injuries on the person of Anita were collectively sufficient to cause death.

10. PW.1 Anil Kumar is the brother of deceased Anita. According to him, marriage of his sister Anita was solemnised with Vikash on 24.05.2010. His sister came to their house on 26.05.2010. She told him that her in-laws were not nice people. Her sister-in-law Saroj, Vikram (husband of Saroj), Smt. Bateri (mother-in-law), Hawa Singh (father-in-law) and her husband Vikash used to harass her for not bringing sufficient dowry. He contacted Vikash and his father on telephone. He tried to make them understand. They assured that they would keep his sister properly. 10 days thereafter, Anita was sent to her matrimonial home. After about two months, she again came to their house and told them that there was no change in the behaviour of her in-laws. He along with his grand-father, Partap Singh Dhankar, brother of his grand-father, Sh. Prabhu their neighbour, Sh. Amar Singh neighbour and Sh. Vinod Khedar his maternal grand-father went to the house of the accused. They made the accused to understand. Smt. Bateri Devi, mother-in-law of Anita, stated that Anita had not brought good clothes. She was not in a position to show the clothes in the society. Anita had also gone with them. They left Anita in her matrimonial home and came back. Anita gave birth to a female baby on 30.09.2011. They had given a sum of ₹ 50,000/- to Vikash on 16.02.2013. In the month of March, Vikash left Anita at their house. Anita told them that she was being beaten for dowry for the last three years by her in-laws. In the month of July, 2013, Anita wanted to lodge complaint against her in-laws. He and his elder brother took Anita to Police Station Pilani to lodge the complaint. The police did not lodge the report. On 16.07.2013, accused Vikash along with 7-8 persons, including his father Hawa Singh, came to their house. On

20.07.2013, he received a telephonic call from Anita. Anita told him that on the previous day, Saroj and Vikram came to their house and gave beatings to her. They demanded more dowry. He received a telephonic call from Narnaul police that dead body of Anita was lying in General Hospital, Narnaul. He along with his grand-father, maternal grand-father and 8-9 persons reached General Hospital, Narnaul. The dead body of Anita was lying in mortuary. He noticed one injury on her head. There was swelling on the neck of Anita. He presented an application Ex.PW.1/A before DSP. The police took him to the spot on 28.08.2013. The police lifted some pieces of broken bangles and blood stains from the spot. According to him, his sister did not die natural death. She was killed. He came to know from the police that accused Kuldeep was also involved in the murder of Anita. He identified accused Vikash, Rakesh and Kuldeep in the court. In his cross-examination, he specifically denied that his sister Anita was suffering from serious ailment before her death. He denied the suggestion that Anita was suffering from some mental disorder and she was getting treatment from PGIMS, Rohtak. After marriage of Anita, he or his other family members never took her to any doctor for treatment. However, his mother had taken Anita to a doctor when she was pregnant. Anita had never told him about her admission in any hospital for treatment of any illness, when she used to come to their house after marriage. He was not aware that Anita remained admitted in PGIMS, Rohtak, from 31.05.2010 to 08.06.2010 for psychiatric treatment. They never took Anita to doctor or hospital for treatment. He denied the suggestion that Anita and Vikash alighted from the bus at T point.

11. PW.2 HC Jai Parkash deposed that ASI Janak Singh deposited one parcel of viscera sealed with the seal of YP bearing 11 seals, one envelope bearing 5 seals of YP and sample seals, one parcel of clothes of the deceased having 10 seals of YP on 27.08.2013. He sent the parcel of viscera and envelope to the Chemical Examiner, Karnal, through HC Shiv Parkash, on 05.09.2013. He neither tampered with the case property nor allowed any other person to tamper with the same during the period, the case property remained in his possession.

12. PW.3 ASI Satbir testified that during the intervening night of 26/27.08.2013, he along with ASI Janak Singh was present at Sarehi turn T point Nizampur. They received intimation from MHC of Police Post Nizampur that an accident had taken place at Khetri road, Nizampur T point. They reached the place of accident. They noticed that a woman, namely Anita, was lying in injured condition by the side of the road. Accused Vikash, husband of Anita, was present there. Five-seven other persons were also present. Vikash stated that an unidentified vehicle had hit his wife Anita. They arranged a vehicle and sent injured Anita to General Hospital, Narnaul. Accused Vikash also went with her. Thereafter, they came back from that place. In the next morning, intimation was received in Police Post Nizampur from General Hospital, Narnaul, that Anita had died. They went to the hospital. The parents of deceased Anita were informed about her death. After sometime, family members of Anita reached there. Anil, brother of deceased Anita, presented an application Ex.PW.1/A before ASI Janak Singh. FIR was recorded by MHC. On 28.08.2013, he along with ASI Janak Singh and complainant Anil went to the spot. ASI Janak Singh

