

**IN THE COURT OF MS. SHILPI M JAIN,
ADDL. SESSIONS JUDGE-06, SOUTH-WEST DISTRICT,
DWARKA COURTS: DELHI**

IN RE:

SC No. 440401/2016
CNR No. DLSW01-000667-2015
FIR No. 209/2015
PS Dwarka Sector 23
U/s 302/304-B/498-A/201/34 IPC



STATE VERSUS ASHWANI & ANR.

Date of committal	:	24.09.2015
Date of arguments	:	01.07.2026
Date of judgment	:	03.08.2026

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(Shilpi M Jain)
ASJ-06 (South-West)
Dwarka Courts/03.08.2026 (sk)

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BRIEF DETAILS OF THE CASE:

Sessions Case No.	440401/2016
FIR No. / Police Station	209/2015, PS Dwarka Sector 23
Offences	U/s 302/304-B/498-A/201/34 IPC
Name of accused persons and final decision	1. Ashwani @ Ashu S/o Sh. Bijender Singh R/o VPO Shahbad Mohmadpur, New Delhi-61 2. Bijender Solanki @ Khushi S/o Sh. Dayanand Solanki R/o VPO Shahbad Mohmadpur, New Delhi-61 <i>(Proceedings abated vide order dated 08.08.2024)</i>
Date of Judgment	03.08.2026
Plea of accused persons	Not Guilty
Final Order	Ashwani @ Ashu (Convicted for offence 302/201 IPC and Acquitted for offence 304B/498A IPC)

Date of Judgment	03.08.2026
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J U D G M E N T

1. The present Sessions Case arises out of FIR No. 209 of 2015 registered at Police Station Dwarka Sector 23, South-West District, Delhi under Sections 302/304-B/498-A/201 read with Section 34 of the Indian Penal Code, 1860 against accused persons namely Ashwani @ Ashu and Bijender Solanki @ Khusi. During the course of trial, the charges were framed vide order dated 03.11.2015 against both accused persons for the offences punishable u/s 302/304-B/498-A/201/34 IPC. During the pendency of the trial, accused Bijender Solanki had expired on 11.12.2022. Consequently, the proceedings against deceased accused Bijender Singh stand abated vide order dated 08.08.2024. The present judgment is being delivered in respect of the accused Ashwani @ Ashu.

SHORT TIMELINE OF THE TRIAL

2. A charge-sheet was filed on 02.05.2011 before the Learned ACMM, Dwarka Courts, against accused Ashwani @ Ashu and Bijender Solanki. After compliance with the provisions of Section 207 Cr.P.C., the case was committed to the Court of Sessions on 11.09.2015. Vide order dated 03.11.2015, charges were framed against both accused persons under Sections 302/304-B/498-A/201/34 IPC.

3. The matter was fixed for prosecution evidence. Twenty Nine witnesses were examined on behalf of the prosecution. During pendency of the trial, accused Bijender

Solanki had expired on 11.12.2022 and proceedings against deceased accused Bijender Singh stand abated vide order dated 08.08.2024. Prosecution evidence was closed vide order dated 14.10.2025. Statement of accused Ashwani @ Ashu under Section 313 Cr.P.C. (351 BNSS) was recorded on 21.02.2026. The matter was thereafter fixed for defence evidence. Accused Ashwani @ Ashu examined Sh. Ravinder Kumar Solanki and Ms. Babita as DW-1 and DW-2 respectively. Defence evidence was closed on 18.03.2026, the matter is fixed for final arguments.

CASE OF PROSECUTION

4. As per the charge-sheet, the facts of the present case are such that on 11.06.15, information was received at the local police station *via* DD No. 78B regarding admission of Jyoti W/o Ashu due to gunshot injury in Artemis Hospital Sec-20 Dwarka vide MLC No. 744/15. Upon receiving the above call, ASI Gajraj along with Ct Omprakash reached at Artemis Hospital where, they learned that Jyoti had been referred to Artemis Hospital Gurgaon for further treatment. ASI Gajraj obtained the injured's MLC No. 744/15, upon which the doctor had noted Fire Arm injury L/E entry wound present on Lt. Parietal region, Exit wound on Rt Parietal region + Brain Matter. Further examination of the MLC revealed that at the time of preparing the MLC, upon inquiry by the doctor, the injured Jyoti is brought by husband i.e. Ashwani @ Ashu, stated that she was shot on the roof of the house.

5. It is also mentioned in the charge-sheet that thereafter, ASI Gajraj along with Ct. Omprakash departed and

reached Artemis Hospital Gurgaon. Insp. Kamaldeep along with other police staff also met ASI Gajraj in Artemis Hospital, Gurgaon. The doctor declared the injured Jyoti 'Unfit for statement'. Thereafter, Insp. Kamaldeep along with staff departed and reached the address of the injured Jyoti Vill-Shahabad Mohammadpur, Delhi. There, upon inspection, in the first room of the house, an empty shell (casing) was found on the Right Side sofa, on the base of which "7.65" was engraved, and on the left side, a bedsheet patterned in Grey and Dark Brown with flower prints was found spread on a cot (*charpai*). Upon lifting and checking the bedsheet, blood was found on it, and towards the headrest on the Right side of the cot which was woven with woven-string (baan) ropes, blood was also found.

6. In the gallery, in front of the bathroom on the wall, at a height of about 5'11", there was a mark of a bullet impact, above and below which hair was found sticking, and on the lower part of the wall, tiles up to a height of about 3'5" were installed, which had a significant amount of blood on them. Bloodstains were also found on the floor below and on the tiles along the wall of the staircase. One empty shell was found lying in front of the bathroom, on the base of which "7.65 KF" was engraved, and outside the bathroom in the corner, one bullet lead was found. The blood on the tiles and floor appeared to have been wiped/cleaned using water and cloth. Further ahead in the lobby, a single sofa was kept, on the right arm of which a light yellow towel was kept with bloodstains on it. On the south side of the house, there is a drain through which water from inside the house

flows out; blood was found in the drain directly beneath the opening of the water pipe.

7. It is also mentioned in the charge-sheet that the Crime Team reached the spot, inspected the site and took photographs. No eyewitness was found at the scene. The claim made by accused Ashwani @ Ashu about the injured being shot on the roof was proven false upon inspecting the crime scene. Regarding this, ASI Gajraj prepared the complaint (*Tehreer*) and registered a case u/s 307/201/34 IPC & 25/27 Arms Act. Thereafter, ASI Gajraj inspected the site, prepared the site plan, and took Biological and Ballistic exhibits into police possession *via* memo (*Fard*). The statements of witnesses were recorded, and the whereabouts of accused Ashwani @ Ashu could not be traced during inquiries at the spot at that time, who had falsely reported the incident to have occurred on the roof, whereas in reality, the incident occurred inside the house whereas, the incident found to have taken place inside.

8. Upon suspicion, ASI Gajraj questioned accused Ashwani @ Ashu at Artemis Hospital, during which the accused Ashwani @ Ashu disclosed that he was not happy after marrying Jyoti and wanted more household items and a car in dowry. Due to not receiving the said items, he used to harass and beat Jyoti for dowry after marriage. On 11.06.2015, an argument broke out between the deceased Jyoti and accused Ashwani @ Ashu regarding his character and not bringing more dowry. As the fight escalated, physical violence took place between the accused and the deceased, after which accused Ashwani @ Ashu shot Jyoti in

the head with a pistol he had with him. The accused further disclosed that he had hidden the pistol used in the crime behind his house in a cattle shed and had returned home, which he could get recovered. Upon confessing to the crime, ASI Gajraj arrested the accused Ashwani @ Ashu on 12.06.2015 from Artemis Hospital Gurgaon and recorded his disclosure statement.

9. It is also mentioned in the charge-sheet that during inquiry, on the pointing out of the accused, ASI Gajraj recovered the pistol used in the crime from the cattle shed behind his house. During investigation, ASI Gajraj had the Hand Wash of accused Ashwani @ Ashu preserved. During treatment, the injured Jyoti remained Unfit for Statement. Upon receiving information of the death of the injured Jyoti from Artemis Hospital on 19.06.2015, ASI Gajraj got the dead body of the deceased Jyoti preserved at the DDU Hospital Mortuary. Since the death of the deceased Jyoti occurred within 6 months of marriage, the statement of Dayaram, father of the deceased Jyoti, was recorded before the SDM concerned, in which the deceased's father stated that his daughter Jyoti was murdered for dowry by her in-laws. The deceased's father alleged that Ashwani had demanded a Scorpio car from them, for which the accused and his father Bijender had sent their ID proofs through his deceased daughter Jyoti, and Jyoti was harassed at her in-laws' house to bring more dowry, and accused Ashwani @ Ashu often used to beat Jyoti.

10. It is also mentioned in the charge-sheet that on 21.06.2015, the post-mortem of the deceased Jyoti was conducted vide PM No. 818/15, after which the doctor preserved

the clothes worn by the deceased Jyoti and other exhibits, which were taken into police custody *via* memo (*Fard*). According to the PM report, there were a total of five injury marks on the body of the deceased Jyoti, which, besides the gunshot injury, included the fresh injury mark measuring 1.5X1.5 in the left eye. There were other fresh injury marks on the front and left shoulders of the deceased, as well as on the inner side of the deceased's left thigh there were injury marks. Blackening was present on the injury caused by the bullet shot to the deceased's head, which indicates that the bullet's trajectory on the head was downward and towards the left. During the post-mortem (PM), photographs of the deceased were also taken. According to the opinion of the doctor on the PM report, "*The cause of death is due to cranio-cerebral damage on the head via fire arm injury No. 1, which is sufficient to cause death in ordinary course of nature. Injury 2, 3, 4, and 5 are caused by blunt force trauma. All injuries are recent in duration and anti-mortem in nature. Manner of death is homicidal.*"

11. It is also mentioned in the charge-sheet that during investigation, Insp. Kamaldeep, recorded the statements of the deceased's father and brother Suraj. The father of the deceased produced the ID Proofs of Ashu and Bijender to him, Insp. Kamaldeep stating that these were the same ID Proofs sent through his daughter by accused Ashwani @ Ashu to purchase a Scorpio Car and transfer it under their name. In the produced ID Proofs, there was a photocopy of accused Bijender's ration card and photocopies of accused Ashwani @ Ashu's Voter ID and Aadhaar card, which were taken into police possession *via*

memo. During investigation, Insp. Kamaldeep, conducted inquiries with Veerpal S/o Nam Singh, the person who arranged the marriage of the deceased Jyoti and accused Ashwani @ Ashu. Upon inquiry, Veerpal stated that the deceased Jyoti's in-laws did not allow Jyoti to meet anyone. Veerpal had seen Ashwani @ Ashu arguing with his deceased wife Jyoti on his birthday, and Veerpal was also called several times by the deceased Jyoti's father, Dayaram, regarding the dowry demands made by Ashwani to Jyoti.

12. It is also mentioned in the charge-sheet that during the investigation, upon inquiry, the deceased Jyoti's brother, Suraj, stated that on 08.05.2015, when he went to his sister Jyoti's in-laws' house in Shahabad Mohammadpur to pick her up, seeing his sister troubled, he asked her the reason. Jyoti started crying but did not say anything. However, accused Ashwani @ Ashu broke the gold chain worn around his own neck and demanded a gold chain weighing four tolas, and also gave photocopies of ID Proofs to buy a Scorpio Car and transfer it under his name. Insp. Kamaldeep, recorded the statements of the witnesses. During the investigation of the present case, it was revealed that cases of "MO Women" and disputes were already registered against accused Ashwani @ Ashu. On 12.07.2015, the accused Ashwani @ Ashu's father Bijender @ Khusi was arrested in the present case. Upon interrogation, he stated that he and his son do not do any work/business and barely manage expenses from the money received as rent. His daughter was studying nursing in a hostel in Farrukhnagar, Haryana and on the night of the incident, she was at her hostel in Farrukhnagar, Gurgaon,

Haryana. On 11.06.2015, after having dinner, he went up to the roof, after which noise from a fight between Ashu and Jyoti could be heard from downstairs. Then, sounds of two gunshots were heard. On going downstairs to check, Ashu was standing holding a pistol, and Jyoti was writhing on the floor. Blood was spilled on the floor and walls. Thereafter, both of them placed Jyoti on the cot (*charpai*) kept outside, after which Ashu went to hide the pistol, and he attempted to wash the blood on the floor with water.

13. It is also mentioned in the charge-sheet that during investigation, Insp. Kamaldeep, also conducted inquiries regarding other suspects i.e. Santara Devi, Arun and Ravinder. Investigation revealed that all the above-mentioned suspects reside separately in their own respective houses and were not living with Ashu and the deceased. It was found during questioning that only four months had passed since the marriage and the suspects and accused persons are relatives who were present at their respective homes at the time of the incident. All the Biological and Ballistic exhibits seized in the present case have been submitted to FSL Rohini, Delhi for examination, the results of which are still awaited and will be presented before the Court *via* a supplementary charge sheet. From the investigation conducted so far, the PM report, and the statements of witnesses, it is revealed that due to accused Ashu's criminal propensity and harassment of Jyoti for dowry, a major scuffle took place between Ashu and Jyoti on 11.06.2015. According to the post-mortem report, the deceased sustained 5 injuries, and during the medical examination of the accused, injury marks were also

found on his face. Accused Ashu first fired with the intention to kill, but the deceased escaped and that bullet hit the wall in front of the bathroom instead of the deceased.

14. It is also mentioned in the charge-sheet that then, the accused overpowered the deceased Jyoti near the bathroom, placed the pistol against her head, and fired. Hearing the gunshot sound, accused Bijender came downstairs. Both of them laid the injured Jyoti on the cot kept outside. Thereafter, accused Ashu went to hide the pistol, and accused Bijender attempted to clean the blood lying on the floor. Sufficient evidence fit for trial has been found on the record against both the accused Ashwani @ Ashu u/s 302/304B/498A/201/34 IPC & 25/27 Arms Act, and against accused Bijender @ Khusi u/s 302/304B/498A/201/34 IPC. In the present case, no solid evidence was found against the other accused persons, namely Ravinder, Santra Devi, Arun and Nikita. Against the aforementioned accused persons, there are only allegations levelled by the father of the deceased Jyoti. Therefore, the aforementioned accused persons have been kept in column Nos. 12(A) to 12(D) of the charge sheet. Thus, the charge sheet in the present case has been prepared and filed before the Court. Thereafter, supplementary charge-sheet was also filed regarding FSL Result of biology, physics and ballistic division.

CHARGES FRAMED

15. After hearing arguments on the point of charge and on the basis of prima facie evidence on record, charges were framed on 03.11.2015. The charges framed are as under:

- i. That on 11.06.2015, at about 9.30 p.m., at house of accused Ashwani @ Ashu at Gali Bharnna Kuan*

opposite Pole No.B-11, Village Shahabad Mohammadpur, New Delhi, within the jurisdiction of PS Dwarka Sector-23 you both in furtherance of your common intention committed murder of one Jyoti w/o Sh. Ashwani, aged about 22 years by fire Arm i.e. country made pistol, and thus, thereby you both committed an offence punishable U/s 302/34 IPC and within the cognizance of this Court.

- ii. That on the 29.01.2015 deceased Jyoti got married with you accused Ashwani @ Ashu and on 11.06.2015, at about 9.30 p.m. you accused Ashwani @ Ashu being the husband of Jyoti and you accused Bijender Solanki @ Khusi being the father-in-law of Jyoti harassed her for demand of dowry made by you both and caused her death and that the said death had occurred within seven years of marriage otherwise under normal circumstances, and thereby you both committed an offence punishable under Section 304B/34 IPC and within my cognizance.*
- iii. That on or before 29.01.2015 at house of accused Ashwani @ Ashu at Gali Bharnna Kuan opposite Pole No.B-11, Village abadi Mohammadpur, New Delhi within the jurisdiction of police Dwarka Sector-23, you both and in furtherance of your common intention being the husband and father-in-law, subjected the deceased Smt. Jyoti with cruelty for the purpose of demanding dowry, during her stay at aforesaid matrimonial home and thereby you both committed an offence punishable under Section 498A/34 IPC and within my cognizance.*
- iv. That on the above said date, place and time, within the jurisdiction of PS Dwarka Sector-23 you both in furtherance of your common intension cleaned the blood from the spot in order to cause disappearance of evidence of the offence which was committed by both of you and you both thereby committed offence U/s 201/34 IPC and within the cognizance of this Court.*

16. Both accused persons pleaded not guilty to the charges framed against them and claimed trial. The prosecution was directed to lead evidence in support of the charges.

EVIDENCE LED BY THE PROSECUTION

17. In order to substantiate the charges framed against the accused persons, the prosecution examined as many as 29 witnesses. The evidence led by the prosecution is detailed hereunder:

PW-3 Sh. Daya Ram (Father of deceased)

18. PW-3 Sh. Daya Ram deposed in his examination-in-chief that he is father of the deceased Jyoti. He is a farmer by profession. He has two sons and three daughter including deceased. Jyoti was his youngest daughter. On 29.01.2015, he had married his daughter with Ashwini S/o Bijender, who are the residents of Village Shahbad Mohammadpur, Delhi. In the marriage, he had given dowry articles including electronics items and household articles. He had spent approximately Rs.14 Lacs on the marriage of his deceased daughter. After about 15-20 days of marriage i.e. on 08.05.2015 his son Suraj had gone to matrimonial house at Shahbad Mohammadpur of his daughter Jyoti to bring her and when Jyoti reached at his house, she threw the gold chain which he had gifted to accused Ashwini in marriage and told him that the weight of chain is very less and it should have been at least of 4 tola. She also handed over him one copy of ration card, aadhar card and voter ID card and told him that to purchase a Scorpio car in the name of accused Ashwini on the basis of said documents.

19. PW3 further deposed that accused Ashwini had warned her to either bring Scorpio car or not return back to matrimonial home. Jyoti further told him that Ashwini alongwith his cousin Arun @ Anuj, son of uncle (tau) of Ashwini, consume liquor till late hours in the nights and after consuming liquor they used to harass her, They both used to pressurize her for bringing Scorpio car as soon as possible. Jyoti's mother-in-law had already expired prior to her marriage. Her grand mother-in-law, who is since alive, her sister-in-law Nikki and her aunt (mother of abovesaid Anuj) used to taunt Jyoti and extort that "*kaise kanglo se paala pada hai, jab Ashwini ko hi gaadi nahi mili to Anuj ko kahan se gaadi milegi*".

20. PW3 further deposed that on 09.05.2015, accused Ashwini, his uncle Netrapal had come to his village and took Jyoti to her matrimonial home in a car which was being driven by a driver. He requested Netrapal to take care of Jyoti as some complaints were being heard about not bringing of sufficient dowry. After about 10 days, it was a Sunday at about 10:00 a.m., he visited the matrimonial house of Jyoti at Shahbad Mohammadpur and found accused Ashwini, accused Bijender, Bijender's brother Ravinder, Wife of Ravinder, son of Ravinder namely Anuj, grandmother-in-law of Jyoti were sitting together. He greeted them but they made fun of him. Aunt of Jyoti (Ravinder's wife) asked Jyoti to bring water for doing some custom of new car saying that "*Jyoti paani le aa gaadi ke paanv thande karne ke liye*". Thereafter, Jyoti and her sister-in-law Nikki came out from the house adjacent to the matrimonial house

of Jyoti, which belongs of Ravinder. Jyoti was carrying a bucket of water in one hand and mop for clearing toilet in other hand. On seeing him, Jyoti started weeping and he asked her as to why she was crying. She told him the work of cleaning toilets of all the house was her responsibility. Thereafter, he requested the abovesaid persons that he is a poor person and he cannot fulfil their demand of car. He remained there for about half an hour and with an assurance for making the arrangement for a car he took 15-20 days time from them and he returned to his village.

21. PW3 further deposed that on 09.06.2015, he made a telephonic call to Jyoti at about 10:00 p.m. on the mobile number of Ashwini i.e. 8802157175 from his mobile no. 9671826602 to know about her well being. The phone was picked up by accused Ashwini and handed over the phone to Jyoti. It appeared that Jyoti was under pressure. She only told him that she was alright and asked about his health. On 11.06.2015 at about 10:30 p.m., a call was received by him from Nikki (sister-in-law) from mobile on. 9818343027 on his abovesaid mobile number and she told him to talk to her grand mother (*daadi saas* of Jyoti). He heard the weep of grandmother-in-law over phone. She asked him to come as soon as possible as Jyoti was vomiting of blood. Thereafter, phone got disconnected. To satisfy himself, he called back on the mobile phone of Ashwini i.e. on 8802157175 from his mobile phone which was picked up by Ravinder, *Tau* of Ashwini who told him that Jyoti was admitted in Artmis Hospital, Sector-20, Dwarka and asked him to contact one Rakesh on his mobile bearing connection no. 93100***, he is not able to recollect the complete number. He called at the said

number. Said Rakesh picked up the phone and told him that my daughter Jyoti was admitted in Artmis Hospital, Gurgaon and she was quiet well and also told him not to worry and asked him to come as he feel easy.

22. PW3 further deposed that on 12.06.2015 at about 7:30 a.m., he alongwith his son Suraj reached at Artmis Hospital, Gurgaon in a car which was hired by them. After making enquiries at Artemis Hospital, they contacted the attending doctor of Jyoti who told them that Jyoti had received a gunshot injury in her head and she was at the verge of death. He alongwith his son Suraj and his brother, who reached the Artmis hospital on hearing the news, remained in Artmis Hospital as attendants till 19.06.2015. During that period, they had no talk with Jyoti. On 19.06.2015 at about 11:00 a.m. they were informed by the concerned doctor namely Dr.Anand Sharma that Jyoti was no more. Thereafter, one Sub Inspector namely Rajinder and some other police officials of Delhi Police of PS Sector-23, Dwarka, who remained there in the hospital during abovesaid period, got removed the dead body of Jyoti to DDU hospital for post-mortem. Thereafter, SI Rajinder took them to PS Sector-23, Dwarka for recording of statement.

23. PW3 further deposed that the concerned SHO told them that on the said date it was not possible to record their statement and told them that their statement would be recorded on the next day by the SDM. Thereafter, they returned back to home. On 20.06.2015, he alongwith my his Suraj, his brother Dharambir and 2-3 other persons came to PS Sector-23, Dwarka

and from there they were taken to Kapashera Border, in the officer of SDM for getting their statement recorded. Thereafter, his statement Ex.PW3/A was recorded by the SDM in his own handwriting. SDM made enquiries from my his Suraj also and his son affirmed his statement and appended his signatures on the same.

24. PW3 further deposed that prior to conducting the post-mortem, his statement regarding identification of dead body Ex.PW3/B was recorded by the I.O. After the post-mortem dead body of Jyoti was handed over to them and they took the dead body to their village where she was cremated. During investigation of the case, he handed over the photocopy of ration card of Bijender, photocopy of voter ID Card and Aadhar card of Ashwini to the I.O. which were handed over to him by his deceased daughter Jyoti when accused persons had made demand of car. The said documents were taken into possession by the I.O. vide memo Ex.PW-3/C. The photocopies of ration card, voter ID card and Aadhar card are Ex.PW-3/C1 to Ex.PW-3/C3 respectively. He had also handed over wedding card Ex.PW3/D of Jyoti with Ashwini to I.O. which was taken into possession by the I.O. When Jyoti had visited his house after her marriage, she used to get beatings from the accused persons for not bringing sufficient dowry. In the marriage he had give cash of Rs.2.5 lacs also.

25. Thereafter, Ld. Addl. P.P. for the State asked leading questions from PW3 in which he admits the suggestion that when on 09.06.2015, he asked his daughter Jyoti over phone whether

there was any pressure upon her, she told him that accused persons were threatening her to kill.

26. Detail of other witnesses, documents exhibits and their broad Testimony can be summarised as below:

DOCUMENTS/ EXHIBITS	TESTIMONY
PW-1 Dr. Amit Arora (Rockland Hospital)	
Ex.PW1/A (EEG and Brain Map Analysis report of deceased Jyoti dated 15.06.2015)	PW-1 Dr. Amit Arora was posted as Associate Consultant in Neurology department at Artemis hospital, Sector-51, Gurgaon, Haryana. He deposed that on 11.06.2015, patient Jyoti was brought to Artemis hospital and further she was referred to department of Neurology. He conducted the EEG and Brain Map Analysis of Jyoti on 15.06.2015. His report of said date is Ex.PW1/A.
PW-2 Dr. Yashvir Dewan, (Artemis Hospital)	
Ex.PW2/A (Clinical Note regarding treatment of deceased Jyoti).	PW-3 Dr. Yashvir Dewan was posted as Director, Neuro Surgery, Artemis Hospital, Gurgaon, Haryana. He deposed that on 19.06.2015, patient Jyoti was referred to Neuro Surgery department in Artemis hospital who was admitted in the hospital on 11.06.2015. There was penetrating brain injury post gun shot injury. The patient was examined and treated in Neuro department by

	the Neuro team under his headship. A clinical note was issued by his team which is Ex.PW2/A.
PW-4 Dr. Deepshikha (DDU Hospital)	
Ex.PW4/A (Handwash of accused Ashwani @ Ashu vide Sr. No. 8870).	PW-4 Dr. Deepshikha was posted as Medical Officer at DDU Hospital. She deposed that on 12.06.2015 at about 11:55 a.m. accused/patient Ashwini @ Ashu was brought in the Casualty by Ct. Om Pal for hand wash of patient Ashwini @ Ashu. Accordingly, she took his hand wash and kept the same in container and sealed the same with the seal of CMO DDU Hospital. SheI handed over the same to Ct. Om Pal alongwith the sample seal. She took the handwash of patient vide serial no. 8870 vide Ex.PW-4/A.
PW-5 Dr. Nishit (DDU Hospital)	
Ex.PW5/A (Handwash of accused Ashwani @ Ashu vide Sr. No. 11524).	PW-5 Dr. Nishit was posted as SR in DDU hospital. On 21.07.2015 at about 11:50 a.m. patient Ashwini@ Ashu was brought in the Casualty by HC Ram Chander for hand wash of patient Ashwini @ Ashu. Accordingly, he took his hand wash and kept the same in container and sealed the same with the seal of CMO DDU Hospital. He handed over the same to I.O. alongwith the sample seal. He took the handwash of patient vide serial no.

	11524 vide Ex.PW-5/A.
PW-6 Sh. Suraj (Brother of deceased)	
	PW-6 Sh. Suraj is brother of deceased Jyoti who deposed that on 29.01.2015 his younger sister Jyoti married the accused. After marriage their life seemed peaceful initially. On 08.05.2015 he went to the accused's house in order to bring Jyoti home. Jyoti appeared unhappy and told him, her in-laws were pressuring them to bring a four-wheeler. As they were leaving, the accused Ashwani forcibly broke open and gave a gold chain to Jyoti and extorted from her the demand "<i>chaar tole ki chain lekar aana</i>." Accused Ashwani also handed him copies of his ID, Aadhar card and ration card and told him to bring a Scorpio whenever Jyoti next came to her matrimonial home. He reported this at home to his father. On 09.05.2015 Ashwani brought Jyoti back to his house. About 10–11 days later, his father visited their home. On 11.06.2015 he received a call from Ashwani's sister Nikki that Jyoti was unwell and admitted to Artemis Hospital, Gurugram. He was at work in Dhuhola, Palwal, and informed his father. On 12.06.2015 his father and he went to Artemis Hospital where the attending doctor told them Jyoti had been shot and she was admitted for

	nine days. Jyoti died on 19.06.2015. Her post-mortem was conducted at DDU Hospital. On 20.06.2015 they went to the SDM's office where his father's statement was recorded. He gave the same statement and signed it at point B. The post-mortem was completed on 21.06.2015 and Jyoti's last rites were performed.
PW-7 HC Hari Om (Duty Officer)	
Ex.PW7/A (Copy of FIR) Ex.PW7/B (Endorsement on Rukka) Ex.P11 (bag)	PW-7 HC Hari Om deposed that on 11.06.2015 he was posted in PS Dwarka Sector-23 as Duty Officer from 8:00 p.m. to 8:00 a.m. of 12.06.2015. At about 2:20 a.m. of 12.06.2015, he received rukka from Ct. Om Prakash sent by ASI Gajraj. On the basis of that he got recorded the computerized FIR Ex.PW7/A from CIPA computer operator, Lady Ct. Kamini. He also made his endorsement Ex.PW7/B on rukka. After registration of FIR he handed over the copy of FIR and original rukka to Ct. Om Prakash.
PW-8 Sh. Dharamvir (Uncle of deceased Jyoti)	
Ex.PW8/A (Statement regarding identification of dead body of deceased)	PW-8 Sh. Dharamvir (uncle of deceased Jyoti) deposed that he is a driver with Haryana Roadways. Deceased Jyoti, daughter of Dayaram, was his niece. She married accused Ashwani @ Ashu of Shahbad Mohammadpur

	on 29.01.2015. In May 2015 Jyoti came to their house and told them that her husband demanded a heavy gold chain and a four-wheeler, and that he had thrown away the wedding chain. On 11.06.2015 at about 9:10 p.m. his brother Dayaram informed him that Jyoti had fallen from the roof of her matrimonial home. On 12.06.2015 they went to her matrimonial home and then to Artemis Hospital, Gurgaon, where the doctor told them that she had been shot by her husband. On 19.06.2015 they learned that Jyoti had died. On 21.06.2015 her body was shifted to DDU Hospital mortuary for postmortem. He identified her dead body. The SDM recorded his brother's statement in his presence, and his identification statement was recorded as Ex. PW8/A.
PW-9 Sh. Netrapal @ Narender	
Ex.PW9/A (Road Certificate) Ex.PW9/B and C (Receipts regarding depositing of Pulanda with FSL)	PW-9 Sh. Netrapal deposed that on 11.06.2015, at about 8:30 to 8:45 p.m. he had reached at his house after cycling. At about 9:00 p.m. he was consuming dinner, during this course, he heard a noise like a fire cracker. ignored the same. After 10 minutes, his nephew Arun arrived and told him to take out his car from the house as something had happened to Ashu's wife who were residing in

	his neighbourhood. Thereafter, he took out his vehicle from his house where Ashu brought his wife namely Jyoti in injured condition and get her shifted in his car. Babita, Ashu and Ashu's uncle had also boarded his car and they took injured Jyoti to Artemis hospital, Dwarka, New Delhi. At that time blood was oozing out from the head of injured Jyoti. In the house of accused Ashwani @ Ashu, deceased Jyoti used to reside with her father-in-law namely Bijender Solanki. As per his knowledge, at that time accused Ashwani @ Ashu was unemployed.
PW-10 Retd. SI Surender Singh	
Mark-10/1 (statement of PW10)	PW-10 Retd. SI Surender Singh deposed that on 12.06.2015 he was posted as Incharge, Mobile Crime Team, South-West District, Sector-9, Dwarka. On receiving information about the incident, he, along with government photographer HC Suresh Kumar, Ct. Sumit (Fingerprint Proficient) and driver HC Naresh Kumar, proceeded to H.No.552, Solanki Mohalla, Shahbad Mohammadpur village, New Delhi. SHO PS Dwarka Sector-23, ASI Gajraj and other police personnel were present and the body of Smt. Jyoti had been removed to hospital. Blood was found on the floor, a cot, bedsheet, pillow and wall. Hairs were

	noted on the wall. One empty cartridge shell was on the sofa and another on the floor. Blood was also in the waste-pipeline outside. The photographer took site photographs and the IO seized the exhibits. He prepared the scene-of-crime report (Ex.PW10/1) and handed it to the IO, who recorded his statement.
PW-11 HC Suresh	
Ex.PW11/P (Colly) (26 photographs of place of incident) Ex.PW11/N (Colly) (Negatives of photographs of place of incident)	PW-11 HC Suresh deposed that in the intervening night of 11-12.6.2015, he was on duty in the mobile crime team as government photographer. SI Surender was the Incharge of the said crime team. A call was received from police control room that at Shahbad Mohammadpur, at 552 Solanki Mohalla, a bullet fire incident has taken place. They had reached at the said place. Incharge of their crime team inspected the spot. He took the photographs of the said place which were 33 in number. He has brought their negatives. 26 positives of photographs placed on the record are collectively Ex. PW11/P (colly). The negatives of the same are collectively Ex.PW11/N (colly). His statement was recorded by the IO.
PW-12 HC Om Prakash	

Ex.PW12/A: Seizure memo of empty cartridge cases; Ex.PW12/B: Seizure memo of hairs; Ex.PW12/C: Seizure memo of blood stains lifted from floor, Seizure memo of towel having blood stains, Seizure memo of blood stains lifted from naali; Ex.PW12/D: Seizure memo of country-made pistol; Ex.PW12/E: Arrest memo of accused Ashwani @ Ashu; Ex.PW12/F: Personal search memo of accused Ashwani @ Ashu; Ex.PW12/G: Disclosure statement of Ashwani @ Ashu; Ex.PW12/H: Sketch of country-made pistol; Ex.PW12/I: Sketch of two empty case cartridges; Ex.PW12/J: Seizure memo of lead recovered from spot; Ex.PW12/K: Seizure memo of clothes of deceased; Ex.PW12/L: Seizure memo of clothes of accused Ashwani @ Ashu; Ex.PW12/M: Seizure memo of hand wash of accused Ashwani @ Ashu; Ex.PW12/N: Seizure memo of two live cartridges	PW-12 HC Om Prakash proved certain formal proceedings and documents during investigation.
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PW-13 HC Rameshwar	
Ex.PW13/A (Copy of Register no. 19) Ex.PW13/B (Copy of Road Certificates)	PW-13 HC Rameshwar deposed that he was posted as MHC(M) at PS Dwarka Sector-23 from June 2015 to March 2017. On 31.07.2015 he handed over six sealed parcels to Ct. Lekh Ram for deposit in FSL Rohini vide RC No. 80/21/15. Ct. Lekh Ram returned the receipt/acknowledgement, and entries were made in Malkhana Register No.19. On 07.08.2015 he handed over 22 sealed parcels to Ct. Lekh Ram for deposit in FSL Rohini vide RC No. 88/21/15. Ct. Lekh Ram returned the receipt/acknowledgement, and entries were made in <i>Malkhana</i> Register No.19. While the case property remained in his possession it was not tampered with. He produced the original Register No.19 reflecting the above entries are Ex. PW-13/A colly. (OSR). Copies of the aforesaid RCs are Ex. PW-13/B colly. (OSR).
PW-14 Ct. Manjur Ali	
Ex.PW14/A (CPCR Form)	PW-14 Ct. Manjur Ali deposed that on the night of 11–12 June 2015, he was posted at CPCR PHQ and on duty from 8.00 pm to 8.00 am. At 22:24 hrs on 11.06.2015, he received a call from Dr. Sandeep of Artemis Hospital, Dwarka Sector-20, reporting a medicolegal

	case (MLC) of one Jyoti, who had sustained a gunshot injury and had been brought to that hospital. He recorded the information in the CPCR form (Ex. PW-14/A) and forwarded it to the wireless operator of Dwarka District for necessary action.
PW-15 Ct. Vinay Kumar	
	PW-15 Ct. Vinay Kumar deposed that on 19.06.2015, he was posted at PS Dwarka Sector 23. On the SHO's directions he went to Artemis Hospital, Gurugram, to keep watch on the injured Jyoti. After Jyoti's death, he took her body along with medical papers to DDU Hospital, handed the documents to ASI Gajraj, and deposited the body in the mortuary.
PW-16 HC Hardeep Singh	
Ex.PW16/A (Scaled Site Plan)	PW16 HC Hardeep Singh deposed that on 25.06.2015, he was posted as Asstt. Draughtsman in office of Mapping Section, Sec. 9, PS Dwarka South. On that day, he was called by IO/SHO Insp. Kamaldeep Singh and he alongwith him reached at the spot i.e. house of Ashwani son of Bijender, r/o. Gali Barna Kuan, Village Shahbad, Mohammad Pur, Delhi. During the visit, the measurements were taken and on the basis of the same, he prepared rough notes of the spot at the instance of the IO and thereafter came back to

	his office. On 26.06.2015, he prepared scaled site plan Ex. PW-16/A and handed over the same to the IO. After preparation of scaled site plan, rough notes were destroyed.
PW-17 Sh. Sanjay Kumar	
Ex.PW1/17A1 to EX.PW1/17A31 (Photographs regarding post mortem of deceased)	PW17 Sh. Sanjay Kumar deposed that he is photographer by profession. He took 31 photographs of the post mortem of deceased from his digital camera in the mortuary of DDU Hospital. The said photographs are Ex.PW1/17A1 to EX.PW1/17A31.
PW-18 Dr. Sandeep, (Civil Hospital, Bahadurgarh)	
Ex.PW18/A (MLC No. 744/15 of deceased)	PW-18 Dr. Sandeep was posted at Artemis Hospital, Dwarka on 11.06.2015. A female patient, Jyoti (22), brought by Ashu with an alleged firearm injury, was examined by him. His findings are recorded at point A in MLC No. 744/15 (Ex.PW18/A). He referred the unconscious patient to Artemis Hospital, Gurugram.
PW-19 Dr. Anand Sharma	
Ex.PW19/A (Detail report regarding treatment of deceased)	PW-19 Dr. Anand Sharma was posted in Artimis Hospital, Gurgaon as Associate Consultant Neurosurgeon. He deposed that on 11.05.2015, patient Ms. Jyoti who had alleged history of gunshot over her head at 09:30 PM on 11.05.2015 at home at Dwarka

	Sector-8 had taken before him after referring from her initial treatment in casualty. Thereafter, he had examined patient clinically and have reviewed the report of Radiology including NCCT head, blood investigation, X ray skull AP/lateral bed side. On her clinical examination, her Neurological status was E1VtM1 and she was unconscious her pupils were dilated fixed, not reacting to light (6 mm, no cough reflex on suctioning, no spontaneous respiration on ventilator and no gag reflex. Corneal reflex and pharyngeal reflex were absent. Two separate wounds were present over head, over left and right parietal region. Periorbital swelling was present over left eye. After looking the clinical status and Radiological reports, patient was kept on conservative treatment with supportive care with proper explanation of poor prognosis to relatives regarding less chances of surviving. Despite of best efforts and best supportive treatment mentioned in treatment file, patient does not recover and had cardiac arrest on 19.06.2015. Thereafter dead body of said deceased was sent to mortuary for postmortem examination. During whole treatment, he was working under the supervision of Dr. Yashvir Diwan, who was working there as Head of Neurosurgery Department. His detailed report
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	are running into two page is Ex. PW-19/A which he prepared.
PW-20 Insp. Dharambir (Second Investigation Officer)	
Ex.PW20/A (Request for PM of deceased) Ex.PW20/B (Seizure memo of Gauge Piece Sample)	PW-20 Insp. Dharambir deposed that on 20.06.2015, investigation of the case was marked to him. On that day, father of the deceased namely Daya Ram came to PS and he produced him before office of SDM, who came to PS. SDM had recorded the statement of Daya Ram. The father of the deceased namely Daya Ram handed over wedding invitation card Ex.PW3/D and he collected the same. On 21.06.2015, he moved the request for getting PM of the deceased Jyoti at DDU Hospital. His request for PM is Ex.PW-20/A and SI Vikramjeet also accompanied him. He also called the father and uncle of the deceased who got identified the dead body of the deceased Jyoti. He recorded their physical statements. After getting the PM, the dead body was handed over to him and during the PM he also got the photographs and video of PM through a private photograph and he had placed the photographs PM on record and also the CD. After completion of PM, the doctor handed over gauge piece sample and he had seized the same vide seizure memo vide Ex. PW-20/B. Thereafter, the file was handed over

	to SHO, PS Dwarka Sec-23.
PW-21 SI Gajraj (First Investigation Officer)	
Ex.PW21/A (DD No. 78B) Ex.PW21/B (DD No. 17B) Ex. B1(A), B2(B), B3(A), B3(B), B3(C), B4(A), B5(A), X1, X2 and D1(A) (Seizure memo of blood stains from multiple spots) Ex.PW21/C (site map of place of incident) Ex.PW21/D (site map of place of recovery)	PW-21 SI Gajraj deposed that on 11.06.2015 at about 10:20 PM he received DD No. 78 B (Ex. PW-21/A). Along with Ct. Om Prakash he proceeded to ARTEMIS Hospital, Sec-20, and learned the injured Jyoti w/o Ashu had been shifted to ARTEMIS, Gurgaon. At Gurgaon they found SHO and staff. Doctor stated the injured was not fit for statement. Then they proceeded to the house of Ashwani @ Ashu (opp. Pole B-11, Village Shahbad Mohdpur) where accused Bijender and his mother were present. On entry, they observed an empty cartridge on the sofa, blood stains on a cot and walls including a bullet mark on bathroom front wall, partly washed blood on the floor, blood-stained towel in the gallery, and blood stains on stairs. He called the crime team and crime team arrived 15 minutes later, who photographed and inspected the scene. He endorsed DD No. 17B (Ex. PW-21/B) and handed it to Ct. Om Prakash. He recovered multiple blood samples (gauze, tiles, floor pieces, earth control) and sealed them as exhibits Ex. B1(A)-B3(C), Ex. B4(A)-B5(A), Ex. X1-X2, Ex. D1(A) etc., deposited in Malkhana. He seized empty cartridges and

	lead (seizure memo Ex. PW-12/A, Ex. PW-12/J) and prepared a sketch (Ex. PW-12/I), spot maps of place of incident and place of recovery (Ex. PW-21/C, PW-21/D). At Artemis Gurgaon, they found accused Ashwani @ Ashu who had blood-stained clothes which he seized vide memo Ex. PW-12/C. He recorded his disclosure statement Ex. PW-12/G, arrested him Ex. PW-12/E and conducted personal search (Ex. PW-12/F). Accused led them to a nearby room where, beneath a cot produced a pistol and magazine. He seized them (Ex. PW-12/D; sketch Ex. PW-12/H). Handwash samples and MIC 8870 were taken and seized (Ex. PW-12/M). The hospital handed over the victim's clothes (seized Ex. PW-12/K). Witnesses' statements were recorded. He informed the deceased's father, who deferred giving a statement. Case file was later handed to SHO Kamaldeep. In court the recovered pistol (from sealed parcel) was identified and produced as Ex. P1 and the pulanda was produced as Ex. P2.
PW-22 Insp. Kamal Deep Singh	
Ex.PW22/A (DD No. 32B) Ex.PW22/2 and Ex.PW22/3 (arrest memo of accused	PW 22 Insp. Kamal Deep Singh deposed that on 19.06.2015, while he was posted as SHO at PS Dwarka Sector-23, he received DD No. 32B Ex.PW22/A from Artemis Hospital,

Krishan Kumar) Ex.PW22/B (Arrest memo of accused Bijender) Ex.PW22/C (Personal search memo of accused Bijender) Ex.PW22/D (Disclosure statement of accused Bijender) Ex.PW22/E (Application for obtaining hand-wash of accused Ashwani) Ex.PW22/F (Seizure memo of hand-wash of accused Ashwani)	Gurugram reporting that Jyoti had died. He directed Ct. Vinay to shift the body to DDU Hospital and instructed ASI Gajraj to preserve it in the DDU mortuary. ASI Gajraj handed over him the medical papers and case file. After review, Section 302 IPC was added and he handed the file to Inspector Dharambir for further proceedings. Inspector Dharambir conducted the post-mortem and returned the file to him on 22.06.2015. On 25.06.2015 he called draftsman ASI Hardeep and at his instance and using earlier measurements by ASI Gajraj, Hardeep measured the spot and later on 04.07.2015 submitted the scaled site plan Ex.PW16/A. He recorded Hardeep's statement. On 29.06.2015 He recorded the statement under Section 161 Cr.P.C. of the deceased's father, Daya Ram. On 30.06.2015 he recorded Netra Pal's statement regarding the fact that he had taken the deceased and accused to Artemis Hospital. On 08.07.2015 Daya Ram and the deceased's brother Suraj provided photocopies of accused Ashwani Solanki's Voter ID and Aadhar, and Bijender Kumar's ration card. These documents were seized as Ex.PW3/C and marked Ex.PW3/C1–C3. Daya Ram stated these documents were given by Ashwani and Bijender for a Scorpio purchase. He recorded statements of Daya
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	Ram and Suraj under Section 161 Cr.P.C. On 12.07.2015 he, with Ct. Surender, arrested accused Ashwani's father Bijender at Shahbad Dairy vide arrest memo Ex.PW22/B, conducted a personal search vide memo Ex.PW22/C and recorded his disclosure vide memo Ex.PW22/D. He was produced and remanded to judicial custody on the next day. On 11.07.2015 he moved an application Ex.PW22/E for control hand-wash from accused Ashwani. On 21.07.2015, when Ashwani was brought from Tihar to DDU, a control hand-wash was taken by the DDU doctor and seized by him vide seizure memo Ex.PW22/F. Medical papers are Ex.PW5/A. On 22.07.2015 he procured two live cartridges from OPL via Ct. Om Prakash, sealed and seized them vide seizure memo Ex.PW12/N and deposited them with MHC(M). On 31.07.2015 he directed Ct. Lekhram to collect six parcels and two 7.65 mm cartridges from MHC(M) and deposit them at FSL (Ballistics), Rohini. Acknowledgements regarding depositing them were obtained. He recorded statements of Ct. Lekhram and MHC(M). On 07.08.2015 he directed Ct. Lekhram to collect 22 sealed parcels from MHC(M) and deposit them at FSL, Rohini (Biology) and acknowledgements were obtained. On
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	12.08.2015 he recorded statement of Ct. Mansoor Ali at PHQ Control Room concerning the 11.06.2015 call. He filed the charge sheet on 30.08.2015 and, after receiving forensic laboratory reports, filed a supplementary charge sheet on 01.08.2016.
PW-23 Sh. Nathu Ram (Tehsildar)	
	PW-23 Sh. Nathu Ram deposed that on 20.06.2015, he was posted as Tehsildar cum Executive Magistrate, Tehsil Delhi Cantt. On that day, he recorded the statement of Sh. Daya Ram, who was father of deceased Jyoti in PS Dwarka Sector 23 in the presence of witnesses Suraj Bhan (brother of deceased) and Dharambir (chacha / uncle of deceased). The said statement is already Ex.PW3/B.
PW-24 Insp. Bikram Jeet	
Ex.PW24/A (Biological FSL Report) Ex.PW24/C (Ballistic FSL Report)	PW-24 Insp. Bikram Jeet deposed that on 21.06.2015, he joined the investigation with IO/Insp. Dharambir Singh. During investigation he filled up the request for post mortem already Ex. PW-20/A. He also written down the brief facts of the case vide Ex. PW-24/A. He also prepared the identification statement of deceased vide identification statement of deceased already Ex. PW-8/A and Ex. PW-3/B. After post mortem of the deceased the doctors of the DDU hospital (PM

	department) handed over the blood in gauge piece with sample seal. The blood in gauge is sealed with the seal of PMDDUH. The same was seized vide seizure memo already Ex. PW-20/B.
PW-25 Dr. V.K. Ranga	
Ex.PW25/A (PM Report of deceased)	PW-25 Dr. V.K. Ranga deposed that on 21.06.2015, he was posted at DDU hospital as a Specialist, Forensic Medicine. On that day, he conducted PM of deceased Jyoti. The cause of death was due to cranio -cerebral damage on the head <i>via</i> firearm injury no. 1 which was sufficient to cause death in ordinary course of nature. Injury 2, Injury 3, injury 4 and injury 5 were caused by blunt force trauma. All injuries were recent in duration and ante-mortem in nature. Manner of death was homicidal. His detailed PM report is Ex. PW-25/A (running into 4 pages).
PW-26 SI LEKH RAM	
Ex. PW-26/A (Acknowledgement of case Acceptance) Ex. PW-26/B (Road Certificate) Ex. PW-26/C (Acknowledgement of case acceptance)	PW26 SI Lekh Ram deposed that on 31.07.2015, he was posted at Dwarka Sec-23 as Ct. On that day, on the directions of the IO, he collected sealed exhibits from the malkhana vide RC no. 80/21/15 Ex.PW3/B for depositing at FSL Rohini. After depositing sealed exhibits at FSL Rohini, he handed over acknowledgment of the case acceptance to the

	MHCM. Acknowledgment is Ex. PW-26/A. On 07.08.2015, he collected total 22 sealed pulandas with sample seal from the malkhana vide RC no. 88/21/15 for depositing at FSL Rohini. After depositing sealed exhibits at FSL Rohini, he handed over acknowledgment of the case acceptance to the MHCM. RC no. 88/21/15 which is Ex. PW-26/B,. Acknowledgement is Ex. PW-26/C. As and when case property was under his custody, no tampering was done with it.
PW27 Dr. Bharti Bhardwaj	
Ex.PW-27/A (FSL Report)	PW27 Dr. Bharti Bhardwaj deposed that on 10.02.2016, she was posted at FSL Rohini at senior Scientific Officer. On that day, she received two sealed pulanda for examination from biology Department. She examined the material found in parcel no. E, one half sleeve T Shirt and E2 One Nikkar. Another parcel no. G-1 containing four exhibits Marked as G-1A- one cut/torn ladies Kurta, G-1B one cut/torn ladies legging, G-1C one cut/torn bra and G-1D one panty. After examination, she prepared her detailed report as Ex.PW-27/A and she gave her opinion at point X of Ex. PW-27/A.
PW28 Ms. Manisha Upadhyaya	
Ex.PW-28/A (FSL Report)	PW28 Ms. Manisha Upadhyaya deposed that on 07.08.2015, he was posted at FSL. Rohini

Ex.PW-28/B (Allele Data)	as a Sr. Scientific Officer. On that day, their office received 22 scaled parcels. All were duly sealed and tallied with the sample scal. The said parcels were marked to her for biological and DNA examination. All the parcels were opened and exhibits were examined and after that, she prepared her detailed report and Allele Data as Ex. PW-28/A & Ex. PW-28/B respectively.
PW29 Ms. Anubha Lal	
Ex.PW-29/A (Ballistic Division Report)	PW29 Ms. Anubha Lal deposed that she is posted at above said office as a Jr. Forensic / Asst. Chemical Examiner (Ballistics), FSL, Rohini, New Delhi. She have worked with Dr. N.P. Waghmare, who has already left the services. She can identify his writing as she have worked with him. She have gone through the Ballistic Division report dated 27.04.2006 (running into 03 pages), which is signed by Dr. N.P. Waghmare on each page at points A, B & C and same is Ex. PW-29/A.

STATEMENT U/S 313 Cr.P.C. AND DEFENCE EVIDENCE

27. The statements of the accused Ashwani @ Ashu under Section 313 of the Code of Criminal Procedure was recorded on 21.02.2026. In his statement under Section 313 CrPC, accused Ashwani @ Ashu stated that he was married on 29.01.2015. Two other sisters of deceased were already married.

The sisters of deceased wanted to marry the deceased with their *Devar* but the father of the deceased did not agree, hence the elder brother in law of deceased did not attend the function of marriage of accused and deceased. In fact deceased was also not happy with the present marriage as he is less educated and was unemployed at that time. Deceased herself committed suicide by gun shot. He also do not know from where deceased managed the country-made *Katta*. When police came in the hospital, he told the above said facts to the police that she herself committed suicide and her handwash should be taken to reach to a conclusion which they did not take. He and his family members never demanded any dowry either from deceased or from the family members of deceased. Deceased was never subjected to cruelty for demand of dowry. No dowry demand was put in the marriage as marriage was solemnised in a very normal manner without any dowry etc. He immediately took deceased to the hospital without any delay and he borne complete expense i.e. of about 07-08 lakhs and most of the money was borrowed on loan from relatives. Accused Ashwani @ Ashu has denied all the allegations levelled against him and opted for DE.

28. DW1 Sh. Ravinder Kumar Solanki deposed that accused Ashwani @ Ashu is his nephew. He is residing in the immediate neighbourhood of the accused. On 11.06.2015, at about 9:00-9:30 PM, he was at his home, he heard noise of gun shot from the side of accused house. He reached to the house of Ashwani @ Ashu where he saw that the wife of Ashwani @ Ashu was in the gallery near to first room and blood was oozing from her body and the pistol was also lying near Jyoti. Ashwani

@ Ashu was trying to lift her meantime he also reached along with his cousin brother namely Netrapal and neighbour Babita. They all had taken Jyoti to the Artemis Hospital in Sector 20, Dwarka. Dr. observed that Jyoti is serious, hence referred to Gurgaon Artemis Hospital. Jyoti was alive at that time. She was admitted for 07-08 days in Artemis Hospital Gurgaon. After she expired, after post-mortem the dead body was taken by the parents of Jyoti for cremation. The expense of treatment in the hospital at Gurgaon was around 08 lakh out of which 01 lakh was given by accused Ashwani @ Ashu father and rest 07 lakh were given by him. He did not get that amount till date because the financial condition of Ashwani @ Ashu is weak and hence he is unable to pay same.

29. DW1 further deposed that at the time of marriage of accused with Jyoti, there were only 03 members in the family of accused including father of the accused and sister of accused. The sister of accused was doing nursing course and she was residing in the hostel of the said college. There was no lady in the family to prepare food. No other marriage proposal had come for accused Ashwani @ Ashu prior to the proposal of Jyoti. The marriage was mediated by one friend of accused father who has expired. He has a normal relation with the family of accused. His mother used to go to the house of accused Ashwani @ Ashu to see his wife. No other family member of his family were going to the house of accused in the presence of Jyoti. The family member of Jyoti used to visit the house of Jyoti regularly. None of the family member of Jyoti made any complaint to them for subjecting cruelty against her for demand of dowry. The lady

namely Babita used to visit the house of accused regularly in the presence of Jyoti.

30. DW1 further deposed that Jyoti was not happy with this marriage because the elder sisters of Jyoti wanted her to get married to their *devar* as both of her elder sisters were married in the same house. The elder sisters of Jyoti and their husbands had not attended the marriage of Jyoti. The marriage between accused Ashwani @ Ashu and Jyoti was solemnized without any dowry articles. At the time of marriage accused was not working. The father of the Jyoti had implicated all of his family members including him along with the accused person in his complaint. The father of the Jyoti (now deceased) did not make any complaint till the time Jyoti was admitted in Artemis Hospital Gurgaon. Thereafter, father of the deceased demanded Rs. 15,00,000/- to settle the matter as financial condition of accused was very poor so they denied the said demand, hence present case was registered.

31. DW2 Ms. Babita deposed that she know accused Ashwani @ Ashu as he is her neighbour being her house in front of the house of the accused. She is from different *Khandan* of accused. On 11.06.2015, at about 9-9:30 PM, she heard a noise like that of a cracker, she went outside her house and after seeing the main door opened of the house of accused, she entered his house. She saw Jyoti was lying in the *Varanda* and one pistol was lying near to the injured Jyoti. She saw accused Ashwani @ Ashu near to injured Jyoti and he was trying to lift her, in the meantime, the *Tau* of accused namely Ravinder came and

thereafter Netrapal also reached the house. She asked accused Ashwani @ Ashu what has happened who told her that she has committed suicide. Thereafter, Jyoti was taken to Artemis hospital Dwarka by her, accused Ashwani @ Ashu, Ravinder and Netrapal who was driving car. Doctor of Artemis Hospital Dwarka referred injured Jyoti to Artemis Hospital Gurgaon. Jyoti was admitted in Artemis Hospital Gurgaon for 07-08 days. She had also gone once or twice in the hospital Gurgaon. Next day, early morning the family members of Jyoti i.e. her father and brother came to the hospital. Father and brother of injured verified from injured whether accused has demanded some dowry or tortured so she denied by shaking her head as she was not able to speak.

32. DW2 further deposed that she used to visit the house of accused since the lifetime of his mother. The mother of accused had already expired about 02 years back. She used to visit the house of accused in the presence of Jyoti. She used to visit the house of accused at the gap of 2-3 days. Jyoti used to talk to her. The father and brother of Jyoti came to matrimonial house of Jyoti. They inquired in her presence from Jyoti and she told that she is quite well in the house. Jyoti never made any complaint against the accused persons to her father and brother in her presence. The accused belongs to a poor family. Accused was not doing any service etc. She told in front of her few times that her elder sister wants her to get married her to her Dewar but her father got her married to accused Ashwani @ Ashu for reason that he did not have to give any dowry. The father and brother of injured never made any complaint against accused Ashwani @

Ashu. No proposal of marriage came for accused prior to present marriage and this marriage was also got conducted by the friend of father of accused as there was no lady in the family to prepare food. The expenses of treatment were borne by *Tau* of accused namely Ravinder. She does not want to say anything else.

33. Thereafter, DE was closed vide order dated 18.03.2026 and matter was fixed for final arguments.

ARGUMENTS

34. The learned Additional Public Prosecutor for the State and the learned counsel for the accused have addressed the Court at length. The Court has given anxious consideration to the submissions. The detailed arguments advanced by both sides are recorded hereunder.

Arguments advanced on behalf of the Defence

35. Ld. CLADC for accused submitted that PCR call was made on 11.06.2015 from Artemis hospital, Dwarka as accused brought deceased for treatment. It is further submitted that deceased was shifted to Artemis Hospital, Gurugram same date at night and FIR No. 209/2015 was lodged on 12.06.2015 at 02:20 AM. It is further submitted that parent of the deceased also reached at Artemis Hospital, Gurugram at around 07:30 AM next day and without any specific allegations against accused, he was arrested by the police from Artemis hospital, Gurugram at 08:30 AM. It is further submitted that deceased expired on 19.06.2025 and during this period police official was duly present in the hospital but no complaint of dowry demand or harassment lodged by parents of deceased to the police or any other

authority. It is further submitted that is for the first time on 20.06.2015 statement of complainant i.e. father of deceased was recorded by SDM. Ld. CLADC for accused drawn attention of this Court on Ex. PW3/A statement dated 20.06.2015 as recorded before SDM to show that it bears the signature of complainant, his son and brother which is incorrect as per law. He further submits that if court will go through the deposition of PW23/SDM it is deposed that “*On that day, I recorded statement of Daya ram who was father of deceased Jyoti in PS Dwarka Sector 23 in the presence of witnesses Suraj Bhan (brother of deceased) and Dharamvir (Chacha/uncle of deceased).*” It is submitted that is without any due process of law as the statement of one witness cannot be recorded in the presence of other witness and more over all witness cannot commonly signed one statement.

