



2026:DHC:252-DB



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

Date of decision: 07th JANUARY, 2026

IN THE MATTER OF:

+ **CRL.A. 32/2002**

SMT. HEERA DEVI

.....Appellant

Through: Mr. Tarun Gaur and Mr. Shubham
Arora, Advocates.

versus

STATE OF DELHI

.....Respondent

Through: Mr. Aashneet Singh, APP for the
State

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

HON'BLE MR. JUSTICE VIMAL KUMAR YADAV

JUDGMENT

SUBRAMONIUM PRASAD, J.

1. The present Appeal has been filed against the Judgment on Conviction dated 27.11.2001 and Order on Sentence dated 28.11.2001, respectively passed by the Learned Additional Sessions Judge, New Delhi (hereinafter referred to as “**Trial Court**”) in Sessions Case No.60/2000, arising out of FIR No.214/2000, registered at Police Station, Punjabi Bagh, under Section 302 of Indian Penal Code, 1860 (“**IPC**”). By the Judgment on Conviction dated 27.11.2001, the Appellant herein, Heera Devi was convicted for committing the murder of one Ram Lal Meena. By a separate Order on Sentence dated 28.11.2001, the Appellant was sentenced to undergo imprisonment for life and also to pay a fine of Rs.1000/- and in case of default of payment of fine, she shall undergo further rigorous imprisonment for a period of three months for the commission of the offence punishable under Section 302 of IPC.



2. The Appellant, being aggrieved by the conviction and sentence, has preferred the present Appeal.

3. Shorn of unnecessary details, the facts leading to the filing of the present Appeal as stated in the Impugned Judgment are as follows:

- a) On 25.03.2000, DD No.13A was recorded at Police Station Punjabi Bagh at about 3:05 PM on the basis of information received from the wireless operator that person had committed suicide at House No.16D/2, East Punjabi Bagh, Railway Colony, near the General store.
- b) It is stated that the said DD entry was entrusted to SI Ram Phal Singh, who, along with Ct. Ramesh (PW-9), proceeded to the spot. Thereafter, upon reaching House No.16D/2, they found the dead body of one Ram Lal Meena lying inside the premises.
- c) Thereafter, SI Ram Phal inspected the scene and noted that the flat comprised of two bedrooms, one adjacent to the entrance was locked and stated to have been let out, while the other bedroom, located towards the west contained the dead body.
- d) It is further stated that both the hands of the deceased Ram Lal Meena had been tied with a blue plastic rope, having three loops and two knots. Similar loops of plastic rope, four in number with two knots, were found around the neck of the deceased Ram Lal Meena, with one loop additionally tied with a yellow plastic rope.
- e) It is also stated that blood had oozed from the mouth of the deceased and had flowed toward the right ear, while the body lay with the face upward. It is further stated that from the condition of the body and the ligature marks, it appeared to be a case of death by strangulation.



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- f) It is stated that the wife of the deceased Ram Lal Meena, namely, Smt. Heera Devi (“**Heera**”) was present inside the room at the time. Upon receiving information regarding the incident, SHO - Punjabi Bagh, Inspector Ram Singh (PW-17) and the ACP also arrived at the spot.
- g) SI Ram Phal thereafter made his endorsement *vide* Ex. PW-17/A and sent the same for registration of an FIR under Section 302 of IPC. He also requisitioned the crime team photographer and initiated the process for dispatch of the special report.
- h) Thereafter, the investigation was taken over by the SHO, who inspected the scene through the crime team of the West District and prepared the site plan. He further conducted inquest proceedings under Section 174 CrPC and recorded the statements of the witnesses who identified the body of the deceased Ram Lal Meena. Further, PW-17 also recorded the statement of the accused Heera Devi. The body was thereafter sent to the mortuary for post-mortem examination.
- i) During the course of investigation, PW-17 interrogated various persons, including PW-4, a tenant in the flat and a ticket collector with the Railways. The Appellant was arrested. Further, during custodial interrogation, she made a detailed disclosure statement, marked as Ex. PW-4/B, in the presence of PW-4, SI Ram Phal and PW-2. Pursuant to the said disclosure, a remaining piece of nylon rope was recovered from the balcony of her house. Furthermore, a pair of scissors was also recovered, seal in two separate parcels and seized *vide* recovery memos i.e. Ex. PW-17/G and Ex. PW-17/H respectively, after preparation of its sketch, marked as Ex. PW-17/J.



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A broken television set was also recovered from the kitchen and seized *vide* memo Ex. PW-17/K.

- j) Further, the Post-mortem (Ex. PW-11/A) was conducted by Dr. Sarvesh Tandon (PW-11) of Subzi Mandi Mortuary. In his opinion, the death was caused due to asphyxia resulting from ante-mortem ligature strangulation and the ligature mark was ante-mortem, and the pressure exerted upon the neck structures was sufficient in the ordinary course of nature to cause death.
- k) It is stated that PW-11 preserved the clothes of the deceased Ram Lal Meena, blood sample, ligature from the neck and hands, and blood for alcohol analysis, which were handed over to the IO. Further, the exhibits were sent to the FSL, and reports Ex. PA and Ex. PB were received. The FSL results revealed the presence of ethyl alcohol in the viscera, and the blood sample contained 212.75 mg of ethyl alcohol per 100 ml of blood.
- l) Thereafter, upon completion of the investigation, charge-sheet was filed against the Appellant for the offence under Section 302 of IPC. Charges were framed accordingly, to which the Appellant pleaded not guilty and claimed trial.
- m) During trial, the prosecution examined 20 witnesses in support of its case. The defence led two witnesses.
- n) The Trial Court convicted the accused Heera Devi under Section 302 of IPC, holding that the prosecution had succeeded in establishing the commission of murder of the deceased Ram Lal Meena, beyond reasonable doubt.
- o) The Trial Court noted at the outset that there is no ocular evidence and the present case is solely based on circumstantial evidence.



- p) The Trial Court noted that DD No.13A, marked as Ex. PW-1/DA, dated 25.03.2000 was recorded at Police Station, Punjabi Bagh and on the basis of the said DD entry, SI Ram Phal along with PW-9 reached the Flat No.16D/2, Railway Colony, East Punjabi Bagh, wherein, they found the dead body of the deceased Ram Lal Meena. Furthermore, SI Ram Phal inspected the spot and recorded his endorsement (Ex. PW-17/A) and a case was registered under Section 302 of IPC. The Trial Court also noted that during the investigation SI Ram Phal had died and his endorsement was proved by PW-17, who had identified his handwriting and signatures. The Trial Court took cognizance of the endorsement (Ex. PW-17/A) as it mentioned that the accused Heera Devi was present inside the room at the time SI Ram Phal had visited her house on receipt of DD No.13A on 25.03.2000.
- q) Further, SI Ram Phal also discovered both the hands of the deceased Ram Lal Meena tied with a plastic rope of blue colour. There were two circles and 3 knots; and the neck of the deceased Ram Lal Meena was also tied with a rope – there were four circles of the plastic rope and two knots, wherein, one circle was tied with yellow plastic rope. The Trial Court also noted that some blood had also oozed out from the mouth of the deceased Ram Lal Meena and the same had reached upto the right ear and his body was lying with the mouth towards the upper side.
- r) The Trial Court further noted that PW-9 corroborated the endorsement (Ex. PW-17/A) recorded by SI Ram Phal. PW-9 testified that both the hands of the deceased Ram Lal Meena were found tied with nylon rope and another nylon rope was found tightly



wrapped around the neck. The Trial Court also noted that the *Ruka* written by PW-17 which is exhibited as Ex. PW-9/A was taken by PW-9 to the Police Station for registration of the case, on the basis of which the FIR was recorded, which is exhibited as Ex. PW-9/B.

- s) The Trial Court pointed that PW-9 left the Police Station with SI Ram Phal at about 3 PM and they reached the spot within five minutes as the distance was within a kilometre. It further noted that PW-9 and SI Ram Phal were the first ones to reach the spot and the higher police officials had reached later.
- t) The Trial Court further noted that PW-1 was working as a duty officer at the Police Station from 9 AM to 5 PM and that she received the *Ruka* at about 4:45 PM, on the basis of which she recorded the FIR of the case.
- u) The Trial Court was of the opinion that there was absolutely no reason to disbelieve PW-17 on the point that when he had visited the spot at 3:30 PM, the accused Heera Devi was present at the flat where the dead body of her husband was lying. Further, the Trial Court noted that PW-3 had identified the dead body of the deceased *vide* his statement Ex. PW-3/A.
- v) The Trial Court further emphasised on the suggestion given by the learned counsel for the accused to PW-3 to which he denied that he had information about the murder even prior to the actual murder. Trial Court was of the opinion that the said suggestion given to PW-3 clearly showcases that even the defence calls the death of the deceased Ram Lal Meena as murder.
- w) The Trial Court noted that PW-4 was a very important material witness examined by the prosecution. PW-4 testified that the



deceased was his landlord and he had given one room to him on rent. Trial Court also noted that on 25.03.2000, PW-4 was on duty from 3 PM to 11 PM and he left his house at about 1:30 PM on that day. He further stated that the deceased was having liquor while roaming inside his house about 11 AM and he heard some strange noise from the deceased Ram Lal Meena's room as some articles were brought broken by somebody. PW-4 also stated that he saw Ram Lal Meena alive at 1 PM on 25.03.2000 before he left for his work.

- x) The Trial Court further recorded that it is nobody's case that Chaman Singh (PW-7) had killed the deceased. Further, neither the prosecution nor even the accused pointed any finger at him or to be responsible for the deceased Ram Lal Meena's death.
- y) The Trial Court noted that the accused Heera Devi in her statement under Section 313 CrPC admitted that on 25.03.2000, the deceased was at home and started drinking liquor since morning. Further, he didn't stop despite her request to not do so. Trial Court also noted that the accused Heera Devi pleaded that her husband, deceased was suffering from some chest disease and he used to drink liquor against medical advice.
- z) The Trial Court further noted that the presence of accused Heera Devi at home on 25.03.2000 along with her husband, deceased is not in dispute and it is also not in dispute that the deceased started having liquor since morning on that day itself and that he did not stop despite the request of the accused Heera Devi to not drink.
- aa) The Trial Court also took note of the submissions relating to the testimony of Chaman Singh (PW-7), wherein, he stated that on 25.03.2000 he was residing in Quarter No.D-16/4, Railway Colony,



East Punjabi Bagh, Delhi on the 4th floor. Further, the deceased also occupied a 4th floor quarter in the same building, where his unit being on the front side while PW-7's was located at the rear. PW-7 further deposed that around 12:30 PM, upon returning home, he observed accused Heera Devi and her husband Ram Lal Meena had broken the television. The Trial Court further recorded PW-7's testimony that around 2:30 PM, accused Heera Devi was seen crying outside her house, with neighbours and her children gathered around. She informed PW-7 that her husband Ram Lal Meena had committed suicide. Further, PW-7 relayed the information given by the accused Heera Devi regarding the suicide and informed Vijay Kumar (PW-6), who in turn made a call to the police control room.

bb) The Trial Court further noted that from the above evidence it is clear, that it was PW-6 who informed the police about deceased Ram Lal Meena committing suicide and accordingly, DD No.13A dated, 25.03.2000 was recorded and was subsequently not found correct by the police and SI Ram Phal registered a case under Section 302 of IPC against the accused Heera Devi.

cc) Further, the Trial Court took cognizance of the fact that there is no reason for PW-7 to make a false statement as he has no enmity with the accused Heera Devi and that there is no evidence of any kind that he might have made the statement at the instance of the brother of the deceased. Trial Court also noted that the evidence of PW-7 proves that the accused Heera Devi and the deceased were present at their house and the deceased was intoxicated since morning on that day and the same has also been proven by the FSL Report i.e. Ex. PB



which shows that on chemical examination, viscera and blood sample gave a positive test for ethyl alcohol.

- dd) The Trial Court further noted that the evidence of PW-7 proved that about 2:30 PM, accused Heera Devi was crying outside her house and she told PW-7 that her husband Ram Lal Meena had committed suicide. Whereas, the accused Heera Devi had taken the plea in her statement under Section 313 of CrPC that she was not present there and had left the house at 1/1:15 PM for her cousin brother Ganga Dhar's house, who was residing in Ashok Vihar Police colony Delhi and she only back from there at about 3:45/4 PM.
- ee) The Trial Court pointed out that a *prima facie* look at the photographs (Ex. PW-20/7-12) would show that both the hands of the deceased Ram Lal Meena had been tied with a plastic rope of blue colour and there were three circles with two knots. Further, the deceased Ram Lal Meena's neck also had been tied with plastic rope and there were four circles of the plastic rope with two knots. Also, one circle had been tied with a yellow plastic rope and some blood had also oozed from the mouth of the deceased and had reached upto the right ear.
- ff) The Trial Court further emphasised on the fact that none other than the deceased Ram Lal Meena and the accused Heera Devi were present at their house where the dead body of Ram Lal Meena was found. Further, PW-4 had seen the deceased alive at 1 PM and PW-7 saw the accused Heera Devi crying outside her house at 2:30 PM. It was also noted by the Trial Court that there is nothing on record to show that the accused Heera Devi made any attempt to report about the occurrence to the police though she informed others that her



husband committed suicide. Further, in cases like these, where direct evidence is not available, the conduct of the accused becomes quite material and the same shall be taken into consideration in order to adjudicate upon the truthfulness or otherwise of the prosecution case. Therefore, in the present case the conduct of the accused Heera Devi is setting others on the wrong track is admissible under Section 8 of the Evidence Act, as part of *res gestae* as evidence of conduct immediately after the occurrence.

gg) The Trial also dealt with the plea of *alibi* taken by the accused Heera Devi that she had left her house at 1/1:15 PM for her cousin brother Ganga Dhar's house and she only came back from there at about 3:45/4PM. The Trial Court relied on two judgments of this Court and examined the plea of *alibi* in the following way: (i) no suggestion was given to PW-4 that the accused Heera Devi had left her house at 1/1:15 PM for her cousin brothers house and that she came from only at 3:45/4 PM; (ii) no suggestion was given to PW-7 that the accused Heera Devi was not present at her house at 2:30 PM, whereas, PW-7 gave the statement that he saw the accused Heera Devi crying at 2:30 PM outside her house and that she only intimated the accused Heera Devi about her husband Ram Lal Meena committing suicide; and (iii) no suggestion was given to PW-9 that the accused was not present at her house at 3/3:05 PM when PW-9 had visited her house along with SI Ram Phal. Further, Trial Court also noted that the accused subsequently changed her counsel and it was only on 20.01.2001 when the IO of the case was being cross-examined that it was put to him that Ganga Dhar had met him on 25.03.2000 and informed him that the accused Heera Devi was in



house from 1 PM to about 3 PM. Therefore, the defence of *alibi* was dealt with and rejected by the Trial Court.

hh) The Trial Court was of the opinion that these various circumstances have been proved by the prosecution by un-impeachable evidence, when put together are not only of a conclusive nature but they also complete the chain so fully as to unerringly point only to the guilt of the accused Heera Devi and are not capable of any explanation which is not consistent with the hypothesis of the guilt of the accused. Further, the evidence brought on record by the prosecution is like a spiders web leaving no room for the accused Heera Devi slip away.

ii) Vide Judgment on Judgment on Conviction dated 27.11.2001 and Order on Sentence dated 28.11.2001, respectively the Trial Court convicted the Appellant herein for commission of offence punishable under Section 302 of IPC and the Appellant was sentenced to undergo imprisonment for life and also to pay a fine of Rs.1000/- and in case of default of payment of fine, she shall undergo further rigorous imprisonment for a period of three months for the commission of the offence punishable under Section 302 of IPC.

jj) It is these Orders passed by the Trial Court which are under challenge in the present Appeal.

4. Learned Counsel for the Appellant has submitted before this Court that the Trial Court has failed to appreciate: (i) that the investigation in the present case has been unfair, tainted and dishonest; (ii) that there is no ocular evidence and the entire case of the prosecution hinges on circumstantial evidence; and (iii) the Trial Court has overlooked the conduct



of the prosecution in misleading about the cause of death of the deceased and the same has been inferred adversely against the Appellant.

5. Learned Counsel for the Appellant submitted that the circumstances relied upon by the prosecution must be conclusively proved and the chain or circumstantial evidence should be so complete as to be not explainable on any other hypothesis than the guilt of the accused Heera Devi. He submits that this cardinal principle was not followed and as such the conviction is not sustainable.

6. He also submits that in cases of circumstantial evidence, motive has a pivotal importance and in the present case, there was no motive for the Appellant herein to kill her own husband. He further emphasised that there was no finding by the Trial Court about the existence of any motive and the only evidence on record is that the deceased had started drinking in the morning and continued drinking despite the request of the Appellant to not drink. Therefore, this could hardly be a reason for killing her husband and that the most material circumstance is missing in this case and the same is fatal to the prosecution case.

7. Learned Counsel for the Appellant has also shed light on the fact that there is no evidence on record between 12:30 PM and 2:30 PM to show that the Appellant was inside the house with the deceased. He also submitted that PW-4 did not depose that around 12:30 PM and 2:30 PM the Appellant was there with him. He also points out that it is the case of the prosecution that the deceased had died during this period and the prosecution was duty bound to establish that the Appellant was present inside the house during this period. He also submitted that this material circumstance was again missing.

8. He has further pointed out that the Trial Court should have accepted the plea of *alibi* of the Appellant as there was no necessity of making any



suggestions of this plea to the relevant witnesses in their cross-examinations. He also pointed out that when the witnesses themselves did not depose about a fact then where was the necessity to put such suggestions to them and the relevant witnesses were namely the IO and DW-2, and the suggestions were put to them as to whether the accused Heera Devi was at DW-2's house from 1:00 PM till 3:00 PM.