took into possession blood stained earth and some broken bangles vide recovery memo Ex.PW.1/B. Accused Rakesh was interrogated. He made disclosure statement Ex.PW.3/A. He got demarcated the place where they allegedly murdered Anita. In his cross-examination, he deposed that the intimation from MHC regarding the accident was received by them at about 12.45 mid night. They reached the spot within 15-20 minutes. They inquired from other persons present at the spot, but they stated that they had not seen the accident. They were called by Vikash by making telephone call. The vehicle was arranged by Vikash.

13. PW.5 Umed Singh deposed that he purchased Centro car bearing registration No. DL-9CG-4007 from one person, namely Mandeep resident of Delhi about one year ago. However, the vehicle was not got transferred in his name till date. He was asked to come to Police Station Nangal Chaudhary along with the car. He took the car to the Police Station. He had not left his car with any mechanic for repair. He was declared hostile and was cross-examined by the learned Public Prosecutor. In his cross-examination by the learned Public Prosecutor, he denied his signatures on recovery memo Ex.PW.5/A. He denied statement Ex.PW.5/B. In cross-examination by the learned defence counsel, he deposed that he did not know any of three accused present in the court.

14. PW.6 ESI Dharampal testified that on 05.10.2013, he was posted in Police Post Nizampur, Police Station Nangal Chaudhary. ASI Janak Singh took into possession Registration Certificate of car No. DL-9CG-4007 vide recovery memo Ex.PW.5/A. It was produced by Umed Singh.

15. PW.7 Mukesh deposed that he was working in the shop of Ramavtar mechanic near air strip Jhunjunu. He left the work from the shop about 3-4 months back. He did not know the facts of the case. The police never came to him in connection with investigation of this case. His statement was not recorded. Umed Singh had never left any vehicle at the shop of Ramavtar mechanic for repair. He was declared hostile and was cross-examined by the learned Public Prosecutor. In his cross-examination, by the learned Public Prosecutor, he denied the statement Ex.PW.7/A.

16. PW.8 ASI Janak Singh testified that during the intervening night of 26/27.08.2013, he along with HC Satbir Singh was on patrol duty. At about 2.00 AM, he received wireless message from MHC of Police Post Nizampur. He told him that he had received a telephonic call from Vikash that his wife had met with an accident at Khetri Road, Nizampur turn. They reached the spot. They noticed that one lady in injured condition was lying on the road. She was unconscious. Accused Vikash was standing there. Vikash told him that one Balero camper vehicle had hit his wife Anita. He did not disclose the registration number or colour of the vehicle. Two/three other persons were also present there. He saw that the lady was alive. He asked accused Vikash and other persons present there to take the injured woman to Government Hospital, Narnaul. They took the woman from there. They came back to Police Post Nizampur. At about 3.30/3.45 AM, a telephonic call was received in the Police Post. It was revealed that the lady had died. He along with HC Satbir Singh reached General Hospital, Narnaul. Shri Anil Kumar son of Umrao, brother of deceased Anita, along with other persons, reached in the Hospital. He presented an application

Ex.PW.1/A. A medical board was constituted for post-mortem examination. The post-mortem examination was carried out by the medical board. Videography was also carried out by EASI Phool Kumar. After post-mortem examination, the doctor handed over him copy of post-mortem report, viscera, a parcel and one envelope, which were taken into possession. On 03.10.2013, on the instructions of SHO, he went to the Registration Authority, Palam Vihar, Delhi, in order to verify the ownership of vehicle No. DL-9CG-4007. Clerk Sunil Kumar gave address of the registered owner of the vehicle. Name of the registered owner was Nipun Kumar. He went to the house of Nipun Kumar, who told that he had sold the vehicle to some person, known as Khan, and as per his knowledge, that person had sold the vehicle to Umed Singh. On 05.10.2013, SHO Sandeep Singh had called Umed Singh, owner of the vehicle. Umed produced the Registration Certificate of the vehicle. It was taken into possession vide recovery memo Ex.PW.5/A. On 25.09.2013, he arrested accused Rakesh. He interrogated him in the presence of Satbir Singh Head Constable. Accused Rakesh made disclosure statement Ex.PW.3/A. He presented an application Ex.PW.8/E before Dr. Chandra Parkash on 12.08.2014 for giving opinion, and also presented before him report of the Chemical Examiner. In his cross-examination, he deposed that accused Rakesh was searched personally. Nothing was recovered from his body.