36. Ld. CLADC submits that husband and father in law of deceased were kept in column no. 11 while grand-mother in law, sister in law, chacha and chachi were kept in column no. 12. Ld. CLADC also drawn attention of this Court on deposition of PW3 i.e. complainant/father of deceased to show the contradiction. It is submitted that in his examination in chief PW3 specifically deposed that on 08.05.2015 his son Suraj gone to matrimonial house to bring deceased/his daughter and then deceased/his daughter came to parental home, she threw gold chain which was gifted by him to accused Ashwani in marriage being light in weight and deceased also handed over copy of ration card, aadhar card and voter id to the complainant and asked to purchase scorpio car by saying that accused warned her

to either bring scorio car or not returned back to matrimonial home. While in cross-examination PW1 specifically deposed that *“prior to 08.05.2015 I have not made any complaint to SDM. It is correct that before 08.05.2015 there was no dispute between the matrimonial life of my deceased daughter. There was no any demand of dowry prior to 08.05.2015”*. if that is so, then how can deceased informed her father about demand of dowry on 08.05.2015. It is further submitted that if deceased/daughter of complainant complaint about dowry on 08.05.2015 then question raised why any father would sent back her daughter to matrimonial home very next day without taking any action.

37. It is further submitted that PW1 stated to have received call at around 10:30 PM on 11.06.2015 from sister in law of accused wherein, grand mother in law stated to had informed about blood vomiting of Jyoti. It is further submitted that PW3 deposed that he reached to Artemis Hospital, Gurugram on 12.06.2015 at around 07:30 AM. Thus the question raised if any father is informed about blood vomiting of his daughter why he wait till morning. It is further submitted that to the contrary PW6 in his testimony specifically deposed that he received call by the in-laws i.e. contradiction of testimony of PW1.

38. Ld. CLADC has specifically pointed out the contradiction made in examination-in-chief of PW3 wherein he deposed that *“when Jyoti had visited my house after her marriage, she used to get beatings from the accused persons for not bringing sufficient dowry. In the marriage, I had given cash of Rs. 2.5 Lakhs”* but during cross-examination PW3

categorically deposed that there was no any demand of dowry prior to 08.05.2015. It is further submitted that examination-in-chief is nothing but improved version of Ex.PW3/B i.e. statement recorded before SDM and cannot be relied upon. It is further submitted that in the statement i.e. Ex.PW3/B, PW3 nowhere mentioned about factum of carrying of bucket of water and mop of cleaning toilet as when PW3 visited after 10 days to the matrimonial house of deceased.

39. Ld. CLADC deposed that PW6 Suraj (brother of deceased) stated that on 08.05.2015 he went to house of deceased for the 1st time. It means that since date of marriage i.e. 29.01.2015 till 08.05.2015 no problem in matrimonial life. It means that No demand till date. 1st time they know about dispute in matrimonial life of deceased on 08.05.2015. Statement of victim was not recorded during period of her hospitalization. Statement of family member of deceased was recorded after death of victim which is after thought. Statement of family member before SDM cannot be read into evidence as same is not recorded as per Indian Evidence Act. He admits the suggestion that during hospitalization of deceased, they had not made any allegations of demanding of dowry.

Arguments advanced on behalf of the Prosecution

40. *Per Contra* Ld. Addl. PP submitted that prosecution has already proved all charges beyond reasonable doubt. It is submitted that as per charge-sheet, first DD entry vide DD No. 78B dated 11.06.2015 was lodged at 10:20 PM from Artemis Hospital, Dwarka which shows that there is no DD entry or PCR call prior to the same. Ld. Addl. PP drawn attention of this Court

on Ex.PW18/A i.e. an MLC of Artemis Health Institute Dwarka wherein it is specifically mentioned that “*Pt. Brought to ER with alleged H/o firearm injury as per told by attendant while Pt was walking of roof*”. It is submitted that as per the defence taken by accused persons, victim shot herself while walking on roof, however, all evidence on record nullifies this story. It is further submitted that as per charge-sheet, victim was unfit for statement when arrived to Artemis Hospital Dwarka and recovery of weapon of offence is done at instance of accused persons. It is further submitted that handwash of accused could not be taken immediately due to which FSL (Ex. PW29/A) opinion could not be given due to insufficient data. She relied upon Para 5 to 7 of FSL (Ex. PW29/A) i.e. as follows:

- “5. The pertinent characteristic marks present on exhibit empty cartridge cases marked 'EC1' & 'EC2' were compared with test cartridge cases fired through exhibit improvised pistol marked 'F1' under a comparison microscope. After thorough examination and comparison, firing pin and breech face marks present on exhibit empty cartridge cases marked 'EC1' and 'EC2' were similar with firing pin and breech face marks present on test cartridge cases fired through the exhibit improvised pistol marked 'F1'. Hence, it is opined that exhibit empty cartridge cases marked 'EC1' and 'EC2' have been fired through the exhibit improvised pistol marked 'F1'.*
- 6. The individual characteristics marks present on exhibit 'EB1' are insufficient for comparison and opinion whether it had been fired through exhibit 'F1' or not due to its deformed condition.*
- 7. The exhibit sample marked 'HW1' along with its control samples were analyzed through Atomic Absorption Spectrophotometer (A.A.S.) for the detection of gun shot residue particle analysis. As a result, opinion could not be given due to insufficient data.*

NOTE: (i) Case Exhibits/Remnants of Exhibits sent to

this laboratory for examination have been sealed with the sealed of FSL NPW DELHI.

(ii) Exhibits at S.No. 5 and 6(a) sent to this laboratory for examination have been completely consumed”.

41. It is further submitted that it is not the case where handwash of accused did not match rather it found insufficient which is two separate things. Accused himself taken the victim to the hospital, hence, it is highly possible that he must have handwashed.

42. Ld. APP further relied upon clinical note i.e. Ex.PW2/A. It is further submitted that as per clinical note victim was unconscious and in fact intubated for ventilator support and never gain consciousness, however, in its defence evidence, accused tried to prove that victim shook her head to deny the factum of dowry which has no merit and cannot be considered.

43. Ld. APP further relied upon SOC report Ex.PW10/A and argued that, Ex.PW10/A bears date/time of occurred as well as date/time of examination i.e. 1:05 AM to 02:25 AM. It is submitted that proceedings initiated immediately on receiving of DD Entry and continued during which accused was arrested and handwash was taken. It is further submitted that in said SOC report, IO was advised to find out the bullet, led and fire arms which shows that fire arm was not present near to the deceased i.e. in contradictory to the defence taken by accused.

44. In rebuttal, Ld. CLADC strongly objected the submissions made by ld. APP. It is submitted that in column no. 12, nature of crime is mentioned as murder and IO was advised to 'get PM conduct' over the body of deceased which shows that his report is ante dated on 19.06.2015. However, Ld. APP submits that it is just a opinion not the final conclusion given by the crime team. It is further submitted that in all recovery reports are dated 12.06.2015. Ld. APP drawn attention of this Court on FSL Bio Report Ex.PW28/A, Four parcels X1, E1, E2, G1 & G3. It is submitted that X1 is the towel i.e. used by accused persons to wipe out the blood stains post committal of crime. It is further submitted that even in PM Report i.e. Ex.PW25/A manner of death is specifically mentioned as "homicidal" which nullify entire arguments of defence with respect to suicidal.

ANALYSIS AND FINDINGS

45. Before proceeding with the determination of the rival contentions of the parties, it would be pertinent to reproduce the relevant provisions under law/IPC, germane for the purpose of present adjudication, as under:

***"34. Acts done by several persons in furtherance of common intention-** When a criminal act is done by several persons, in furtherance of the common intention of all, each of such persons is liable for that act in the same manner as if it were done by him alone.*

***300. Murder.** Except in the cases hereinafter excepted, culpable homicide is murder, if the act by which the death is caused is done with the intention of causing death, or
(Secondly)— If it is done with the intention of causing such bodily injury as the offender knows to*

be likely to cause the death of the person to whom the harm is caused, or—

(Thirdly)— If it is done with the intention of causing bodily injury to any person and the bodily injury intended to be inflicted is sufficient in the ordinary course of nature to cause death, or—

(Fourthly)— If the person committing the act knows that it is so imminently dangerous that it must, in all probability, cause death or such bodily injury as is likely to cause death, and commits such act without any excuse for incurring the risk of causing death or such injury as aforesaid.

302. Punishment for murder- *Whoever commits murder shall be punished with death, or ¹[imprisonment for life] and shall also be liable to fine.*

**** **** ****

201. Causing disappearance of evidence of offence, or giving false information to screen offender-

Whoever, knowing or having reason to believe that an offence has been committed, causes any evidence of the commission of that offence to disappear, with the intention of screening the offender from legal punishment, or with that intention gives any information respecting the offence which he knows or believes to be false;

If a capital offence

shall, if the offence which he knows or believes to have been committed is punishable with death, be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine;

If punishable with imprisonment for life

and if the offence is punishable with ¹[imprisonment for life], or with imprisonment which may extend to ten years, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine; If punishable with less than ten years' imprisonment

¹ Substituted for “transportation for life” by Act, 1955 (26 of 1955), w.e.f. 1-1-1956.

and if the offence is punishable with imprisonment for any term not extending to ten years, shall be punished with imprisonment of the description proved for the offence, for a term which may extend to one-fourth part of the longest term of the imprisonment provided for the offence, or with fine, or with both.

304B. Dowry death- *(1) Where the death of a woman is caused by any burns or bodily injury or occurs otherwise than under normal circumstances within seven years of her marriage and it is shown that soon before her death she was subjected to cruelty or harassment by her dowry, such death shall be called "dowry death", and such husband or husband or any relative of her husband for, or in connection with, any demand for dowry, such death shall be called "dowry death", and such husband or relative shall be deemed to have caused her death.*

(2) Whoever commits dowry death shall be punished with imprisonment for a term which shall not be less than seven years, but which may extend to imprisonment for life.

498A. Husband or relative of husband of a woman subjecting her to cruelty- *Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years, and shall also be liable to fine.*

(a) any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or

(b) harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on

account of failure by her or any person related to her to meet such demand.]

(emphasis supplied)

Ingredients of Section 304-B IPC and the Presumption under Section 113-B of the Evidence Act²

46. In *Kamesh Panjiyar @ Kamlesh Panjiyar v. State of Bihar*³, the Hon'ble Supreme Court observed as under:

“9. Section 304-B IPC deals with dowry death which reads as follows: ‘304-B. Dowry death.—(1) Where the death of a woman is caused by any burns or bodily injury or occurs otherwise than under normal circumstances within seven years of her marriage and it is shown that soon before her death she was subjected to cruelty or harassment by her husband or any relative of her husband for, or in connection with, any demand for dowry, such death shall be called “dowry death”, and such husband or relative shall be deemed to have caused her death.’

10. In order to attract application of Section 304-B IPC, the essential ingredients are as follows: (i) The death of a woman should be caused by burns or bodily injury or otherwise than under normal circumstances. (ii) Such death should have occurred within seven years of her marriage. (iii) She must have been subjected to cruelty or harassment by her husband or any relative of her husband. (iv) Such cruelty or harassment should be for or in connection with demand for dowry. (v) Such cruelty or harassment is shown to have been meted out to the woman soon before her death.”

(emphasis supplied)

² 113-B. Presumption as to dowry death.

