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

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Judgment Reserved on: 16.04.2019
Judgment pronounced on: 08 .07.2019

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CRL. A. 572/2011

SARVJEET

..... Appellant

Through: Mr. Murari Tiwari, Ms. Ankita Tiwari
and Mr. Rahul Kumar, Advocates.

Versus

STATE (GOVT. OF NCT OF DELHI)

.....Respondent

Through: Mr. Amit Gupta, APP.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE VINOD GOEL

VINOD GOEL, J:

1. The present criminal appeal has been filed against the impugned judgment dated 26.02.2011 passed by the Court of Ld. Additional Sessions Judge/ Special Judge (NDPS), West Delhi ('ASJ') in Session Case No.50/2010 vide FIR No.25/2010 u/s 302/304B/498A IPC, PS Moti Nagar, convicting the appellant for the offence under Section 302 of the Indian Penal Code, 1860 ('IPC') and order on sentence dated 28.02.2011 sentencing him to undergo imprisonment for life along with a fine of Rs.50,000/- and in default of fine, simple imprisonment for two months. The Ld. ASJ however, by the impugned judgment acquitted the appellant of the offence under Sections 498A and 304-B of the IPC.

2. As per the factual matrix, the appellant and the deceased got married on 20.10.2004 as per the Arya Samaj rites and rituals. The couple was blessed with a daughter named Prachi in June, 2006. On 30.01.2010, the appellant made a telephonic call to the deceased's father, Mr. Shanti Prakash Sardana (PW-1), at about 1:45 AM and informed him that she had fallen ill and has to be taken to a Hospital. PW-1 along with the deceased's sister-in-law, Mrs. Shiksha Sardana (PW-5) reached the appellant's house where they found the deceased in an unconscious condition and took her to Khetrapal Hospital where she was declared as 'brought dead'. PW-1 along with PW-5 and the appellant then took the deceased to Acharya Bikshu Govt. Hospital, Moti Nagar where after examination, she was declared as 'brought dead'.

3. DD No.6A (Ex.PW11/A) was recorded on 30.01.2010 by HC Mewa Ram (PW-20) posted at P.S. Moti Nagar after a call was received from Acharya Bhikshu Hospital about the deceased being brought to the Hospital by her father and husband and declared as 'brought dead'. It was marked to ASI Krishan Chander (PW-11) who accompanied Inspector Jagminder Malik (PW-21) to Acharya Bhikshu Hospital on the intervening night of 29/30.01.2010. PW-1 refused to give his statement to the Police Officials as he informed them that his son had gone to London and his wife had gone to Kota and he would give a statement only on their return. The dead body was taken to DDU hospital for preservation by Constable Jai Prakash (PW-16). ASI Jai Singh (PW-9), Incharge of the Mobile Crime Team (West) on

receiving information from P.S. Moti Nagar reached the house of the appellant at WZ 81/1, Gali no.10, Ram Garh Colony at 5:30 AM and inspected the house till 6:00 AM. He submitted his report, Ex.PW9/A. He found that the injured was taken to the Hospital. He got the photographs of the site taken from the photographer, Ct. Anil Kumar (PW-19). PW-11 along with PW-21 also reached the appellant's house and inspected the scene of crime. PW-19 proved the negatives of the photographs, Ex.PW19/1 to Ex.PW19/5 and the positives, Ex.PW19/6 to Ex.PW1/10.

4. Dr. Naveen Tyagi, Junior Resident, ESI hospital, Delhi (PW-8) testified that on 30.01.2010, the patient Chandni was brought dead to the Hospital vide entry no.332/10. Dr. Munish (PW-12), Junior Resident in Acharya Bhikshu Hospital, Moti Nagar deposed that on 30.01.2010, he had examined the deceased, Chandni who was brought to the casualty. He declared her 'brought dead' vide casualty card, Ex.PW12/A. He stated that the police had reached there and shifted the body to DDU Hospital. On 01.02.2010, at 1:15 PM Dr. B.N Mishra, Medical Officer, Department of Forensic Medicine (PW-15) conducted the post mortem on the dead body of the deceased aged 25 years.

5. PW-15 founds the following external injuries on the body of the deceased:

"1. Fractured nasal bone with bruising of adjacent tissue and collection of blood clots in the nasal cavity and torn nasal Macosa with dark reddish in colour.

2. Two apartly places linear Bruise of size 03 x 1 cm and 2.5 cm x 1 cm respectively with vertical placement at lower part of back over lumber spine with reddish brown in colour.

3. Abrasion of size 4 x 2 cm present on the right lower part of the back 5 cm apart from external injury no.2 with reddish brown in colour.

4. Abrasion of size 2 x 2 cm present on the left side of cheek bone with reddish brown in colour.

5. Nails marks in cresentric shape presen on the right side of cheek bone and 2 cm below from Laternal canthus of right eye with reddish brown in colour.

6. Bruise of size 1 cm x 0.5 cm present on tip of the right shoulder with reddish brown in colour.

7. Bruise of size 4 x 5 cm present on the thenier eminence of right palm with dark reddish colour, blood cots on secion.

HEAD: Subdural Haematoma present on the right tampero parital region with thick layered and dark red in colour. Whole brain oedematous with flattened gyri of the brain with relatively congested meninges of the brain."

6. The statement of PW-1 (Ex.PW1/A) was recorded in the presence of Shri R.K Saini, Executive Magistrate (PW-13). The Rukka (Ex.PW21/A) was prepared by PW-21 on the basis of this statement and FIR (Ex.PW7/A) was registered at P.S. Moti Nagar by HC Bricha Singh (PW-7). On 01.02.2010, the viscera sample of the deceased was deposited by PW-11 with MHCM, P.S. Moti Nagar HC Rajesh Kumar (PW-13). On 25.02.2010, the viscera sample was sent to FSL through Ct. Anil Kumar (PW-18), vide RC No.10/21. The appellant was apprehended on 01.02.2010 from Moti Nagar Metro Station and

brought to P.S. Moti Nagar. He was interrogated and then arrested vide arrest memo Ex.PW6/G.

7. As per the Post Mortem report dated 01.02.2010 (Ex.PW15/B), the time since death was about two and a half days prior to the Post Mortem examination. The cause of death was kept pending in the Post Mortem Report (PMR) dated 01.02.2010 till the FSL and the Histopathological Reports were received. Dr. B.N Mishra (PW-15) mentioned in the PMR *“However the association of assault on the part of her death could not be ruled out. All injuries are ante-mortem.”* The FSL report (Ex.PW21/E and Ex.PW21/F) were received on 30.06.2010. In the subsequent opinion (Ex.PW15/A) dated 25.10.2010, the cause of death was opined as *“due to coma caused by Cranio Cerebral injury (Head injury) by means of hard blunt and forceful impact upon head. The possibility of homicide cannot be not ruled out.”*

8. On 19.05.2010, the Ld. ASJ framed charges against the appellant under Section 498A/304B/302 IPC to which the appellant pleaded not guilty and claimed trial. The prosecution examined 21 witnesses to bring home the guilt of the accused while the appellant examined one witness in his defence.

9. Mr. Tiwari, Id. Counsel for the appellant had contended that the impugned judgment is based on conjectures and surmises and hence deserved to be set aside.

10. He argued that the deceased's family members had concocted a false story to falsely implicate the appellant which is clear from the

fact that PW-1, who had accompanied the appellant to the Hospital on the fateful night, had refused to give his statement on the same day i.e. 30.01.2010 and had waited for two days till 01.02.2010, to give his statement. He further argued that since the Trial Court had disbelieved the testimony of the deceased's father (PW-1), brother, Atul Sardana (PW-6) and the appellant's landlady of the house, Ms. Rajani Kapoor (PW-2) with respect to the alleged demand of dowry and causing cruelty to the deceased by the appellant and acquitted the appellant under Section 498A and 304B, the testimony of PW-1 and PW-6 on the other aspects is under serious doubt.

11. He contended that the Police did not recover any weapon from the appellant's home to connect him to the incident and no motive has been imputed to the appellant by the prosecution. He further argued that the casualty card of the deceased does not mention any injury on the deceased's body and this fact assumes great importance in the light of the fact that no one was deputed to guard the dead body while it was in the mortuary for two days before the autopsy was conducted on 01.02.2010.

12. He argued that the injuries were well explained by the appellant in his statement under Section 313 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') and in any case, these injuries were not sufficient in the ordinary course to cause death and hence the ingredients of Section 300 of the Indian Penal Code, 1860 ('IPC') were not fulfilled.

13. *Per contra*, Mr.Amit Gupta, the Id. APP for State argued that the impugned judgment suffered from no perversity or illegality and hence does not merit any interference.