17. PW.10 Bhagwana Ram did not support the case of the prosecution. He was also declared hostile and was cross-examined by the learned Public Prosecutor. He denied the statement Ex.PW.10/A.

18. PW.11 ESI Phool Kumar proved photographs Ex.P1 to Ex.P19.

He also undertook videography at the time of post-mortem examination of the body of Anita. He proved CD of the videography vide Ex.P20 and Ex.P21.

19. PW.12 ASI Mahesh Kumar prepared the scaled site plan Ex.PW.12/A.

20. PW.13 ESI Ramjit deposed that during the intervening night of 26/27.08.2013, he was posted as Night Munshi in Police Post Nizampur. At about 2.00 AM, he received a telephonic call on landline phone of the Police Post. The caller stated that he was Vikash and was speaking from Nizampur turn. He told that some unknown vehicle had caused an accident in which his wife had sustained injuries. He transmitted the information to ASI Janak Singh through wireless message. He was not cross-examined.

21. PW.14 Inspector Sandeep Kumar testified that he interrogated accused Vikash. Vikash made disclosure statement Ex.PW.14/A and got the place of occurrence demarcated. He arrested accused Kuldeep on 14.09.2013. Kuldeep made disclosure statement Ex.PW.14/C on 15.09.2013. Accused Kuldeep made another disclosure statement on 17.09.2013 vide Ex.PW.14/D and got demarcated the place of occurrence on 18.09.2013. Kuldeep got recovered Centro car No. DL-9CG-4007 vide recovery memo Ex.PW.10/B. A broken piece of bangle made of 'laakh' and three female hairs were recovered from the car. He also recorded the statement of Bhagwana Ram Sarpanch vide Ex.PW.10/A.

22. DW.1 Prikshit, Record Keeper, PGIMS, Rohtak, deposed that as per the short stay file of patient Anita, she was brought to PGIMS, Rohtak, on 02.08.2013. She was admitted in psychiatry ward. She remained

admitted upto 26.08.2013. He proved Ex.D1 to Ex.D42. He had not brought the summoned record pertaining to the year 2010 of patient Anita wife of Vikash. According to him, that record was destroyed. In his cross-examination, he could not disclose the illness, Anita was suffering from.

23. The case of the prosecution, in a nutshell, is that the appellants smothered Anita. According to the doctors also, she died of asphyxia due to smothering.

24. Learned counsel appearing on behalf of the appellants have vehemently argued that Anita was suffering from mental illness. She was admitted in PGIMS, Rohtak. Vikash and Anita came back from Rohtak. They got down from the bus and Anita was hit by a vehicle. It was a case of hit and run.

25. As per the affidavit Ex.PW.4/A, duly sworn by PW.4 Dr. Chandra Prakash, Anita had received as many as 23 injuries. The cause of death, as per his opinion Ex.PW.4/C, was mechanical asphyxia due to smothering. PW.4 Dr. Chandra Prakash has categorically denied that the cause of death was shock and haemorrhage. The injuries noticed on the person of Anita were superficial. PW.9 Dr. K.M. Sharma corroborated the statement of PW.4 Dr. Chandra Prakash. According to him also, the cause of death of Anita was asphyxia due to smothering. He denied the suggestion, in his cross-examination, that injuries on the person of Anita were collectively sufficient to cause death. According to the medical evidence, Anita died due to smothering.

26. PW.4 Dr. Chandra Prakash in his affidavit Ex.PW.4/A stated that the board of doctors found as many as 23 injuries on the body of Anita,

including injury No.5 i.e. multiple abrasions around mouth ranging from 0.1 x 0.1 cm to 1.5 x 0.5 cm on angle of mouth right side (1 x 0.5 cm) and left side (1.5 x 0.5 cm) of pressure abrasion type. No evidence of teeth, tongue or gum injury was seen. It is further stated in the affidavit that mucosa of larynx and trachea was congested and haemorrhage was seen in lumen. Parenchyma of both lungs were congested with haemorrhagic froth exuding on section, a portion of both the lungs was sent for chemical analysis. Left side of heart was empty and right side was containing some amount of dark stained fluid.

27. According to Modi, a Textbook of Medical Jurisprudence and Toxicology, twenty-fourth edition, in homicidal smothering, affected by the forcible application of the hand over the mouth and the nostrils, bruises and abrasions are often found on the lips and on the angles of the mouth, and alongside the nostrils. There may be bruises and abrasions on the cheeks and the molar regions, or on the lower jaw, if there has been a struggle.