When the question is whether a person has committed the dowry death of a woman and it is shown that soon before her death such woman had been subjected by such person to cruelty or harassment for, or in connection with, any demand for dowry, the Court shall presume that such person had caused the dowry death.

³ (2005) 2 SCC 388,

47. In ***Rajinder Singh v. State of Punjab***⁴ the Hon'ble Supreme Court further clarified the meaning of the expression "soon before her death" in the following terms:

"Coming now to the other important ingredient of Section 304-B – what exactly is meant by 'soon before her death'? ... The expression 'soon before' is a relative term and it would depend upon circumstances of each case and no fixed period can be indicated therein. ... If the cruelty or harassment or demand for dowry is shown to have persisted, it shall be deemed to be 'soon before death' if any other intervening circumstance showing the non-existence of such treatment is not brought on record."

(emphasis supplied)

48. The same principle was reiterated in ***Satbir Singh v. State of Haryana***⁵ and ***Bajinath v. State of Madhya Pradesh***⁶ wherein it was held that once the foundational facts are established, the presumption under Section 113-B operates and the burden shifts upon the accused to prove that the death was not caused by him or that it was accidental or suicidal and unconnected with any demand for dowry.

49. The presumption under Section 113-B is a rebuttable presumption of law. The accused may rebut it by showing that the death was accidental, suicidal, or caused by some other reason unconnected with dowry demand. However, a mere denial or a vague plea of suicide, without any positive evidence, is insufficient to discharge the burden.

⁴ (2015) 6 SCC 477

⁵ (2021) 6 SCC 1

⁶ (2017) 1 SCC 101

50. In the present case, the marriage of the deceased Jyoti with accused Ashwani @ Ashu was solemnised on 29.01.2015. The death of Jyoti occurred on 19.06.2015. Thus, the death took place within approximately four and a half months of the marriage, well within the statutory period of seven years

51. The post-mortem examination was conducted by PW-25 Dr. V.K. Ranga on 21.06.2015. The post-mortem report (Ex. PW-25/A) records that the cause of death was cranio-cerebral damage consequent upon firearm injury No. 1, which was sufficient in the ordinary course of nature to cause death. Injury Nos. 2, 3, 4 and 5 were caused by blunt force trauma. All injuries were ante-mortem and recent in duration. The manner of death has been categorically opined as “homicidal”.

52. The medical evidence is further corroborated by the MLC prepared at Artemis Hospital, Dwarka (Ex. PW-18/A) and the detailed clinical notes of the treating neurosurgeons at Artemis Hospital, Gurgaon (Ex. PW-2/A and Ex. PW-19/A). These documents establish that the deceased was brought with a penetrating firearm injury to the head, was deeply unconscious (E1VtM1), had fixed dilated pupils, and never regained consciousness till her death on 19.06.2015. Thus, the first two essential ingredients of Section 304-B IPC stand proved beyond reasonable doubt.

53. For other two ingredients i.e. Cruelty and Harassment Soon before Death in Connection with Demand for

Dowry, the prosecution has primarily relied upon the testimony of PW3 Daya Ram (father of the deceased) and PW-6 Suraj (brother of the deceased). PW3 Daya Ram is the star witness on the aspect of demand of dowry. The material portion of his examination-in-chief of PW3 is reproduced below:

“After about 15-20 days of marriage i.e. on 08.05.2015 my son Suraj had gone to matrimonial house at Shahbad Mohammadpur of my daughter Jyoti to bring her and when Jyoti reached at my house, she threw the gold chain which I had gifted to accused Ashwini in marriage and told me that the weight of chain is very less and it should have been at least of 4 tola. She also handed over me one copy of ration card, aadhar card and voter ID card and told me that to purchase a Scorpio car in the name of accused Ashwini on the basis of said documents. She also told me that accused Ashwini had warned her to either bring Scorpio car or not return back to matrimonial home.

Jyoti further told me that Ashwini alongwith his cousin Arun @ Anuj ... consume liquor till late hours in the nights and after consuming liquor they used to harass her. They both used to pressurize her for bringing Scorpio car as soon as possible.

... Her grand mother-in-law ... her sister-in-law Nikki and her aunt ... used to taunt Jyoti and extort that ‘kaise kanglo se paala pada hai, jab Ashwini ko hi gaadi nahi mili to Anuj ko kahan se gaadi milegi’.”

(emphasis supplied)

54. Further, the material portion of his examination-in-chief of PW6 is reproduced below:

“On 8/5/2015 I had gone to the house of the in-laws of my deceased sister to bring her at my home. When I reached at the matrimonial home of Jyoti, she was not happy. When I asked Jyoti as to why she was not happy, she told me that her in-laws are not happy and they are insisting to bring a four wheeler. When I alongwith my sister started leaving from the house of

accused Ashwani, accused Ashwani broke opened up his gold chain, which he was wearing and broke it and gave it to yoti and extorted "chaar tole ki chain लेकर aana". Thereafter accused Ashwani handed over copy of his ID card, Copy of Aadhar Card, copy of Ration card and asked me whenever yoti came to her matrimonial home and bring one Scorpio car. Thereafter, I alongwith Jyoti came to my home and I had disclosed all the same to my father at home. When I reached at my home, my father enquired from Jyoti as to what happened and she had disclosed that her 'gharwale' harassed her for demand of vehicle. 'Gharwale' are family members of accused Ashwani. She also stated that they were demanded golden chain of four tolas."

(emphasis supplied)

55. Thus, there is a clear and material contradiction between the two star witnesses of the prosecution on the most important incident of alleged demand. PW-3 (father) has stated that on 08.05.2015 the deceased herself threw the gold chain and complained about its weight. PW-6 (brother) has stated that the accused forcibly broke the gold chain and demanded a chain of four tolas. Both versions cannot stand together. When the two closest relatives of the deceased give diametrically opposite accounts of the same incident, this Court cannot safely rely on either version.

56. Further, PW-3 has categorically admitted in cross-examination that prior to 08.05.2015 there was no dispute in the matrimonial life of the deceased and there was no demand of dowry. The marriage had already continued for more than three months by that time. The sudden allegation of demand only on 08.05.2015, therefore, becomes doubtful.

57. The deceased remained in hospital from 11.06.2015 to 19.06.2015. Police officials were present throughout. The father and brother of the deceased reached the hospital on the morning of 12.06.2015. Yet, during the entire period of eight days, no allegation of demand of dowry or harassment was made to the police or the doctors. The first formal allegation was made only on 20.06.2015 after the death of the deceased. This delayed allegation further weakens the prosecution case on this aspect.

58. Certain details appearing in the examination-in-chief of PW-3 such as the deceased being made to clean toilets of other houses and specific taunts by other family members are missing from his statement recorded before the SDM and appear to be improvements.

59. In view of the above infirmities, material contradiction between PW-3 and PW-6, admission of no prior demand, complete absence of any allegation during hospitalisation, and improvements in testimony etc. the Court is of the considered opinion that the prosecution has failed to prove beyond reasonable doubt that the deceased was subjected to cruelty or harassment soon before her death in connection with any demand for dowry.

60. Consequently, the foundational fact required for attracting Section 304-B IPC is not established. The presumption under Section 113-B of the Evidence Act does not arise. The charge under Section 304-B IPC therefore fails. For the same

reasons, the charge under Section 498-A IPC also fails. The evidence on record is not sufficient to prove that the accused subjected the deceased to cruelty as defined under the Explanation to Section 498-A IPC.

61. The accused is, therefore, entitled to the benefit of doubt on both the charges under Sections 304-B and 498-A IPC and is acquitted of the same.

CIRCUMSTANTIAL EVIDENCE AND CHARGE UNDER SECTION 302 IPC

62. In *Sharad Birdhichand Sarda v. State of Maharashtra*⁷, the Hon'ble Supreme Court laid down the five golden principles that must be satisfied before a conviction can be based on circumstantial evidence:

- “(1) the circumstances from which the conclusion of guilt is to be drawn should be fully established;*
- (2) the facts so established should be consistent only with the hypothesis of the guilt of the accused, that is to say, they should not be explainable on any other hypothesis except that the accused is guilty;*
- (3) the circumstances should be of a conclusive nature and tendency;*
- (4) they should exclude every possible hypothesis except the one to be proved; and*
- (5) there must be a chain of evidence so complete as not to leave any reasonable ground for the conclusion consistent with the innocence of the accused and must show that in all human probability the act must have been done by the accused.”*

63. In light of the above legal position, let us evaluate whether the chain of circumstances have been proved by the prosecution beyond reasonable doubt or not and whether the

⁷ (1984) 4 SCC 116

circumstances, if proved, are sufficient to convict the accused or not.

I. Post-Mortem Report, Scene of Crime and Medico-Legal Report Evidence Completely Falsifies the Defence Version of Suicide on the Roof

64. The post-mortem examination of the deceased Jyoti was conducted by PW-25, Dr. V.K. Ranga, Specialist in Forensic Medicine, DDU Hospital, on 21 June 2015. The material findings recorded in the report are as follows:

“The cause of death is cranio-cerebral damage resulting from firearm injury No. 1, which is sufficient to cause death in the ordinary course of nature. Injuries 2, 3, 4 and 5 are the result of blunt-force trauma. All injuries are recent in duration and ante-mortem in nature. The manner of death is homicidal.”

65. The report further notes blackening around the entry wound, indicating close-range firing, along with four additional ante-mortem blunt-force injuries. The medical evidence therefore conclusively establishes that the death was homicidal and rules out the possibility of suicide. The detailed findings in the Post-Mortem Report (Ex. PW-25/A) are set out below:

65.1 Injury No. 1 – Firearm Wound:

A stitched wound measuring 4 cm was present on the right parietal region, 7 cm above the mastoid process. On opening the stitches, an oval firearm entry wound measuring 2.4 cm × 1.4 cm was found. An abrasion collar of 0.3 cm was present on the lower edge, and blackening measuring 1.5 cm was noted on the left edge of the wound.

65.2 *Track of the projectile:*

The projectile passed through the scalp, fractured the right parietal bone with bevelling on the inner table of the skull, and entered the cranial cavity. It then lacerated the dura mater and the cortical and subcortical tissues of the right cerebral hemisphere, continued into the left parietal region of the left cerebral hemisphere. Again lacerating both cortical and subcortical tissues, ruptured the dura mater on the opposite side, and fractured the left parietal bone with bevelling on the outer table. Massive blood effusion was present along the entire track. The projectile exited through a wound measuring 3 cm × 1.5 cm on the left parietal region of the scalp, 6 cm above the left mastoid process. The direction of the track was downwards and towards the left.

65.3 *Injury Nos. 2 to 5 – Blunt-Force Injuries*

- (a) Injury No. 2: Bluish-black bruise measuring 1.5 cm × 1.5 cm surrounding the left eye.
- (b) Injury No. 3: Bluish-black bruise measuring 3 cm × 2.3 cm on the front of the left shoulder, 3 cm below the acromion process.
- (c) Injury No. 4: Bluish-black bruise measuring 3.5 cm × 2.5 cm on the front of the right shoulder, 2.5 cm below the acromion process.
- (d) Injury No. 5: Bluish-black bruise measuring 2.5 cm × 2 cm on the outer aspect of the upper part of the left thigh, 8 cm below the anterior superior iliac spine.

65.4 *Summary of Medical Opinion*

- (a) Injury No. 1 is a firearm entry wound on the right parietal region with a corresponding exit wound on the left parietal region. Blackening around the entry wound confirms close-range firing. The track ran downwards and to the left. This injury produced cranio-cerebral damage sufficient, in the ordinary course of nature, to cause death.
- (b) Injuries Nos. 2 to 5 are fresh, ante-mortem blunt-force injuries of recent duration.
- (c) Cause of death: Cranio-cerebral damage consequent upon firearm injury No. 1.
- (d) Manner of death: Homicidal.

