

CNR no. DLNT01-009761-2021
Session Case no. 745/2021
FIR no. 610/2017
PS-Jahangir Puri
State Vs- Jubaida & Ors
U/s-302/3056/34 IPC

26/03/2022

Present :Sh. Sanjay Jindal, Id. Addl. PP for the State.
:All the three accused on bail with Id. counsel Sh. Mukesh Kumar.

It is submitted by Id. counsel for the accused persons that no offence is committed by the accused persons. He has relied on the statement given by the deceased before Id. MM u/s 164 CrPC dated 18/12/2017, wherein she stated that due to anger, she herself poured kerosene oil over her body and lit herself, but she did not know that it would cause such big damage to her. He has further stated that even the mother of the deceased namely Khairon, in her statement dated 15/12/2017 has stated that her daughter was very sensitive and used to get angry on trivial issues. Id. counsel has further stated that keeping in view the statement u/s 164 CrPC given by the deceased to Id. MM and the statement of her mother, the accused persons need to be discharged in the present case.

On the other hand, Id. Addl. PP for the State has submitted that the victim (since deceased) gave the cause of death in the MLC itself, wherein she had alleged that the accused persons poured kerosene on her and burnt her. Id. Addl. PP has further submitted that even the same statement was given before the concerned SDM on dated 15/12/2017.

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:2:

Heard. The alleged history in the MLC and the earlier statement before SDM were given by the victim (since deceased) herself. At this stage, they are of most importance. Perusal of MLC of victim Ayesha Bibi (since deceased) reveals that she gave alleged history of burn by kerosene by relatives. The victim further gave alleged history of burn due to kerosene by in-laws before SR Surgery. The MLC further reveals that victim was having burn marks over whole body except on both legs and partly area on abdomen. The nature of injuries were opined as dangerous from surgical side. The MLC death summary reveals that victim/deceased suffered TBSA homicidal flame burn and facial burn and died due to cardio pulmonary arrest due to said 70% TBSA homicidal burn and facial burns. In her statement recorded by the concerned SDM, the victim (since deceased) has submitted that on the day of incident i.e. 14/12/2017, she had an altercation with her *devrani* Sanjeeda (A-2 herein) and she abused her devrani during said altercation. She further stated that after that, she went to bathroom and in the meantime, after opening the door, her devar Sheikh Alam (A3 herein) and her devrani Sanjeeda (A2) had poured kerosene oil upon her and her *nanad* Jubaida (A1 herein) had burnt her with the matchstick as a result of which she got burnt severely. In her statement recorded by the police, she also specifically named all the three accused persons. Keeping in view the aforesaid facts and circumstances, prima facie

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:3:

case for the offence u/s 302/34 IPC is made out against all the accused persons as there is strong suspicion that they have committed the said offence.

Charge for the offence u/s 302 IPC has been framed separately against all the accused persons, to which, they have pleaded not guilty and claimed trial.

Put up for prosecution evidence on **29/07/2022. SDM and the husband of the deceased be summoned for the said date.**

(Shivaji Anand)
Addl. Sessions Judge: 04 (North)
Rohini Courts: Delhi:26/03/2022(A)