28. Injury No.2 on the body of Anita was an impact abrasion over right side of face extending from forehead to right cheek involving outer angle of right eye, swelling was present around right eye (12 x 8 cm). As far as internal appearance is concerned, the left side of heart was empty and right side was containing some amount of dark stained fluid, as per the affidavit Ex.PW.4/A.

29. According to Modi, a Textbook of Medical Jurisprudence and Toxicology, twenty-fourth edition, the right side of the heart is often full of dark fluid blood, and the left is empty. This is the position here. The left side heart was empty and right side was containing some amount of dark

stained fluid. In the instant case, bleeding was present from nose with froth. Face and neck were congested. Marbelling was present over neck, face and bilateral shoulder area. The lungs were congested with haemorrhagic froth exuding on section.

30. As per the Forensic Science Laboratory report Ex.P1, blood was detected on exhibit-1 (loose earth with bangle pieces), exhibit-2e (thread) and exhibit-2f (thread with tabiz, bangles, nose pin etc.). Exhibit-2a (Lady's shirt) was stained with several large and small blood stains. Exhibit-2b (Salwar), exhibit-2c (Brassier) and exhibit-2d (Underwear) were stained with few medium and small blood stains. As per the Forensic Science Laboratory report Ex.P3, hair in exhibit-3 were found to be human in origin.

31. PW.1 Anil Kumar is the brother of deceased Anita. He received telephonic call from Narnaul police on 27.08.2013 that dead body of his sister Anita was lying in General Hospital, Narnaul. He came to the spot and presented an application Ex.PW.1/A. He specifically denied in his cross-examination that his sister was suffering from any ailment, except that his mother had taken her to the hospital during pregnancy. According to PW.3 ASI Satbir, they received information during the intervening night of 26/27.08.2013 and reached the spot. Anita was lying on the road. She was taken to General Hospital, Narnaul. Vikash was present on the spot. Vikash told the police that one unidentified vehicle had hit Anita. PW.8 ASI Janak Singh deposed that they reached the spot. Vikash was standing on the spot. Vikash told him that one Balero camper vehicle had hit his wife Anita and drove away. However, the fact of the matter is that he did not disclose the registration number or colour of the vehicle. He also deposed that Anita was

unconscious.

32. The appellants made disclosure statements. They got the place of occurrence demarcated. According to their disclosure statements, they hatched a conspiracy to eliminate Anita. She was taken in car. She was smothered. We have already noticed that the cause of death was asphyxia, which could not be caused in a motor vehicle accident. Appellant Vikash has not led any evidence how he travelled from Rohtak towards his village in the wee hours. He could not disclose the registration number of the vehicle, which allegedly hit Anita. Even the colour of the vehicle was not disclosed. People had gathered at the spot, when he informed the police to come on the spot. Appellant Vikash has relied upon the statement of DW.1 Prikshit. DW.1 Prikshit only produced the short stay file pertaining to Anita. He did not disclose the ailment, Anita was suffering from. Appellant Vikash has not produced any doctor to prove the ailment, his deceased wife was suffering from. PW.1 Anil, brother of the deceased, categorically denied that his sister was suffering from any ailment. If, assuming hypothetically, Anita was suffering from some ailment, she could not die of asphyxia. PW.3 ASI Satbir and PW.8 ASI Janak Singh in their statements have deposed that Anita was injured, but it is against the medical evidence. PW.3 ASI Satbir and PW.8 ASI Janak Singh have not given the correct picture. In case, Anita was injured and taken to hospital, how she could die of asphyxia while being shifted from the spot to hospital. The police has got the car recovered. PW.5 Umed Singh, though denied the ownership of the car, but he made the statement Ex.PW.5/B before the police. PW.7 Mukesh denied the statement Ex.PW.7/A, but he had signed the statement Ex.PW.7/A. According to

PW.4 Dr. Chandra Prakash and PW.9. Dr. K.M. Sharma, injuries found on the person of Anita could not lead to her death. According to them, the cause of death was asphyxia caused by smothering.

33. Accordingly, the prosecution has proved its case against the appellants beyond reasonable doubt. There is no merit in these appeals and the same are dismissed. The impugned judgment and order are upheld.

(RAJIV SHARMA)
ACTING CHIEF JUSTICE

September 25, 2019
ndj

(HARINDER SINGH SIDHU)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes