

Raghu Nandan Vs. State

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Court : Delhi

Decided On : Dec-16-2014

Judge : Pradeep Nandrajog

Appellant : Raghu Nandan

Respondent : State

Judgement :

§~3 * IN THE HIGH COURT OF DELHI AT NEW DELHI % Date of Decision : December 16, 2014 + CRL.A. 1267/2013 RAGHU NANDAN Represented by: Appellant Mr.Siddhant Srivastava, Advocate versus STATE Represented by: Respondent Ms.Aashaa Tiwari, APP for the State with Insp.Tarkeshwar Singh, SHO PS Nand Nagri with SI Somil Sharma CORAM: HON'BLE MR. JUSTICE PRADEEP NANDRAJOG HON'BLE MR. JUSTICE R.K.GAUBA PRADEEP NANDRAJOG, J.

(Oral) 1. Learned counsel for the appellant, to be fair to him, has nothing much to argue in the instant appeal, which lays a challenge to the decision dated August 01, 2013 passed by the learned Trial Judge convicting the appellant for having murdered his wife and for injuring his daughter Naina with the knife used by him to cause the fatal life threatening injuries to his wife. Vide order on sentence dated August 03, 2013, for the offence of murder, the appellant has been sentenced to undergo imprisonment for life with a direction that the case of the appellant for remission would not be considered before he serves actual sentence of twenty

years. Fine in sum of `5000/- (Rupees Five Thousand only) has also been imposed and in default of which it has been directed that the appellant shall undergo imprisonment for six months. For the offence punishable under Section 324 IPC concerning injuries inflicted on Naina, the appellant has been awarded rigorous imprisonment for a year. He has also been directed to pay fine in sum of `5000/- (Rupees Five Thousand only), in default to undergo imprisonment for three months.

2. It is an open and shut case against the appellant and this is the reason why his counsel has nothing to argue.

3. As deposed to by Subhash Singh PW-10, he resides in house No.B- 4/18, Nand Nagri, Delhi. The appellant with his family was residing on the first floor of the neighbouring house B-4/16, Nand Nagri, Delhi. In the intervening night of July 14 and 15, 2010, at around 2:00 AM, Subhash Singhs sleep was broken as he heard cries of rescue (Bachao-Bachao). He immediately rushed to the place wherefrom the shrieks were emanating. It was the first floor of B-4/16, Nand Nagri. He saw the accused with blood on his hand and a blood stained knife Ex.P-1 in his hand. The appellant ran towards the bus stand where bus of route No.212 would stop in the colony.

4. Nothing has been pointed out to us to discredit Subhash Singhs testimony.

5. Ct.Anita PW-11 deposed that she was posted at the Police Control Room in the intervening night of July 14 and 15, 2010. At 2:17 hrs. in the middle of the night, one Subhash Singh rang up the Police Control Room and informed that a man has stabbed his wife at house No.B-4/16, Nand Nagri, Delhi and ran away with the knife in hand, which information she recorded in the PCR form Ex.PW-11/A.

6. Indeed, Ex.PW-11/A recorded at 12:17:21 hrs. i.e. the middle of the night, records facts as deposed to by Ct.Anita.

7. So contemporaneous is the recording in the PCR form Ex.PW-11/A, that the appellant has nothing to argue, if the prosecution could prove that he and his wife : the deceased named Meena, were residing on the first floor of house No.B-4/16,

Nand Nagri, Delhi.

8. Subhash Singh PW-10 has deposed that he saw the appellant running away from the house towards the bus stand with blood on his hand and a blood stained knife in his hand. HC Satbir Singh PW-12 informs us as to where the appellant landed up. As deposed to by HC Satbir Singh the appellant reached police station Nand Nagri. HC Satbir Singh was the duty officer. He recorded DD No.49A, Ex.PW-12/A. He recorded therein what was told to him by the appellant. It contains a confession by the appellant that he murdered his wife. It contains the motive for the crime. As per law declared by the Supreme Court in the decision reported as AIR 1966 SC119Aghnoo Nagesia vs.State of Bihar, the evidentiary value of DD No.49A is only that the appellant was at the police station at 2:10 AM. He was seen with blood on his hand. He had with him a blood stained knife in his hand which was taken into possession by HC Satbir Singh. His clothes were stained with blood which were seized. The confession and the motive for the crime are inadmissible evidence.

9. The knife Ex.P-1 is graphically revealed in Ex.PW-12/B, drawn up by Insp.Narender Singh Rana PW-20. It is a kitchen knife with blade length of 26 cm. At the hand the width is 2.8 cm. The knife tapers towards the tip. The length of the handle is 13 cm.

