

State Vs. Lalit Kumar

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Court : Delhi

Decided On : Aug-08-2014

Judge : Pradeep Nandrajog

Appellant : State

Respondent : Lalit Kumar

Judgement :

§~6 * IN THE HIGH COURT OF DELHI AT NEW DELHI + CRL.L.P. 415/2014
STATE Represented by: Petitioner Ms.Aashaa Tiwari, APP for the State.
versus LALIT KUMAR Respondent Represented by: None. CORAM: HON'BLE
MR. JUSTICE PRADEEP NANDRAJOG HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

0808.2014 % 1. The State seeks leave to appeal against the order dated April 30, 2014 passed by the learned Additional Sessions Judge acquitting the respondent of the charge for offence punishable under Sections 302/201 IPC.

2. The prosecution case in nutshell is that on August 14, 2010 at 11.59 PM an information was received from PCR at PS Narela that a dead body of a woman was lying at the Pump House near DDA flats which was recorded by DD No.84/B. SI Devender Singh on reaching the spot noticed the dead body of a woman of 26-27 years. She had injury mark on her left parietal region and blood stained sky blue plastic katta was lying near the body. Blood was scattered all over the ground

and was flowing due to rain. Crime team inspected the spot, took the photographs and on the basis of the observations rukka was sent for registration of FIR. Identity of the deceased could not be established at that time.

3. On August 20, 2010 Geeta Devi and Sagar Kapoor came to the Police Station to lodge a missing report of Arti, Geeta Devi being the mother of Arti and Sagar her brother-in-law. When they saw hue and cry notice on the notice board of the Police Station, they identified the body to be that of Arti. As per the post-mortem report the cause of death was cranio cerebral damage as a result of fire arm injury. The investigation further revealed that the respondent and the deceased had illicit relations and on August 08, 2010 the deceased had gone to Tilak Nagar to the house of Pooja, wife of Sagar Kapoor. Respondent brought the deceased from there on his bike at 6.007.00 PM. On the way there were heated arguments and after reaching his house at Village Alipur respondent killed Arti by firing a shot on her and dumped the body near the pump house. Thereafter the respondent went to the PCO of Bharat Singh in Jahangir Puri on August 15, 2008 at 12.00 noon and informed that the dead body of a woman was lying near the pump house. It was also revealed during the investigation that the respondent made extra judicial confession. He was arrested and his blood stained clothes were recovered from his house which he was wearing at the time of offence. On the basis of these allegations charge sheet was filed and charge under Sections 302/201 IPC was framed against the respondent.

4. During the course of trial PW-4 Ashok Kumar in front of whom it was stated in the charge sheet that the respondent made extra judicial confession turned hostile and did not support the prosecution case. He also did not support the fact that the respondent met him in Maruti Van on August 14, 2010 at about 8.00 PM when it was raining and when he inquired about what was there in the bora lying in the van, the respondent stated that there were vegetables in the bora. He also denied that the respondent was perplexed on that day. He also denied that the respondent told him that he had thrown the pistol in Yamuna river after killing Arti or that he demanded money to engage a lawyer to defend him. He also denied the suggestion that the mobile connection No.9210223790 was in his name and used by the respondent who took the documents from him.

5. Further the case of the prosecution in the charge sheet was that the respondent got recovered his clothes at the time of alleged commission of crime which were blood stained. When the clothes were sent to FSL same were not found to be blood stained as per the FSL report Ex.PW-24/G. Even the floor scrapping and the pieces taken from the residence of the respondent were not found to be stained with blood vide report Ex.PW24/G.

6. Even PW-3 Tejpal who was brought in the witness box to depose about the respondent taking the Maruti Van No.HR51 2077 colour blue has also turned hostile and has also not supported the prosecution case. He has deposed that the police came to his house in the month of August/November, 2010 and took his signatures on the blank papers. The prosecution has not even been able to prove that the PCR call was made by the respondent from the PCO booth as PW-5 Bharat Singh failed to identify the respondent.

7. As regards the last seen evidence, PW-9 Geeta Devi deposed that her daughter Arti had gone to the house of her other daughter Pooja on August 13, 2010 but she did not depose anything about the respondent taking away Arti from the house. PW-21 Sagar Kapoor deposed that the respondent took Arti from his house on August 14, 2010 at 6.00-7.00 PM. However, the murder was committed at around 11.59 PM and thus there being a gap in the last seen evidence, the learned Trial Court rejected this piece of evidence also.

8. In view of chain of circumstances not being complete and erringly not pointing out towards the only hypothesis that the respondent was guilty, the learned Trial Court acquitted the respondent and rightly so.

9. From the discussion aforesaid it is amply clear that the prosecution has not been able to prove its case beyond reasonable doubt by proving the chain of circumstances conclusively and linking the chain. Thus we find no reason to grant leave to appeal.

10. Petition is dismissed.

11. TCR be sent back. PRADEEP NANDRAJOG, J.

MUKTA GUPTA, J.

AUGUST08 2014 vn

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