14. We have heard the Id. Counsel for the appellant and the Id. APP for the State.

15. Admittedly, the appellant was present with his deceased wife in their house on the intervening night of 29/30.01.2010. It is not in dispute that the appellant had telephoned his father-in-law (PW-1) at 1:45 AM on the fateful night subsequent to which PW-1 along with PW-5 came to the appellant's house and had taken the deceased to Khetrapal Hospital where they were informed that she had died but this was not believed by PW-1. The deceased was then taken to Acharya Bhikshu Hopital where she was declared as brought dead by PW-12. The appellant has given different versions of what had transpired on the fateful night in his statement under Section 313 of the Cr.P.C. It would be necessary to analyse his version of the events here, hence the relevant questions and answers in the statement under Section 313 are being reproduced herein below: -

“1. Question: It is in evidence against you that on 30/1/10 at about 3:15am an information was received in Police Station Moti Nagar from Acharya Bhikshu Hospital telephonically that Chandni w/o Sarbjit R/o WZ 81/1 Gali no.10 Ram Gard Colony was brought in the hospital by her father and husband and was declared brought dead. What do you have to say?

*Ans: It is correct as **my wife was sick, I called my father in law and along with him took her to the hospital as she had fallen from the bed.**”*

“16. Question: It is in evidence against you that the fact regarding death of Chandni was disclosed to PW6 by his wife by saying that you had telephoned her and asked her to come immediately to your residence as there was a fight between you and chandani and at that time you were with her on which PW6 also talked with you and inquired from you on this you told him that there was a fight between you and Chandani and you had given her a push on her neck and thereafter she was not getting up. What do you say?”

Ans: It is incorrect. I never had any fight with my wife Chandani. However, she was sick and was lying on the bed because of weakness she could not even go to natural calls and she fell down from the bed I immediately called my father in law and her brother. My father in law came to my house and alongwith me went to the hospital. I made several calls and had also received several calls to my father in law and brother in law.”

“28. Question: It is in evidence against you that no documents regarding the medical treatment of deceased Chandani were found from your house by PW1. What do you say?”

Ans: My wife was anemic and required good food which she avoided. She was given proper medical treatment and all the goods and papers were removed by the police and my father-in-law from the house.”

“38. Question: It is evidence against you that on the night of 29/1/2010 at 1:45am PW1 received a call which was made by you and told to him to come soon as Chandani fell ill and you have to go to hospital for treatment of Chandani. What do you say?”

Ans: Since my wife had developed uneasiness because of fall from her bed I immediately made a call to my father in law for help and also to inform him about the

illness and took him alongwith him to the hospital my immediate neighbours were also called and they also helped me in taking my wife to the hospital.”

“40. Question: It is in evidence against you that when PW1 reached at the residence of his daughter she had already died as PW1 checked her pulse to verify whether she was dead or live. What do you say?

*Ans. It is incorrect. I do not know at what time she had died but **she was responding at the time she was taken the hospital.**”*

“49. Question: It is in evidence against you that Chandani was at the residence of PW1 Shanti Prakash Sardana till about 3pm. What do you say?

*Ans. As soon as my wife fell from the bed I had informed my father in law and brother in law of the incident on telephone and they immediately came to my residence I alongwith my father in law and brother in law went to the hospital but before that my father in law took my wife to his house to pick up my mother in law **at that time my wife was alive and responding.**”*

“53. Question: It is in evidence against you that on receiving the call from you PW1 had reached initially in the house no.81/1 gali no.10 Ram Garh Colony where Chandani was lying unconscious consition and she was taken to the hospital. What do you say?

Ans. It is correct. However, my wife was not unconscious and was responding.”

“56. Question: It is evidence against you that on the date of the incident i.e. 29/1/2010 you had not reached so Chandani was perturbed you reached at room of PW2 Rajni Kapoor by knocking her door and called her. What do you say?

Ans. It is correct. Since my wife was not responding to the door because of her weakness I called Rajni Kapoor so that she could open the door from inside."

"92. Question: Do you want to say anything else?"

Ans. My wife was suffering from high blood pressure for which she was taking medicines and had become anemic. On the day of incident she fell from the bed and suffered injuries. Immediately I called my father in law and brother in law."

16. There is yet another version of the injuries sustained by the deceased that was suggested by the appellant to PW-15:

"I suggest to you that the injury no.1 to 7 had been sustained by the deceased when she was coming to the bed in darkness and had struck with something on the floor due to which she lost balance and had a free fall on the edge of the bed?"