9. While concluding his arguments, learned Counsel for the Appellant has shed light on the alleged disclosure of the Appellant and recovery therefrom. In this context, he submits that the testimony provided by PW-17 in the Trial Court alone is adequate to discredit and disregard the alleged disclosure made by the Appellant. Further, he submitted that the IO had simply proved the disclosure statement (Ex. PW-4/B) memo and he has not deposed as to what information the Appellant had disclosed, which is legally necessary to be deposed under Section 27 of the India Evidence Act, 1872. Thus, this circumstance firstly not proved and then not put to the accused Heera Devi for explanation cannot be used against her.

10. *Per contra*, learned APP for the State has reiterated the arguments raised before the Trial Court. He has also contended that the Appellant has been convicted after a thorough appreciation of evidence. He has taken this Court through the evidence recorded before the Trial Court and has vehemently opposed the arguments advanced by the Learned Counsel for the Appellant. He states that the case of the prosecution has been proven beyond all reasonable doubt and the conviction should stand.

11. Heard learned Counsels for the parties and perused the material on record.

12. It is pertinent to mention that the Appellant herein had filed an Application being CRL.M. No.1295/2003 for suspension of sentence before



this Court. This Court *vide* Order dated 04.08.2003 was pleased to allow the said Application which reads as under:

“After hearing counsel for the parties and perusing the record, we suspend the sentence of the appellant Heera Devi during the pendency of the appeal subject to her furnishing a personal bond in the sum of Rs.10,000/- with two sureties of the like amount to the satisfaction of the trial court.

*Order be conveyed to the appellant through Superintendent, Central Jail, Tihar.
The applicant stands disposed of.*

Dasti.”

13. The case of prosecution in case must stand or fall on its own legs and it cannot derive any strength from the weakness of the defence. Indisputably, in the present case the conviction of the Appellant has been based on circumstantial evidence and in cases like these an onerous duty is cast upon the Courts to be cautious and to ensure that they do not rely on surmises or conjectures. Furthermore, the Courts must be extremely cautious to ensure that surmises or conjectures are not allowed to take place of legal truth. The Courts in cases such as these need to examine whether the circumstantial evidence casts such an interlocking web that excludes every other reasonable hypothesis consistent with the innocence of the accused and the guilt of the accused is the only possible inference. The Apex Court in the case of Dharm Das Wadhvani v. State of U.P., (1974) 4 SCC 267, while fleshing out the above position, has held as under:

“12. Shri Nuruddin Ahmed, Counsel for the appellant, rightly stressed that the prosecution edifice was built on circumstantial evidence only since no one had seen the accused mix strychnine with aspirin before serving



*the doctor. The critical rule of proof by circumstantial evidence, Counsel reminded us, is that such testimony can be the probative basis for conviction only if one rigorous test is satisfied. **The circumstances must make so strong a mesh that the innocence of the accused is wholly excluded and on every reasonable hypothesis the guilt of the accused must be the only inference.** Shri Nuruddin Ahmed suggested some maybes in the case excluding his client's culpability, and contended that the test of incompatibility with the innocence of the accused had not been fulfilled at all here. **As a proposition of law and commonsense, we agree that unlike direct evidence the indirect light circumstances may throw may vary from suspicion to certitude and care must be taken to avoid subjective pitfalls of exaggerating a conjecture into a conviction.**"*

(Emphasis Supplied)

14. The law regarding circumstantial evidence has been crystallised in the case of Sharad Birdhichand Sarda v. State of Maharashtra, (1984) 4 SCC 116, wherein the Apex Court has held as under:

"152. Before discussing the cases relied upon by the High Court we would like to cite a few decisions on the nature, character and essential proof required in a criminal case which rests on circumstantial evidence alone. The most fundamental and basic decision of this Court is Hanumant v. State of Madhya Pradesh [(1952) 2 SCC 71 : AIR 1952 SC 343 : 1952 SCR 1091 : 1953 Cri LJ 129] . This case has been uniformly followed and applied by this Court in a large number of later decisions up-to-date, for instance, the cases of Tufail (Alias) Simmi v. State of Uttar Pradesh [(1969) 3 SCC 198 : 1970 SCC (Cri) 55] and Ramgopal v. State of Maharashtra [(1972) 4 SCC 625 : AIR 1972 SC 656] . It may be useful to extract what Mahajan, J. has laid down in Hanumant



case [(1952) 2 SCC 71 : AIR 1952 SC 343 : 1952 SCR 1091 : 1953 Cri LJ 129] :

“It is well to remember that in cases where the evidence is of a circumstantial nature, the circumstances from which the conclusion of guilt is to be drawn should in the first instance be fully established, and all the facts so established should be consistent only with the hypothesis of the guilt of the accused. Again, the circumstances should be of a conclusive nature and tendency and they should be such as to exclude every hypothesis but the one proposed to be proved. In other words, there must be a chain of evidence so far complete as not to leave any reasonable ground for a conclusion consistent with the innocence of the accused and it must be such as to show that within all human probability the act must have been done by the accused.”