10. The next in line of the contemporaneous witness, relevant to take the story forward, would be Insp.Narender Singh Rana PW-20, the SHO of the concerned police station, to whom the duty officer who recorded DD No.50A Ex.PW-12/C, on receiving information transmitted from the Police Control Room by Ct.Anita PW-11. As deposed to by him, he reached the house in question where he met the children of the appellant : Dhiraj, Deepak and Naina, the first two being sons and the third a daughter. He also met Ram Bharose PW-9, the father of Meena, who was the owner of the building in question. He was residing on a part of the first floor. In the other part his daughter Meena and the appellant with their children were residing. Being the eldest child and a person injured, Insp.Narender Singh Rana, recorded Nainas statement Ex.PW-2/A, in which she informed that the house belonged to her maternal grandfather and she alongwith with her parents

and siblings were residing on a part of the first floor. In the remainder her maternal grandfather was residing. Her father used to suspect the character of her mother and on the unfortunate day i.e. the intervening night of July 14 and 15, 2010, her father returned home around mid-night. Her brothers were sleeping. She also went to sleep and within 10-15 minutes heard shrieks of her mother. Her brothers also woke up. Her father who used to sell vegetables was stabbing her mother with a knife which he used to cut jackfruit. Her father was cutting the neck of her mother when she first saw the two. He also cut the wrist of the left hand of her mother. He repeatedly stabbed her mother. As she tried to intervene, her father inflicted knife blow on her right hand. Thereafter her father ran away. Her Nana and Nani came. Making an endorsement Ex.PW-20/B beneath the statement Ex.PW-2/A of Naina, Insp.Narender Singh Rana got the FIR Ex.PW-12/D registered.

11. Statements of Nainas siblings Dheeraj and Deepak as also that of Ram Bharose, the maternal grandfather of Naina were recorded. The statement of Subhash Singh was also recorded thereafter.

12. At the trial, the three children have corroborated each other. Dheeraj as PW-1, Naina PW-2 and Deepak PW-4 have corroborated what was told by Naina in her statement Ex.PW-2/A, contents whereof we have briefly recorded hereinabove. Subjected to cross-examination the three child witnesses have withstood the test of cross-examination and nothing has been pointed out to us wherefrom it can be said that the three child witnesses have been discredited. Their maternal grandfather Ram Bharose has appeared as PW-9. He has corroborated the testimony of the three child witnesses, of the appellants suspecting the fidelity of his wife : the deceased Meena. He has deposed that in the unfortunate night he heard shrieks of his daughters children. He found the door latched from outside. When he opened the latch he saw his daughter lying dead and his granddaughter Naina with an injury on the palm of her left hand. The children were crying that their father had killed their mother.

13. Nainas MLC Ex.PW-6/C, authored by Dr.Ajay Kumar but proved at the trial by Dr.P.Ram PW-6, because Dr.Ajay Kumar had left GTB hospital, records that Naina was given medical treatment for an open lacerated wound about 5 cm long,

situated on the upper part of the right forearm. Naina was obviously injured. Her claim that the injury was caused by her father is corroborated from the MLC. Appellant Raghunandan was also got medically examined same night because he had an injury on the right middle finger of his hand and had an abrasion over the left wrist. Dr.P.Ram PW-6 had examined him at 5.50 AM at GTB Hospital and had referred him to the Sr.Resident, Surgery, because the appellant had an incised wound on the right middle finger 3.5 cm. x .5 cm. and required suturing. The same is recorded in the detailed report Ex.PW-6/B.

14. Learned counsel for the appellant, in the teeth of aforesaid evidence, has nothing to argue. It would be useless for us to note the further evidence of photographs taken at the scene of the crime, blood stained articles lifted from the house and serological report thereto connecting the blood of the deceased on the clothes which the appellant was wearing when he reached the police station, for the reason we have enough percipient evidence that Meena was appellants wife. She was brutally assaulted by the appellant in the matrimonial house in front of the children of the deceased and the appellant. In the process, the appellant received an injury on his hand. He even injured his daughter.

15. When incriminating circumstances were put to the appellant he admitted that he was in the house but claimed to be sleeping on the second floor. Unfortunately, the incriminating circumstance concerning injury on the appellant was not put to him and thus he was denied an opportunity to explain as to how he received the injury in question, and therefore we remove the incriminating circumstance of the appellant being found to be injured. But we have the testimony of Dhiraj, Naina and Deepak, the three children who saw the deceased being stabbed by their father. We have the testimony of Ram Bharose that the appellant was his son-in-law and was residing in two rooms given by him to his daughter and his son-in-law. We then have the testimony of Subhash Singh, a person who resides in neighbourhood and who was woken from his slumber due to the cries of appellants children and he saw the appellant running away, with blood on his hand and a blood stained knife in his hand. We then have the testimony of HC Satbir Singh that he took possession of the blood stained knife Ex.P1, which appellant voluntarily handed over to him and at that point of time he saw blood on the hands

of the appellant. The clothes of the appellant which were stained with blood were seized.

16. Before bringing the curtains down we note that Dr.Juthika Debbarma PW-3 conducted the post mortem of the dead body of Meena and the doctor noted as many as sixteen incised wounds. The neck of the deceased had been virtually severed from the torso. The injuries would show that the appellant simply went on slicing the neck like a brute. Some injuries on the hand are obviously defence injuries. The right hand has been virtually severed from the forearm at the wrist.

17. The brutal murder in front of the children by the appellant justifies the sentence imposed.

18. The appeal is dismissed. The appellants conviction as also the sentence imposed are upheld.

19. TCR be returned. (PRADEEP NANDRAJOG) JUDGE (R.K.GAUBA) JUDGE
DECEMBER16 2014 skb

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