17. In his cross-examination, PW-15 has well explained the questions of the appellant giving all answers to meet out all the defences which are reproduced below:

"There are many reasons for the development of the stage of coma but not similar in this case. In general condition the injury is possible on the nose when person fallen on the wooden part of the bed by forcefully thrusting upon it. But regarding this case in the view of the other association of injuries it is not possible that the injury on the nose could have been caused because of falling on wooden bed. The brain odema is also associated is also associated with many brain infections or any other space occupying lesions. However, in this case the cause of odema and flattened gyri (units of cerebrum) were developed due to traumatic reason. It is not possible that the injury as were found in this case

could have been caused during the transportation of the body through stairs of the house. The colour of the injuries does not change significantly after the death of the person except in case of set up of putrefaction.

Question: The photograph on which no.171 (Ex.PW19/8) is written is shown to the witness and asked, is it possible if a person have sudden fall which face towards the ground and hits the edge as shown in pt-A on the photograph, the said person may get nasal bone fractured?

Ans: It is possible, Vol. Stated but in this case there are many other associated injuries which are not consistent with above mentioned fact.

Question: Whether injury no.2 is possible to be sustained in case the person falls to the ground and got struck with any toy or any other wooden article like stool/chair?

Ans: The objects lying on the ground should bear two edges with a partly placed could cause such injury like injury no.2

Court question: whether injury no.2 is possible to be caused by getting struck with stool/chair?

Ans: No.

The injury no.5 is not possible to be caused by getting struck with nails protruding from the edge of the wooden bed.

Question: There is a beading on the edge of the bed and if a head of the person hits the edge there is the possibility that the nails of the beading could cause injury no.5?

Ans: The detail of the beading is not reflected on the photograph hence I cannot make any such comments in that regard.

The nail marks as seen in injury no.5 cannot be caused by slapping or hitting fast.

Question: Whether there is any fist mark/abrasion is seen on neck, chest and stomach of the deceased?

Ans: There is an abrasion present on the lower part of the back. However, the causative weapon cannot be specified for the said mark in respect of fist. However, same may be caused by getting hit with blunt object.

Question: For the 7 external injuries as mentioned in the postmortem report Ex.PW15/B either the person be hit with some solid edged object like danda or a person may have a free fall on some solid edged object like bed?

The injury noted in PM report are not possible to be inflicted on the body during the single episode as above mentioned modes. Vol. stated as the above mentioned injuries are variable in their nature and the distribution on the body, the above suggested conditions cannot caused these injuries.

Question: How many hits are necessary for causing the injury no.1 to 7?

Ans: The injury present on the body of the deceased cannot be caused only due to falling on the hard surface/blunt object. The same may have been caused by different means of causing injuries.

Question: I suggest to you that the injury no.1 to 7 had been sustained by the deceased when she was coming to the bed in darkness and had struck with something on the floor due to which she lost balance and had a free fall on the edge of the bed?

Ans: These injuries no.1 to 7 are not possible only in the above manner and the same are not possible to have been sustained only by one fall as above mentioned.”

18. When it is established that the deceased was last seen alive with the accused and the time of death is so proximate to the appellant having been last seen with the deceased, the onus of proof shifts upon him to furnish an explanation which should appear to be probable and satisfactory. This principle was elaborated upon by the Supreme Court in *State of Rajasthan v. Kashi Ram*, (2006) 12 SCC 254, where it was held that:

“23. It is not necessary to multiply with authorities. The principle is well settled. The provisions of Section 106 of the Evidence Act itself are unambiguous and categorical in laying down that when any fact is especially within the knowledge of a person, the burden of proving that fact is upon him. Thus, if a person is last seen with the deceased, he must offer an explanation as to how and when he parted company. He must furnish an explanation which appears to the court to be probable and satisfactory. If he does so he must be held to have discharged his burden. If he fails to offer an explanation on the basis of facts within his special knowledge, he fails to discharge the burden cast upon him by Section 106 of the Evidence Act. In a case resting on circumstantial evidence if the accused fails to offer a reasonable explanation in discharge of the burden placed on him, that itself provides an additional link in the chain of circumstances proved against him. Section 106 does not shift the burden of proof in a criminal trial, which is always upon the prosecution. It lays down the rule that when the accused does not throw any light upon facts which are specially within his knowledge and which could not support any theory or hypothesis compatible with his innocence, the court can consider his failure to adduce any explanation, as an additional link which completes the chain.”

