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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.A. 454/2016
RAJ SINGH & ORSAppellants
Through: Mr. L.K. Verma, Advocate

versus

THE STATE (N.C.T OF DELHI)Respondent
Through: Ms.Shubhi Gupta, APP for State with
Inspector Rakesh Kumar and SI
Shajid Hussain PS Neb Sarai, Delhi.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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24.09.2025

1. The present appeal has been filed under Section 374 (2) Cr.P.C. by the appellants assailing the judgment dated 25.04.2016 and order on sentence dated 28.04.2016 passed by ASJ-01, Saket Court, New Delhi in Sessions Case No. 15/2014 arising out of FIR No. 113/2012 registered at P.S. Neb Sarai under sections 498A/304B/34 of IPC.

The appellants were acquitted for the offence under Section 304B IPC but were convicted for the offences punishable under Sections 498A IPC and sentenced to undergo rigorous imprisonment for 3 years with fine of Rs. 25,000/- each, in default whereof, they were directed to undergo 6 months simple imprisonment.

The sentence of appellants was suspended during the pendency of the present appeal by this court vide order dated 27.05.2016.

2. At the outset learned APP states, upon instructions, that the appellant no.1/Raj Singh is stated to have expired on 01.08.2023 and in this regard a



status report has been handed over and is accompanied with the death certificate of appellant no.1. The status report accompanied by statement of *Suman* and *Rakesh*, son as well as one neighbour, is taken on record. She states that the death certificate stands verified.

3. In view of the above, the present appeal insofar as appellant no.1-*Raj Singh* stands abated.

4. In support of its case, the prosecution examined 20 witnesses. Kushal Choudhary, the brother of the deceased, was examined as PW-11. He gave a detailed account of the cruelty, harassment, dowry demands, and the circumstances leading up to Kusum's death. PW-4 Bhagat Singh, another brother of the deceased, corroborated the testimony of PW-11, as he deposed on similar lines, particularly with regard to the harassment, beatings, and dowry-related demands. Rajwati, the mother of the deceased, was examined as PW-6. She testified about the dowry given at the time of marriage and further deposed that the deceased repeatedly complained of being harassed for additional dowry and being denied proper medical treatment by her in-laws. Urmila, the elder sister of the deceased, was examined as PW-7. She deposed that she had personally seen injuries on the body of Kusum and that Kusum had confided in her about the fears and abuse she was subjected to at her matrimonial home. Dr. Munish Sharma, examined as PW-12, along with Dr. Asit Kumar Sikary (PW-14), conducted the post-mortem examination on the body of Kusum on 13.04.2012 and confirmed that the cause of death was asphyxia due to ante-mortem hanging, with multiple injuries suggestive of prior beatings.

In their statements recorded under Section 313 Cr.P.C., the appellants denied all incriminating evidence and claimed false implication. It was their



defence that they never demanded any dowry from Kusum or her family members, and that one day prior to her death, Kusum had fallen down stairs while trying to escape monkeys, and that her injuries were due to this fall and not due to any assault by them.

5. A perusal of the record indicates that it stands proved on record that Kusum was married to appellant-4/*Sandeep* on 07.07.2007 and that she died within seven years of her marriage, not under normal circumstances. The post-mortem report, corroborated by the testimony of the doctors examined, confirms that Kusum died of asphyxia due to ante-mortem hanging.

Although the prosecution has succeeded in proving that Kusum committed suicide, there is no evidence on record to suggest, or to give rise to a presumption, that the accused persons, or any of them, by their acts or omissions, had instigated her or intentionally aided her in committing suicide. What stands established is that, prior to her death, the deceased was subjected to cruelty by all the accused persons in furtherance of their common intention. Even otherwise, the material produced, keeping in mind, concurs with the findings of the trial court and finds no grounds to interfere with the same are made out. Consequently, the conviction of the appellants is upheld qua the offence under section 498A/34 IPC.

6. At this stage, learned counsel appearing for the appellants states, upon instructions, that the appellants do not wish to press the present appeal on merits and pray that they be released on the period already undergone by them. He further states that the fine has already been deposited and the receipts in this regard have been placed on record.

7. The appellant-2/*Rajwati* is aged about 61 years and is stated to be not keeping good health. The appellant-3/*Rakesh Singh* is about 40 years of age,



while the appellant-4/*Sandeep* is also aged about 38 years. It is further noted that the appellants belong to a poor family background.

8. Learned APP for the State, on instructions, submits that the State has not challenged the appellants' acquittal under Section 304B IPC and as per the nominal roll, the appellant-4/ *Sandeep* is involved in one case arising out of FIR No. 149/2011 under Sections 186/353 IPC, in which he is presently on bail. It is further submitted that the appellant-3/ *Rakesh Singh* is involved in certain other cases; however, in those matters he has either been acquitted or is presently on bail.

9. The appellants have faced trial since the year 2014. As per the nominal rolls handed over in Court and taken on record, the Appellant-3/*Rakesh Singh* has undergone about 2 years 3 month and 10 days of incarceration as on 13.05.2015. Appellant-4/*Sandeep* has undergone about 2 years 4 months and 1 day as on 14.08.2014. The Appellant-2/*Rajwati* has undergone a total sentence of about 2 years, 3 months and 18 days as on 17.07.2018. Keeping in view the facts and circumstances noted hereinabove, the substantive sentences of the appellants in the present appeals are hereby modified to the periods already undergone by them.

10. The present appeal is partly allowed and disposed of in the above terms. Their bail bonds stands cancelled and surety discharged.

11. A copy of this order be communicated to the concerned Jail Superintendent as well as to the Trial Court for information and necessary compliance.

MANOJ KUMAR OHRI, J

SEPTEMBER 24, 2025/rd