

Roop Madan Vs. State

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Court : Delhi

Decided On : Nov-01-1996

Reported in : 1997IAD(Delhi)687; 65(1997)DLT14; 1997(40)DRJ109

Judge : S.K. Mahajan, J.

Acts : [Code of Criminal Procedure \(CrPC\) , 1973](#) - Sections 438

Appeal No. : Criminal Miscellaneous Appeal No. 2782 of 1996

Appellant : Roop Madan

Respondent : State

Advocate for Pet/Ap. : Dinesh Mathur,; Ramesh Gupta,; Satish Tamta and;

Judgement :

S.K. Mahajan, J.

(1) On 18th October, 1996, one Mr.Brady informed the police at about 10.50 p.m. that his daughter had died in H.No.179-C, Pocket C, Sidhartha Extension, New Delhi. The deceased Sharon Brady was the daughter of Andrew Brady and Ms.Linda Brady. Andrew Brady and Ms.Linda Brady were, however, living separately as their marriage had been dissolved by a decree of divorce. Mr.Brady was informed by his son that Sharon was hanging with fan and on receipt of this information, he reached the house at about 9.30 p.m. where he found his daughter

dead. Linda Brady came back home at about 10.30 p.m. and she claimed that she had spoken to the deceased at about 3.30 p.m. on that day and she had appeared to be normal. A suicide note was alleged to have been found which was handed over to the police by Trever, brother of the deceased. Statement of Linda Brady was recorded by the police at about 11.45 a.m. Fir was recorded on 22nd October, 1996 on the basis of the earlier statement of Linda Brady recorded on 19th October, 1996 at 11.45 a.m. The suicide note alleged to have been left by the deceased reads as under:-

'TOWHOM So Ever It May Concern

I am holding Roop Madan responsible for my death. Yes I was aware of his marriage but it's out of my patience, my physical and mental ability to carry on with him any more. He promised to marry me but won't do so now because he just cannot divorce her. He used, abused and emotionally black mailed me. He never once was interested in ever marrying me. Now after I'm dead and gone he would not be able to denude me any further. I also hold him responsible for the death of my two children. He killed them to have a child with her. After the abortion, I was mentally tortured by him and I am actually sick of living in this world. If he is also living and sharing it with her, I rather die. I hope Roop has a conscience and ultimately leaves her. If he still doesn't after my death, then I believe this world is not worth living in for people like him will continue exploiting women other than their wife. I hate you Roop for all the wrongs you have done to me. I will see you in hell. sd/- (SHARON BRADY)

P.S. I love you Roop more than my life. (Isn't it ironic)

Abetment of a thing.--A person abets the doing of a thing, who--First.--Instigates any person to do that thing; orSecondly.--Engages with one or more other person or persons in any conspiracy for the doing of that thing, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that thing; orThirdly.--Intentionally aids, by any act or illegal omission, the doing of that thing.Explanation 1.--A person who, by willful misrepresentation, or by willful concealment of a material fact which he is bound to disclose, voluntarily causes or procures, or attempts to cause or procure, a thing to be done, is said to instigate

the doing of that thing.Explanation 2 : Whoever, either prior to or at the time of the commission of an act, does anything in order to facilitate the commission of that act, and thereby facilitates the commission thereof, is said to aid the doing of that act.'

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