

State Vs. Anoop Singh

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Court : Delhi

Decided On : Aug-04-2014

Judge : Pradeep Nandrajog

Appellant : State

Respondent : Anoop Singh

Judgement :

\$~ 31 * IN THE HIGH COURT OF DELHI AT NEW DELHI + CRL.L.P. 342/2014
STATE Represented by: Petitioner Mr.Lovekesh Sawhney, APP for the State.
versus ANOOP SINGH Respondent Represented by: None. CORAM:
HON'BLE MR. JUSTICE PRADEEP NANDRAJOG HON'BLE MS. JUSTICE
MUKTA GUPTA

ORDER

0408.2014 % Crl.M.A.No.7961/2014 (Delay) 1. For the reasons stated in the application 32 days delay in filing the petition is condoned.

2. Application is disposed of. CRL.L.P. 342/2014 1. By the present petition the State seeks leave to appeal against the impugned judgment dated November 25, 2013 whereby the respondent Anoop Singh has been acquitted for offence under Section 302 IPC while the learned Trial Court convicted the co-accused Prem Singh for offence under Section 302 IPC.

2. Learned counsel for the State submits that the learned Trial Court ignored vital pieces of evidence which emerged during trial and failed to appreciate that Anoop Singh was in conspiracy with Prem Singh. The CDRs of the mobile phone of Prem Singh and Anoop Singh show that they were in continuous touch with each other and when Prem Singh had come from Aligarh to Delhi and lived in the house of Anoop Singh with his wife Poonam the deceased, Anoop Singh deliberately left the house with his son so that Prem Singh could commit the murder of his wife as planned by them. In a case of conspiracy the Court is required to see the incriminating evidence even against the co-accused.

3. We have heard learned counsel for the Petitioner and perused the Trial Court record.

4. The investigation was set into motion on May 27, 2011 on receipt of an information of murder of the niece of the informant at Tehkand Balmiki Mohalla, Gopal Ji Ka Makaan Near Railway Station at about 8.40 AM at PS Okhla Industrial Area. The same was reduced in writing as DD No.2A and marked to ASI Ranpal. On reaching the spot, he found the dead body of Smt.Poonam. He also found pieces of condom, one quarter bottle of whisky, one tumbler and two bottles of water and Limca near the dead body. In the meantime Dinesh Singh, brother of the deceased reached the spot and got recorded his statement on which FIR under Section 302 IPC was registered.

5. Dinesh Singh stated that he was a rag picker and the deceased was his younger sister married to Anoop Singh in the year 1998 who was employed in private security company. His sister had a son aged nine years. A day before i.e. on November, 26, 2011 at about 8.00 AM, he came to see his sister after attending marriage of his cousin sister. At about 11.00 PM he went to sleep on the roof of the house. On May 27, 2011 at about 4.00 PM when he came down due to the drizzling he noticed the door of the room of Poonam was shut. At about 5.30-5.45 AM he attended a phone call from Anoop Singh who asked him to wake up Poonam so that she could prepare meal for him. He knocked the door of the room of Poonam but got no response. Anoop Singh again called after 10-15 minutes and he again knocked the door but there was no response. He requested the lady

in the adjacent house to awake Poonam. When she entered inside, neck of Poonam was tied with some cloth. He also found body of Poonam too cold. He untied the knot of the cloth and noticed injury marks on her neck. Her clothes were lifted upward. Her underwear was visible. He tried to contact Anoop Singh but his phone was switched off. At about 8.00 AM Anoop Singh, his other family members who had gone to Nangloi returned. In the meantime, somebody called the police. He also found the mobile phone of his sister missing.

6. The learned Trial Court convicted co-accused Prem Singh on account of the DNA Finger Print report of the condom recovered from the spot, the alleles of which tallied with that of Prem Singh. Further Prem Singh was medically examined and he had fresh injury marks on him showing resistance. However, as regards Anoop Singh the learned Trial Court came to the conclusion that there was no evidence to connect Anoop Singh with the offence in question. It held that even as per the prosecution case Anoop Singh was not present on that night at the residence as had gone along with his son and other relatives to a marriage. Even the informant PW-5 Dinesh Singh stated that the relations of Anoop Singh were very cordial and Poonam had no complaint against her husband. Thus the prosecution had even failed to prove the motive. Anoop Singh was implicated for hatching conspiracy with Prem Singh on the strength of mobile phone records. We find that there is no evidence on record to show that the telephone belonged to Prem Singh from which alleged calls were made to Anoop Singh. In the absence of any proof of agreement between Anoop Singh and Prem Singh we are of the considered opinion that the learned Trial Court committed no error in acquitting the respondent.

7. Leave to appeal petition is dismissed.

8. Trial Court record be sent back. PRADEEP NANDRAJOG, J.

MUKTA GUPTA, J.

AUGUST04 2014 vn

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