(Emphasis supplied)

19. In *State of U.P. v. Satish*, (2005) 3 SCC 114, the last seen principle was summed up by the Supreme Court as under:

“22. The last-seen theory comes into play where the time-gap between the point of time when the accused and the deceased were last seen alive and when the deceased is found dead is so small that possibility of any person other than the accused being the author of the crime becomes impossible.”

20. In *Sathya Narayanan v. State*, (2012) 12 SCC 627 following the ratio in *Kashi Ram*'s case (supra), the Supreme Court held that:

“34. The appellant-accused having been seen last with the deceased, the burden of proof rests upon them to prove what had happened thereafter since those facts were within their special knowledge. In the absence of any explanation, it must be held that they failed to discharge the burden cast upon them by Section 106 of the Evidence Act, 1872. Admittedly, none of the appellants explained what had happened to the deceased even in their statements under Section 313 of the Code.”

21. The appellant has failed to offer a consistent explanation as to what had transpired on the fateful night and kept on changing his stand. The appellant did not summon any witness in his defence to prove his contention that his wife was anaemic and was bed ridden due to this ailment. DW-1 has also not testified about the condition or sickness of the deceased. The testimony of PW-15 clearly shows that the injuries were not sustained due to one single fall as sought to be explained by the appellant in his statement u/s 313 Cr.P.C. or suggested to PW-15 by the defence counsel, but were a result of

several impacts. The head injury was the result of forceful impact with a hard blunt object on the head and due to this injury, the deceased had become unconscious which ultimately resulted in her death as per the subsequent opinion regarding the final cause of death (Ex.PW15/A).

22. The contention of the learned defence counsel that the Treatment Card of the deceased, Ex.PW12/A does not mention any injuries on the deceased's body as were mentioned in the PMR (Ex.PW15/B), was not put to PW-12 in his cross-examination. The ld. counsel for the appellant has also contended that the MLC of the deceased conducted at Khetrapal Hospital was not brought on record by the prosecution as that would have established that there were no injuries on the deceased's body. The incident is of the night intervening 30/31.01.2010 and as per the PMR, the time since death is about two and a half days prior to the PM examination done on 01.02.2010 which is proximate to the appellant having been last seen with the deceased. Hence the appellant cannot be heard to urge that the deceased did not suffer the said injuries. While it is true that this MLC was not brought on record, it is also equally true that this contention was not put to any witness in their cross-examination particularly, PW-8, PW-12 and PW-15; nor was this plea taken by the appellant in his statement under Section 313. The appellant failed to summon any witness in his defence to prove this contention even though he did examine one defence witness i.e. Ms. Meenu (DW1)

who deposed to the extent that the appellant and the deceased were living happily and the appellant did not mistreat his wife.

23. The contention that there was no one guarding the dead body in the mortuary and there was a possibility that the injuries were post-mortem and not ante-mortem in nature was also not put to PW-15 who conducted the deceased's post mortem, in his cross-examination. PW-15 had in fact specifically deposed in his examination in chief that "*all injuries were antemortem*". Noticeably, the version of PW-15 that the injuries were ante-mortem in nature was neither challenged nor rebutted in his cross-examination. The law in this regard is well settled. The Supreme Court in *Sarwan Singh v. State of Punjab*, (2003) 1 SCC 240 has held "*It is a rule of essential justice that whenever the opponent has declined to avail himself of the opportunity to put his case in cross-examination it must follow that the evidence tendered on that issue ought to be accepted. A decision of the Calcutta High Court lends support to the observation as above.*" The suggestion that was in fact given to PW-15 as reproduced above was that the injuries could have been caused after the deceased lost balance and had a free fall on the edge of the bed and not that these injuries were caused after the deceased had died. The appellant has also nowhere in his statement under Section 313 taken the stand that the injury on the deceased's body were post-mortem in nature. The vacillation in the appellant's stand regarding the injuries on the deceased's body renders his version devoid of any

credibility and in these circumstances, the Trial Court has rightly disbelieved his version.