153. *A close analysis of this decision would show that the following conditions must be fulfilled before a case against an accused can be said to be fully established:*

(1) the circumstances from which the conclusion of guilt is to be drawn should be fully established.

It may be noted here that this Court indicated that the circumstances concerned “must or should” and not “may be” established. There is not only a grammatical but a legal distinction between “may be proved” and “must be or should be proved” as was held by this Court in Shivaji Sahabao Bobade v. State of Maharashtra [(1973) 2 SCC 793 : 1973 SCC (Cri) 1033 : 1973 Cri LJ 1783] where the observations were made: [SCC para 19, p. 807: SCC (Cri) p. 1047]

“Certainly, it is a primary principle that the accused must be and not merely may be guilty before a court can convict and the mental



distance between ‘may be’ and ‘must be’ is long and divides vague conjectures from sure conclusions.”

(2) the facts so established should be consistent only with the hypothesis of the guilt of the accused, that is to say, they should not be explainable on any other hypothesis except that the accused is guilty,

(3) the circumstances should be of a conclusive nature and tendency,

(4) they should exclude every possible hypothesis except the one to be proved, and

(5) there must be a chain of evidence so complete as not to leave any reasonable ground for the conclusion consistent with the innocence of the accused and must show that in all human probability the act must have been done by the accused.

154. *These five golden principles, if we may say so, constitute the panchsheel of the proof of a case based on circumstantial evidence.”*

15. An examination of the law as laid down by the Apex Court shows that the five *panchsheel* principles, first articulated in Sharad Birdhichand Sarda (supra), have withstood the test of time and continue to govern the field. These *panchsheel* principles have been re-affirmed by the Apex Court in subsequent decisions [See: Nagendra Sah v. State of Bihar, (2021) 10 SCC 725, Guna Mahto v. State of Jharkhand, (2023) 6 SCC 817, Sambhubhai Raisangbhai Padhiyar v. State of Gujarat, (2025) 2 SCC 399 and Ravi v. State of Punjab, (2025) 3 SCC 584].



16. In light of the settled legal principles and in context of the law as laid down by the Apex Court, this Court must assess whether the conviction of the Appellant based on circumstantial evidence can withstand judicial scrutiny.

17. Before advertng to the merits of the case, it is apposite for this Court to examine and evaluate the testimonies of the witness statements given before the Trial Court.

18. Phool Singh Meena, PW-4, tenant of the deceased stated that on 25.03.2000 he was present in his rented room until 1:30 PM and heard noise from the room of the deceased around 11:00 AM as if articles were being broken. He saw the deceased Ram Lal Meena, who was intoxicated, and also noticed that the TV in his house was broken. According to PW-4, the wife wrapped the TV in a sheet. Thereafter, PW-4 left for his duty and later, in the evening, the police visited him and took him for inquiry. Further, PW-4 claimed he did not witness the deceased beating his wife/accused Heera Devi and denied having stated to police that the deceased often quarrelled and assaulted her. He disputed suggestions that he had learnt of the death earlier, or that he witnesses interrogation or disclosure by the accused Heera Devi at the spot. PW-4 further stated that police detained him overnight, and denied collusion with the accused Heera Devi. Further, PW-4 last saw the deceased alive around 1:00 PM.

19. Chaman Singh, PW-7, neighbour of the deceased, deposed that around 12:30 PM on 25.03.2000 he saw the accused Heera Devi and the deceased standing at the door of their house and the deceased drunk. The accused Heera Devi told him that the deceased had broken the TV. Around 2:30 PM, he saw the accused Heera Devi crying and she informed him that her husband had committed suicide. He, along with other neighbours,



conveyed this information to Balbir Singh (PW-5), whose relative then informed the police. PW-7 stated that he was questioned about the incident only in June 2000 and denied having made several statements allegedly recorded in his police statement, including details regarding the accused Heera Devi crying, the crowd gathered, and the deceased being drunk. He also denied seeing any broken TV taken into possession by the police and disputed that he had been present in the house of the deceased at the relevant time. Further, he refuted suggestions of collusion or prior knowledge and stated that the police had asked him only basic particulars.

