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

**CRA-D-382-DB-2004 (O&M)
Date of Decision: 02.05.2025**

RAJNI

... Appellant

Versus

STATE OF HARYANA & OTHERS

...Respondents

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL
HON'BLE MR. JUSTICE JASJIT SINGH BEDI**

Present: Ms. Kashish Sahni, Amicus Curiae
for the appellant.

Mr. R.S. Arya, Addl. A.G., Haryana.

JASJIT SINGH BEDI, J.

The present appeal has been filed against the judgment of conviction and order of sentence dated 19.02.2004 passed by the Sessions Judge, Kurukshetra.

2. The FIR was registered on 07.04.2002, the judgment of conviction and order of sentence passed by the Sessions Judge, Kurukshetra is dated 19.02.2004, the appeal was filed on 09.04.2004 and the matter is being taken up for hearing now i.e. after a period of 23 years from the date of registration of the FIR.

3. The brief facts of the prosecution case are that complainant-Sanjay Rawat aged about 16 years was residing with his family in the campus of the Regional Engineering College (now National Institute of Technology), Kurukshetra. He had a brother named Sunil Kumar aged about

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18 years and three sisters who were all married. His youngest sister Nirmala was married with Vivek Rawat of Ambala Cantt. Vivek Rawat was in the business of the manufacture of boxes for sweets. Accused Rajni was employed there as labourer. Vivek Rawat was not satisfied with her work and, therefore, removed her. So Rajni took umbrage to it. Thereafter about one year before the present occurrence Rajni came to the house of the complainant and took away a photo album of the marriage of Nirmala and Vivek for seeing the same. However, Rajni accused took out photographs of Nirmala from the album and started sending anonymous obscene letters with photographs to Nirmala and Vivek. They felt upset and harassed. They talked to the complainant and his brother and mother about it and protested as to why the album had been given to Rajni. Complainant-Sanjay and his brother Sunil told Nirmala and Vivek that they would talk to Rajni about it. However, they could not meet Rajni. On 07.04.2002 i.e. the date of occurrence at about 11.45 A.M. a white Maruti van No. HR-01K-5910 came and stopped outside the house of the complainant. Rajni accused accompanied by two other females and a young male driver with mustaches was there in the van. They told Sanjay and his mother that they had to talk with Sunil Rawat. In the meanwhile Sunil Rawat returned home from the playground of the college. Sunil started talking with Rajni and her companions about the album while talking, Rajni and her companions sat in the van alongwith Sunil. Sanjay and his mother prevented Sunil from accompanying Rajni etc. but Sunil accompanied them stating that the ladies could not do any harm to him. On

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the asking of his mother, the complainant Sanjay and their neighbour Kanti Lal chased the van on the motorcycle of Kanti Lal. Everything inside the van was visible through the glass-panes. Rajni and her companions started manhandling Sunil. After crossing the second gate of the University, Rajni and her companions poured some liquid from a bottle on Sunil and he was made to alight from the van. He was crying with burns. He entered Lok Nayak Jai Parkash Hospital, Kurukshetra. After some time Sunil died due to the burns.

Ruqa Ex.PK was sent from the hospital to the Police Post third gate, Kurukshetra, University, Kurukshetra. Thereupon Assistant Sub Inspector Maya Ram reached the Hospital, where Sanjay Rawat made statement Ex.PJ narrating the above facts. Maya Ram made endorsement Exhibit PJ/1 and sent it to Police Station Kurukshetra University, Kurukshetra, where F.I.R. Ex.PJ/2 was recorded. Maya Ram prepared inquest report Ex.PL on the dead body and sent it for postmortem examination with request Ex.PM. Dr. Vivek Aggarwal and Dr. K. K. Chawla conducted postmortem examination on the dead body vide copy of P.M.R. Ex.PQ and found vesicles and blisters around the mouth. Lips were swollen. Skin of left side neck, left chest, abdomen, right forearm, left upper limb and both thighs was black to brown and peeling off at places. Site of burns were depicted in diagram Ex.PQ/1. Mucous membrane of the trachea was brown to black and corroded at places. Both lungs were oedematous and congested. Mucous membranes of mouth, larynx and oesophagus was corroded and grayish



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white at places. Liver and spleen were congested. Banian was having multiple holes. Clothes of the deceased were sealed in parcel and given to the police. Viscera of the deceased and blood from the heart were also sealed in parcels and given to the police. Opinion regarding cause of death was deferred till receipt of report of Chemical Examiner. Probable duration between injuries and death was within few hours and between death and postmortem was within 24 hours. As per F.S.L. report Ex.PS no common poison including acid could be detected in viscera and blood sample of the deceased, but sulphuric acid was detected in Pajama, Banian and underwear of the deceased. On receipt of this report police moved application Ex.PR on which Dr. Aggarwal and Dr. Chawla gave opinion Ex.PT that cause of death was due to chemical burns which were ante-mortem in nature and were sufficient to cause death in the ordinary course of nature.

4. Accused Rajni and her two female companions namely Indira alias Indu and Ranjit Kaur alias Laddi were arrested by Jai Parkash A.S.I., the same night from their residences at Ambala Cantt. On 08.04.2002 they were interrogated by Sub Inspector Gulab Singh in the presence of Lady constable Kailash Kaur and Assistant Sub Inspector Maya Ram. They made confessional statements about the occurrence and disclosed the name of the van driver as Rakesh accused. They also disclosed that Vivek feigned love with Rajni but later on rejected her and to take revenge the other three accused agreed to help Rajni. They took an acid bottle and poured acid on Sunil Rawat. They also disclosed that some drops of acid also fell on their



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respective clothes and they had concealed the said clothes in their respective houses and could get the same recovered. Rajni also disclosed that she had concealed the bottle with some residuary acid in the bushes on the road divider ahead of Saraswati Bridge on G.T. Road and could get the same recovered. Accordingly, all the three accused got recovered their respective clothes and accused Rajni also got recovered the acid bottle. Acid from it was transferred to a glass bottle as sample and sealed. Clothes of all three accused were also sealed into parcels and were taken into possession. Rough site plans of the places of recoveries were also prepared.

5. On 09.05.2002 Sub Inspector Gulab Singh alongwith other Police officials went to Police Station Brahampuri (Meerut) and held Nakabandi on the basis of secret information. Accused Rakesh Kumar came there in the aforesaid Maruti Van No.HR-01K-5910. The seat cover of the rear seat had some acid stains on it. The seat cover was taken off and sealed into a parcel. The van and the parcel were taken into possession vide memo Ex.PD and accused Rakesh Kumar was arrested. Rough site plan Ex.PD/1 of the place of recovery was prepared. Registration certificate Ex.PO of the van was handed over by its owner Krishan Kumar to Sub Inspector Sudhir Kumar on 18.05.2002 vide memo Ex.PB.

6. Scaled site plan Ex.PE of the place of occurrence was got prepared from the draftsman. Rough site plan Ex.PN of the said place was also prepared site on 07.04.2002 itself by A.S.I. Maya Ram. Clothes of the three lady accused and sample acid bottle and seat cover of the van were also



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sent to the Forensic Science Laboratory and as per reports Exs.PS and PS/1 sulphuric acid was as detected in all the said articles.

7. On completion of the investigation, the police presented the report under section 173 of the Code of Criminal Procedure for prosecution of all the four accused under section 302 read with Section 34 of the Indian Penal Code. The trial of Indira @ Indu and Ranjit Kaur @ Laddi was segregated. They were tried as juveniles and have since been acquitted.

8. On the basis of material on record charge under section 302 read with section 34 of the Indian Penal Code was framed against the present accused Rajni and Rakesh Kumar. They pleaded not guilty and claimed trial.

9. To prove its case the prosecution examined thirteen witnesses. The gist of their statements is as under:-

Head constable Mohinder Singh P.W.1, constable Satbir Singh P.W.5, constable Suresh Pal P.W.6 and constable Umed Singh P.W.7 tendered their respective affidavits Exhibits PA, PF, PG and PH to show that there was no tampering with sealed parcels mentioned above.

Krishan Kumar P.W.2 stated that he was the owner of the aforesaid Maruti Van and he produced its registration certificate Ex.PO before the police vide memo Ex.PB on 18.05.2002.

E.H.C. Karamvir P.W.3 stated that 09.5.2002 in his presence, the aforesaid Maruti Van was seized from the possession of Rakesh Kumar accused in front of gate of Police Station Brahampuri (Meerut). Seat cover of its back seat having acid marks was sealed into parcel and taken into

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possession vide memo Ex.PD.

Constable Sudeep Kumar draftsman P.W.4 stated that on 06.05.2002 he inspected the spot at the pointing out of Sanjay Rawat and prepared scaled site plan Ex. PE.

Retired Assistant Sub Inspector Jai Parkash P.W.8 stated that on 7.4.2002, he recorded formal F.I.R. Ex.PJ/2 on receipt of statement Ex.PJ with endorsement Ex.PJ/1. He sent copies of F.I.R. as special report. On the same day, he also arrested accused Rajni, Indira alias Indu and Ranjit Kaur alias Laddi.

Sub Inspector Sudhir Kumar P.W.9 stated that he recorded statements of some witnesses in this case. He also seized registration certificate of the van from Krishan Kumar vide memo Ex.PB. He also prepared report under Section 173 of the Code of Criminal Procedure in this case.

Sanjay Rawat complainant P.W.10 broadly stated according to prosecution version already narrated above. He deposed about the motive that accused Rajni was removed from the job by his brother-in-law Vivek Rawat and so she felt offended. He deposed that Rajni had taken away a photo album and started black-mailing Vivek Rawat by sending obscene letters with photographs. He deposed that on 07.04.2002 Rajni came to their house in the aforesaid Maruti Van accompanied by two women and accused Rakesh Kumar and took away Sunil with them in the van. He and Kanti Lal chased the van on a motorcycle. At the second gate of the University, Rajni's



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companions caught hold of Sunil whereas Rajni poured some liquid on him. Near the hospital they pushed out Sunil from the van. Sunil went to Hospital crying with burns. All the four accused went away in the van. After some time Sunil died. Sanjay made statement Ex.PJ to the police about the occurrence.

A.S.I. Maya Ram P.W.11 stated that on receiving ruqa Ex.PK from the hospital, he went there and recorded statement Ex.PJ of Sanjay Rawat and sent it to the police station with his endorsement Ex.PJ/1 for registration of the case. Then Maya Ram prepared inquest report Ex.PL on the dead body of Sunil and recorded statements of witnesses and made application Ex.PM for postmortem examination. After the autopsy the doctors gave sealed parcels of clothes of the deceased and viscera and envelope and the same were later on deposited with M.H.C. Maya Ram inspected the spot and prepared rough site plan Ex.PN. Investigation was taken over by Gulab Singh Sub Inspector at the house of the deceased. On 08.04.2002 Rajni accused and Ranjit Kaur and Indira made confessional/disclosure statements. Rajni also disclosed that she had thrown the acid bottle in the bushes of the road ahead of Saraswati River Bridge and she had concealed her clothes on which some acid had fallen, in her house and could get the same recovered. Her statement Ex.PO was recorded. She got recovered the acid bottle with some acid from the stated place. Acid was taken out in a separate bottle as sample and sealed with seal 'GS' and taken into possession vide memo Ex.PO/1. She also got recovered her clothes from



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an almirah in her house. Sealed parcel of the clothes was prepared and seized vide memo Ex.PO/2. Indira and Ranjit Kaur also made similar statements.

Dr.Vivek Aggarwal P.W. 12 stated that he alongwith Dr. K. K. Chawla conducted the postmortem examination on the dead body of Sunil and found burns etc. Viscera, blood sample and clothes of the deceased were given in sealed parcels to the police. He proved copy of postmortem report Ex.PQ and diagram showing injuries Ex. PQ/1. He also stated that on police application Ex.PR they gave opinion Ex.PT after examining the report Ex.PS of the Forensic Science Laboratory that cause of death in this case was chemical burns which were antemortem in nature and were sufficient to cause death in the ordinary course of nature.

Sub Inspector Gulab Singh P.W.13 also stated about the investigation of the case conducted by him. He recorded statements of witnesses. On 8.4.2002 he interrogated the three lady accused and recorded their statements mentioned above. All the said three accused got recovered their respective clothes from their respective houses and Rajni also got recovered an acid bottle. Rough site plans of places of recoveries were also prepared. The case property was deposited with M.H.C. On 9.5.2002 police party headed by him went to the house of Raju alias Raj Kumar, brother-in-law of accused Rakesh Kumar and after taking him along, they went to Meerut. A Nakabandi was held there outside Police Station Brahmpuri, Meerut, on the basis of secret information. Accused Rakesh Kumar came there in the aforesaid van and they intercepted the van. The seat cover of the

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back seat having acid stains was sealed into parcel and was taken into possession alongwith van and accused Rakesh Kumar was arrested. Rough site plan of the place of recovery was prepared.

P.W. Kanti Lal was given up as won over by the accused. F.S.L. report Ex.PS/1 was also tendered evidence.

10. Both the accused in their statements under Section 313 of the Code of Criminal procedure denied all the incriminating circumstances appearing against them in the prosecution evidence and claimed to be innocent. Accused Rajni alleged that a concocted story has been put forward by Vivek Rawat. No evidence has been led by either accused in defence.

11. Based on the evidence led, the accused/appellant came to be convicted and sentenced by the Court of Sessions Judge, Kurukshetra vide judgment and order of sentence dated 19/21.02.2004 as under:-

Convicts	Offence under Section	Sentence RI/SI	Fine	RI/SI in default of payment of fine
Rajni	302 IPC R/w 34 IPC	Imprisonment for life	Rs.1000/-	RI for 03 months
Rakesh Kumar	302 IPC R/w 34 IPC	Imprisonment for life	Rs.1000/-	RI for 03 months

12. It is the aforementioned judgment, which is under challenge, in the present appeal.

13. The learned Amicus Curiae for the accused/appellant contends that there is no independent eye-witness of the occurrence. The complainant/PW10-Sanjay Rawat is the brother of the deceased and a most interested witness. There is no motive for the commission of the offence. The



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medical evidence is contrary to the ocular account. No test identification parade was conducted. She, thus, contends that the impugned judgment is liable to be set aside and the appellant be acquitted of the charges framed against her.