24. Coming next to the contention of the counsel for the appellant that the prosecution has failed to prove any motive on the appellant's part to commit the alleged crime, the law in this regard is well settled and it has been held that not proving of the motive is not fatal to the prosecution's case. This principle was re-iterated by the Supreme Court in ***Ranganayaki v. State*, (2004) 12 SCC 521** where it was held that:

*“10..... In some cases it may be difficult to establish motive through direct evidence, while in some other cases inferences from circumstances may help in discerning the mental propensity of the person concerned. There may also be cases in which it is not possible to disinter the mental transaction of the accused which would have impelled him to act. No proof can be expected in all cases as to how the mind of the accused worked in a particular situation. Sometimes it may appear that the motive established is a weak one. That by itself is insufficient to lead to an inference adverse to the prosecution. **Absence of motive, even if it is accepted, does not come to the aid of the accused.** These principles have to be tested on the background of factual scenario.”*

25. Coming next to the final contention of the counsel for the appellant that the Cranio-Cerebral injury (Head injury) suffered by the deceased which had resulted in her death was not sufficient in the ordinary course to cause death and did not fulfill the parameters as set out under Section 300 of the IPC. The ingredients to be fulfilled before a case can be brought under Clause 3 of Section 300 of the IPC

were elaborated by the Supreme Court in the seminal judgment on this issue in *Virsa Singh v. State of Punjab*, 1958 SCR 1495 where it was held that: -

“14. To put it shortly, the prosecution must prove the following facts before it can bring a case under Section 300 “thirdly”.

*15. First, it must establish, quite objectively, that a **bodily injury is present.***

*16. Secondly, the **nature of the injury must be proved;** These are purely objective investigations.*

*17. Thirdly, it must be proved that **there was an intention to inflict that particular bodily injury**, that is to say, that **it was not accidental or unintentional**, or that **some other kind of injury was intended.***

*19. Fourthly, it must be proved that the **injury of the type just described made up of the three elements set out above is sufficient to cause death in the ordinary course of nature.** This part of the enquiry is purely objective and inferential and has nothing to do with the intention of the offender.”*

26. In the subsequent opinion regarding final cause of death (Ex.PW15/A), PW-15 had opined that *“Cause of death was due to Coma caused by Cranio-Cerebral Injury (Head Injury) by the means of hard Blunt and forceful impact upon head. The possibility of homicide cannot be ruled out.”* This opinion fulfills the first and second criteria as set out in *Virsa Singh’s* case (supra) as there is a bodily injury and its’ nature has been proved by PW-15. This opinion also clearly shows that the head injury was inflicted by using a blunt weapon with excessive force resulting in death thereby fulfilling the fourth criteria. As already discussed above, the appellant has not

denied that he was in the same room with the deceased when she was last seen alive but he kept on changing his stand while explaining the cause of this injury. His explanations do not inspire any confidence. Rather, it brings out his intention to conceal the true version of what had actually transpired on the fateful night. There is no force in the argument of the Id. Counsel for the appellant that it was a sudden reaction on a fight between the deceased and the appellant and the appellant had only pushed the deceased from the bed and hence only an offence under Section 304 Part I of the IPC is made out. Notably, no such defence/explanation was offered by the appellant in his statement under Section 313 of the Cr.P.C.

27. In view of the facts and circumstances of the present case, this court does not find any reason to interfere with the impugned judgment and order on sentence. The bail bond and surety bond furnished by the appellant are hereby cancelled. He shall surrender before the trial Court within one week, failing which the IO concerned shall immediately take steps to have him arrested and sent to custody for serving out the remainder of the sentence awarded to him. The Trial Court record be returned together with a certified copy of this judgment.

28. We find that the learned ASJ has not awarded any compensation to the minor daughter (aged about 3 ½ years on the date of incident) of the deceased under Section 357 of the Cr.P.C. Meanwhile, Section 357A Cr.P.C. has been incorporated w.e.f. 31.12.2009 and pursuant thereto, Government of NCT of Delhi has

framed the Victim Compensation Scheme. Therefore, we direct the Delhi State Legal Services Authority ('DLSA') in terms of Section 357A (5) of the Cr.P.C. to forthwith undertake an inquiry and within two months, award and ensure disbursement of appropriate compensation to the victim's daughter in terms thereof. For this purpose, a certified copy of this judgment shall also be delivered forthwith to the Secretary, DLSA with a further direction to submit a compliance report to this Court within three months from the date of receipt of the certified copy of this judgment. If no such compliance is forthcoming within the stipulated time, the Registry will place the matter before Roster Bench for further directions.

29. The appeal is dismissed on the above terms.

(VINOD GOEL)
JUDGE

(HIMA KOHLI)
JUDGE

JULY 08, 2019