20. A comparative reading of the depositions of PW-4 and PW-7 clearly indicates that both these independent neighbours saw the accused present in the house during the crucial period between approximately 12:30 PM to 2:30 PM, thereby materially contradicting the plea of *alibi* taken by the defence. PW-4 categorically states that at about 11:30/11:45 AM, the deceased, who was visibly intoxicated, called neighbours including PW-7 into the house and they all noticed that the TV stood broken. PW-7 similarly confirms the same. Therefore, the evidence of these two witnesses, not only shows the presence of the Appellant Heera Devi inside the house well after noon but also demonstrates the existence of a quarrel and damage to household articles immediately preceding the death, thereby substantially weakening the defence is version of sudden suicide.

21. Constable Ramesh, PW-9, deposed that on 25.03.2000 he accompanied SI Ram Phal to Flat No.D-16/B, Railway Colony, where the dead body of Ram Lal Meena was found lying inside the room. He specifically observed that both hands of the deceased were tied with a nylon rope and another nylon rope was tightly wrapped around his neck. PW-9 took the *rukka* for FIR registration and returned with the copy of FIR to the



SHO. He further stated that they had initially received information that the deceased Ram Lal Meena committed suicide, but on reaching the spot they could not ascertain the cause of death. A crowd had gathered outside the building, though not outside the flat. PW-9 further stated that he and SI Ram Phal were the first to reach the spot and remained there for around 35-40 minutes.

22. Dr. Sarvesh Tandon, PW-11, performed the post-mortem on 26.03.2000, and noted multiple ligature marks around the neck and over the wrists. Further, internal examination revealed bruising, compression of neck tissues, and fracture/dislocation of the hyoid bone, with blood clotting and congestion. Fine froth mixed with blood was also present in the trachea. He further stated that stomach contents revealed smell of alcohol. He opined that the cause of death was asphyxia due to ante-mortem ligature strangulation, which was sufficient in the ordinary course of nature to cause death, and the time since death was approximately 22-24 hours. PW-11 expressly ruled out death by alcohol intoxication and denied that it was a suicide due to drinking, clarifying that this was a case of ligature strangulation and not accidental or self-inflicted.

23. A plain reading of the testimony of PW-9 indicates that the physical condition of the dead body, observed contemporaneously by PW-9, becomes important when evaluated in the post-mortem findings of PW-11. Further, PW-11, the doctor who conducted the autopsy, corroborated the presence of ligature material and ruled out death due to alcohol intoxication. When the on-spot observations of PW-9 and the medical opinion of PW-11 are read conjointly, the defence suggestion that the deceased committed suicide stands clearly falsified. The tying of both hands, ligature around the neck, presence of multiple marks, and fracture of the hyoid bone, taken together,



are wholly inconsistent with suicide and lead to the one reasonable inference of homicidal strangulation.

24. Inspector Ram Singh Chauhan, PW-17, deposed that on 25.03.2000, on receipt of wireless information regarding a suicide at Quarter No.16D/2, East Punjabi Bagh, Railway Colony. He reached the spot around 3:30 PM where SI Ram Phal and other police staff were already present. The deceased Ram Lal Meena was found lying inside a room with his hands tied and a nylon rope around his neck. The accused Heera Devi and some neighbours were also present. PW-17 proved the endorsement made by SI Ram Phal for registration of the FIR and stated that he conducted the inquest proceedings under Section 174 CrPC, recorded statements of witnesses identifying the body, and sent the body for post-mortem. He also prepared the site plan and recorded the statement of the accused. PW-17 further stated that during preliminary enquiries the accused Heera Devi allegedly disclosed having committed the murder of her husband Ram Lal Meena, whereafter she was arrested and her disclosure statement was recorded. On the basis of the said disclosure, a piece of nylon rope from the balcony and a pair of scissors from the kitchen were recovered and seized. A broken TV was also seized from the kitchen. PW-17 stated that after completion of local investigation he returned to the police station with the accused Heera Devi, and on the next day the body was handed over to the brother of the deceased Ram Lal Meena after post-mortem. PW-17 also stated that statements of material witnesses including PW-7 and PW-5 were subsequently recorded and the charge-sheet was filed against the accused Heera Devi.

25. A bare reading of the testimony of PW-17 materially reinforces the version emerging from PW-4 and PW-7. Like PW-7, PW-17 also places accused inside the house at the time of the incident and consistently refers to



the scene being discovered with the accused Heera Devi present, which directly weakens the plea of *alibi* subsequently set up by the defence. PW-7 had already stated that the deceased appeared intoxicated and that there was a quarrel regarding the broken TV and PW-17 further corroborates the fact that a broken TV was found and seized from inside the kitchen. Similarly, while PW-7 recounts that accused Heera Devi told neighbours that the deceased Ram Lal Meena had committed suicide, PW-17's description of the scene that particularly the tied hands and rope around the neck creates a factual circumstance inconsistent with a voluntary suicide and instead aligns with the prosecution's theory of homicidal strangulation. Furthermore, the subsequent disclosure, arrest and recovery of the rope and scissors at the instance of the accused Heera Devi, as stated by PW-17, also fits into the chain of circumstances already commenced through the initial observations of PW-4 and PW-7, thus giving internal consistency to the prosecution case.