14. The learned counsel for the State, on the other hand, contends that it is a settled proposition of law that the conviction can be recorded on the basis of the statement of a single witness provided the deposition inspires confidence. As it is an eye version account, motive has little relevance though in the instant case, it is established from the deposition of the complainant itself. The medical evidence of the deceased being burnt with and is completely in consonance with the ocular account of the complainant and the reports of the FSL. The test identification parade was not required as the accused was duly named in the FIR and was well-known to the complainant party. He, thus contends that the present appeal was liable to be dismissed.

15. We have heard the learned counsel for the parties and gone through the record.

16. The statement of Sanjay Rawat P.W.10, an eye witness and brother of the deceased is very cogent and credible and inspires confidence. He was aged 16 years at the time of occurrence. He has made a detailed statement about the occurrence including the motive behind the same. There is no reason to doubt or disbelieve his sworn statement. In fact, the FIR was



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lodged quite promptly containing all the relevant details as to how the occurrence had taken place.

17. The prosecution case is further corroborated by the medical evidence and other evidence. It is mentioned in the F.I.R. itself that some liquid was poured on the deceased causing burns. Cause of death has also been opined to be chemical burns. Further, recoveries got effected by the three lady accused also corroborates the prosecution case. Sulphuric acid was detected on the clothes of the three accused got recovered by them from their respective houses. Similarly Sulphuric acid was also detected on the back seat cover of the van. The van was recovered one month after the occurrence and traces of sulphuric acid were still found on the seat cover. It clearly established that the aforesaid van was used in the occurrence and that the occurrence took place in the manner as alleged by the prosecution. Recovery of the acid bottle with residue acid in it also corroborates the prosecution case. It is pertinent to mention that accused Rajni was named in the F.I.R. itself as she was already known to the complainant. However, her three other companions were not mentioned in the F.I.R. as they were not known to the complainant. It shows that F.I.R. was lodged in the natural course without any discussion, consultation or confabulation. The occurrence took place on Sunday and so presence of Sanjay Rawat at his house was quite natural. In view of the ocular evidence of Sanjay Rawat corroborated by the aforesaid circumstances, motive even if not established does not adversely affect the prosecution case. Be that as it may, the statement of Sanjay Rawat proves



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motive also that the offence was committed since Rajni accused was dismissed from her job by Vivek Rawat, brother-in-law of the deceased and remained upset on that count.

18. As regards the argument that the conviction could not be recorded only on the basis of the statement of the complainant/Sanjay Rawat (PW10), it may be pertinent to mention here that it is a settled proposition of law that conviction can be recorded on the basis of the deposition of a single prosecution witness provided his statement inspires confidence. It has been so held in *Vadivelu Thevar Vs. The State of Madras, 1957 AIR SC 614*, *Namdeo Vs. State of Maharashtra, 2007(2) RCR (Criminal) 893* and *Vithal Pundalik Zendge Vs. State of Maharashtra, 2011 AIR (SC) (Cri) 1883*. In the instant case, he is the brother of the deceased. His testimony could not be shattered in his lengthy cross-examination. On the other hand, his deposition is corroborated by the medical evidence and the other evidence like recovery of clothes and seat cover of the van having acid stains. Therefore, merely because Kanti Lal had been given up as a prosecution witness does not in any way weaken the prosecution case.

19. It is also significant to note that there is no material to show as to why Sanjay Rawat would implicate the accused falsely. The accused, in their statements under Section 313 of the Code of Criminal Procedure have also not provided any reason for their false implication. The other three accused (except Rajni) were not even known to the complainant before the occurrence

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and they were not even named in the F.I.R. It again shows that there was no false implication.

20. Dr. Vivek Aggarwal has given a categorical opinion that the cause of death were chemical burns which were antemortem in nature and were sufficient to cause death in ordinary course of nature. Merely because the acid was not detected in the viscera of the deceased, it cannot be said that the death was not caused by acid/chemical burns.

21. The upshot of the aforementioned discussion is that the prosecution has established its case against the appellant beyond reasonable doubt. Therefore, we find no merit in the present appeal and the same stands dismissed.

(JASJIT SINGH BEDI)
JUDGE

(GURVINDER SINGH GILL)
JUDGE

02.05.2025

JITESH

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No