26. Ashok Sengar, DW-1, only produced certain medical records to show that the deceased Ram Lal Meena was undergoing treatment for tuberculosis and was advised to abstain from alcohol. He further stated that the deceased Ram Lal Meena presented himself for treatment on 16.03.1999 and continued to take treatment upto 13.05.1999. He also produced an original X-ray pertaining to the deceased Ram Lal Meena.

27. A bare reading of the testimony of DW-1 indicates that the witness had no personal knowledge regarding the incident, nor did he depose anything about the circumstances of death. His testimony, therefore, remains wholly irrelevant to the core issue in the present case and cannot advance the defence theory of suicide.

28. Ganga Dhar, DW-2, deposed that he knew both the accused Heera Devi and the deceased Ram Lal Meena and the accused Heera Devi was



related to him being the daughter of his father's elder brother. He stated that on 25.03.2000 the accused Heera Devi had visited his house at Ashok Vihar around 1 PM and stayed there with her child till about 3 PM, after which he allegedly received information around 5:45 PM that some incident had taken place at the house of the deceased Ram Lal Meena. He then went to the spot and informed the police that the accused Heera Devi had been with him earlier in the day. Further, DW-2 admitted that his statement was not recorded by the police, that the phone message was received on his neighbours telephone number of which he could not recall, and that he visited the accused Heera Devi's house occasionally.

29. A bare perusal of the testimony of DW-2 indicates that he is closely related to the accused Heera Devi and admittedly visited her residence from time to time. He sought to provide an *alibi* by stating that the accused Heera Devi was allegedly at his house between 1 PM and 3 PM on the date of the incident. His version is uncorroborated, full of material omissions, and is rendered doubtful. Significantly, he is an interested witness, being related to the accused, and his testimony does not inspire confidence.

30. Consequently, the evidence of both DW-1 and DW-2 cannot be safely relied upon. DW-1's testimony is irrelevant, while DW-2's version is manifestly unreliable and appears to be a convenient attempt to create an *alibi*, unsupported by any independent evidence, and therefore fails the defence theory of suicide.

31. The internal examination of the Post Mortem Report conducted by PW-11 indicates: (i) bruising; (ii) compression of neck tissues; (iii) fracture/dislocation of the hyoid bone; (iv) blood clotting; (v) congestion; (vi) fine froth mixed with blood was also present in the trachea; and (vii) stomach contents revealed smell of alcohol.



32. The Post Mortem Report opines that the cause of death was asphyxia due to ante-mortem ligature strangulation, which was sufficient in the ordinary course of nature to cause death, and the time since death was approximately 22-24 hours.

33. In view of this Court, the tying of both hands, ligature around the neck, presence of multiple marks, and fracture of the hyoid bone, taken together, are wholly inconsistent with suicide and lead to the one reasonable inference of homicidal strangulation of the deceased.

34. In the present Appeal the evidences adduced by the prosecution witnesses does not suffer from material discrepancy, inconsistency or improbability for which there was any occasion to hold that the case sought to be made out by the prosecution was doubtful or the veracity of the witnesses was to be doubted.

35. After perusing the above-mentioned witness testimonies and the material on record, this Court is of the view that there is no substantive discrepancy in the case of the prosecution. Furthermore, a perusal of the evidence on record and the testimonies of witnesses establishes a complete chain of events. Upon reading the Judgment on Conviction dated 27.11.2001 and Order on Sentence dated 28.11.2001, respectively it is clear that the conviction of the Appellant herein under Section 302 of IPC is just and fair. In these circumstances, there is no reason to interfere with the decision passed by the Trial Court in convicting and the sentencing the accused person.

36. With the above observations, the present Appeal is dismissed along with pending Application(s), if any. The Appellant is directed to surrender forthwith, and if the Appellant doesn't surrender, the State is directed to take



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steps to ensure that the Appellant is taken into custody to serve the remaining part of their sentence. The bail bond is cancelled.

37. Let a copy of this judgment be transmitted to the Trial Court and the concerned Jail Superintendent for compliance.

SUBRAMONIUM PRASAD, J

VIMAL KUMAR YADAV, J

JANUARY 07, 2025

Prateek/JR