66. The opinion of the doctor that the manner of death is “homicidal” is based on the nature, number and distribution of the injuries and is fully supported by the objective findings recorded in the report. The Post-Mortem Report, therefore, positively establishes that the death was homicidal and rules out suicide.

67. The scene of crime was inspected on the intervening night of 11/12.06.2015 by the Mobile Crime Team headed by PW-10 (SI Surender Singh) in the presence of the first Investigating Officer (PW-21 SI Gajraj) and the official photographer (PW-11). The observations recorded in the Crime Team Report and proved through the testimony of these witnesses, the photographs (Ex. PW-11/P) and the scaled site plan (Ex. PW-16/A) are as follows:

- a) Blood was found on the cot, bed-sheet, pillow, floor, wall near the bathroom, staircase and in the drain outside the house;
- b) One empty cartridge case of 7.65 mm was recovered from the right side of the sofa;
- c) Another empty cartridge case of 7.65 mm (“7.65 KF”) was found lying in front of the bathroom;
- d) A bullet impact mark was present on the wall opposite the bathroom at a height of approximately 5 feet 11 inches, with hair stuck above and below the mark;
- e) Significant quantity of blood was found on the tiles up to a height of about 3 feet 5 inches on the wall near the bathroom;
- f) Blood appeared to have been partially washed/cleaned from the floor and tiles with water and cloth;
- g) A light-yellow towel with blood stains was found on a single sofa in the gallery;
- h) No blood, cartridge, bullet mark or any other incriminating material was found on the roof of the house.

68. Thus, the defence version that the deceased shot herself while walking on the roof is completely falsified by the above findings. If the incident had taken place on the roof, blood, cartridge cases and bullet marks would have been found there. On the contrary, the entire evidence is concentrated inside the house, particularly near the bathroom and the first room. The presence of two empty cartridge cases indicates that two shots were fired i.e. one of which missed the deceased and hit the wall.

This is wholly inconsistent with a suicidal act, in which normally only one shot is fired.

69. The partial cleaning of blood from the floor and the recovery of a blood-stained towel further establish that an attempt was made to destroy evidence immediately after the incident. This post-crime conduct is relevant under Section 8 of the Evidence Act⁸ and points towards the involvement of the inmates of the house.

70. Further, the deceased was first examined at Artemis Hospital, Sector-20, Dwarka, on 11.06.2015. PW-18 Dr. Sandeep (Emergency Medical Officer, Artemis Hospital, Dwarka) prepared the Medico-Legal Certificate No. 744/15 (Ex. PW-18/A). The relevant portion of the MLC records:

“Pt. Brought to ER with alleged H/o firearm injury as per told by attendant while Pt was walking of roof. Fire Arm injury L/E entry wound present on Lt. Parietal region, Exit wound on Rt Parietal region + Brain Matter.”

71. Thus, the history recorded in the MLC that the injury was sustained “while walking on the roof” was given by the accused himself. This history has been proved to be false by the scene-of-crime evidence. The giving of a false history by the

8 8. Motive, preparation and previous or subsequent conduct.—Any fact is relevant which shows or constitutes a motive or preparation for any fact in issue or relevant fact. The conduct of any party, or of any agent to any party, to any suit or proceeding, in reference to such suit or proceeding, or in reference to any fact in issue therein or relevant thereto, and the conduct of any person an offence against whom is the subject of any proceeding, is relevant, if such conduct influences or is influenced by any fact in issue or relevant fact, and whether it was previous or subsequent thereto.

Explanation 1.—The word “conduct” in this section does not include statements, unless those statements accompany and explain acts other than statements; but this explanation is not to affect the relevancy of statements under any other section of this Act.

Explanation 2.—When the conduct of any person is relevant, any statement made to him or in his presence and hearing, which affects such conduct, is relevant.

accused at the earliest opportunity is a strong circumstance against him. The subsequent clinical notes of Artemis Hospital, Gurgaon (Ex. PW-2/A and Ex. PW-19/A) prepared by the neurosurgical team further confirm that the patient remained deeply unconscious (E1VtM1) throughout her stay, with fixed dilated pupils and absent brainstem reflexes, and ultimately expired on 19.06.2015. These records completely rule out the defence claim that the deceased was in a position to communicate or shake her head in denial of any demand of dowry.

72. The DNA analysis report (FSL Report No. FSL 2015/B-5291, BIO No. 1442/15, Dated 31.03.2016) Ex.PW28/A confirms that the biological evidence collected from Exhibit X1 (towel), Exhibit E1 & E2 (clothes), and Exhibit G2 & G3 (gauze cloth pieces) perfectly matches the DNA profile from Exhibit F (biological reference sample of the deceased) across all 16 STR loci. Additionally, the Amelogenin locus displayed an "X, X" profile across every exhibit, confirming female genetic origin. This complete 16-locus genetic match establishes that the biological material present on all analyzed evidence originates from the same individual as the reference sample.

73. When the Post-Mortem Report, the Scene of Crime evidence and the Medico-Legal Report are read together, the following conclusions emerge with clarity:

- a) The death was caused by a close-range firearm injury to the head and was homicidal in nature;

- b) The incident took place inside the house and not on the roof;
- c) Two shots were fired; one missed and hit the wall;
- d) The deceased also sustained multiple blunt-force injuries, indicating physical assault;
- e) An attempt was made to clean the blood immediately after the incident;
- f) The history of “injury on the roof” given by the accused was false.

74. These scientific findings are inconsistent with the defence of suicide and are fully consistent with the prosecution case that the accused shot the deceased inside the house after a physical altercation. The medical and scene-of-crime evidence, therefore, independently and conclusively establishes the homicidal nature of the death and the involvement of the accused, irrespective of the strength or weakness of the evidence relating to demand of dowry.

75. The scaled site plan (Ex. PW-16/A) and the photographs (Ex. PW-11/P) fully corroborate these observations. The crime team report specifically advised the Investigating Officer to search for the firearm, lead and empty cases, indicating that the weapon was not present near the body at the time of inspection.

76. When an accused gives a false explanation regarding a material circumstance which is within his special

knowledge, such false explanation becomes an additional link in the chain of circumstances pointing to his guilt.

77. In ***Trimukh Maroti Kirkan v. State of Maharashtra***⁹

the Hon'ble Supreme Court held:

“Where an accused is alleged to have committed the murder of his wife and the prosecution succeeds in leading evidence to show that shortly before the commission of the crime they were seen together or the offence takes place in the dwelling home where the husband also normally resided, it has been consistently held that if the accused does not offer any explanation how the wife received injuries or offers an explanation which is found to be false, it is a strong circumstance which indicates that he is responsible for commission of the crime.”

(emphasis supplied)

78. The same principle was reiterated in ***State of West Bengal v. Mir Mohammad Omar***¹⁰ wherein it was held that:

“In this context we may profitably utilise the legal principle embodied in Section 106 of the Evidence Act which reads as follows: “When any fact is especially within the knowledge of any person, the burden of proving that fact is upon him.”

79. The section 106 of Evidence Act¹¹ is not intended to relieve the prosecution of its burden to prove the guilt of the accused beyond reasonable doubt. But the Section would apply to cases where the prosecution has succeeded in proving facts from which a reasonable inference can be drawn regarding the existence of certain other facts, unless the accused by virtue of

⁹ (2006) 10 SCC 681

¹⁰ (2000) 8 SCC 382

¹¹ 106. Burden of proving fact especially within knowledge. — When any fact is especially within the knowledge of any person, the burden of proving that fact is upon him.

his special knowledge regarding such facts, failed to offer any explanation which might drive the court to draw a different inference.

II. Evaluation of the 313 Cr.P.C. statement

80. It is well settled that the statement of an accused under Section 313 Cr.P.C. is not substantive evidence. It can be used only to the extent it supports the defence or explains the incriminating circumstances appearing against him. The Court is required to examine whether the explanation offered by the accused is plausible and consistent with the probabilities of the case.

81. The plea of suicide taken by the accused is completely falsified by the scientific evidence on record. The Post-Mortem Report (Ex. PW-25/A) records the manner of death as “homicidal” and notes the presence of four additional ante-mortem blunt-force injuries on the left eye, shoulders and left thigh, apart from the fatal firearm injury. Blackening around the entry wound indicates close-range firing. The scene-of-crime evidence shows that blood, empty cartridge cases and the bullet impact mark were all found inside the house and not on the roof. The pistol was recovered from the cattle shed at the instance of the accused and not found lying near the body. These circumstances render the plea of suicide wholly improbable and unacceptable.

82. The claim of the accused that he immediately informed the police that the deceased had committed suicide is

also not supported by the contemporaneous record. The history recorded in the MLC (Ex. PW-18/A) is that the injury was sustained “while patient was walking on the roof”. This history was given by the accused himself and has been proved false by the scene-of-crime inspection. If the accused had truly believed that it was a case of suicide, there was no reason for him to give a false history of the incident having occurred on the roof.

83. The claim that the accused bore the entire treatment expenses of Rs.7–8 lakhs is a matter of defence and does not, by itself, negative the prosecution case on the charge of murder. Even if the accused spent money on the treatment of the deceased, that circumstance cannot wipe out the scientific evidence establishing that he caused the fatal injury.

84. In view of the above, the explanation offered by the accused under Section 313 Cr.P.C. is found to be false, afterthought and inconsistent with the medical and scene-of-crime evidence. The false explanation given by the accused regarding the place of occurrence and the cause of death constitutes an additional link in the chain of circumstances pointing to his guilt. The statement under Section 313 Cr.P.C., therefore, does not create any reasonable doubt in the prosecution case on the charge under Section 302 IPC.

III. Analysis of Defence Evidence

85. The accused examined two witnesses in his defence i.e. DW-1 Ravinder Kumar Solanki (his uncle/tau) and DW-2 Babita (neighbour). Both have attempted to support the defence

version that the deceased Jyoti committed suicide by shooting herself and that there was never any demand for dowry.

86. DW-1 Ravinder Kumar Solanki deposed that on 11.06.2015 at about 9:00–9:30 p.m. he heard the sound of a gunshot, rushed to the house of the accused, and saw Jyoti lying in the gallery with blood oozing from her body and a pistol lying near her. He further stated that the accused was trying to lift her, that they all took her to Artemis Hospital, and that the entire treatment expenses of approximately Rs.8 lakhs were largely borne by him. He claimed that the marriage was solemnised without any dowry, that there was no lady in the family to cook food, that the elder sisters of the deceased wanted her to marry their devar, and that the father of the deceased demanded Rs.15 lakhs after the death to settle the matter.

87. DW-2 Babita deposed on similar lines. She stated that she heard a cracker-like sound, entered the house of the accused, saw Jyoti lying in the *verandah* with a pistol near her, and that the accused told her that Jyoti had committed suicide. She further claimed that the deceased, while in hospital, shook her head to deny any demand of dowry when questioned by her father and brother, and that the deceased had never complained of any harassment in her presence.

88. The defence evidence suffers from several serious infirmities and cannot be accepted following reasons:-

Firstly, the claim that the pistol was lying near the body of the deceased is completely falsified by the

contemporaneous scene-of-crime evidence. The Crime Team (PW-10 and PW-11), the first Investigating Officer (PW-21) and the photographs (Ex. PW-11/P) clearly show that no firearm was found near the body. The empty cartridge cases were found on the sofa and near the bathroom, the bullet impact mark was on the wall opposite the bathroom, and the country-made pistol was later recovered from the cattle shed behind the house at the instance of the accused himself. The version of the defence witnesses that the pistol was lying next to Jyoti is therefore a clear afterthought;

Secondly, the assertion that the deceased shook her head in the hospital to deny any demand of dowry is medically impossible. The clinical notes of Artemis Hospital (Ex. PW-2/A and Ex. PW-19/A) and the testimony of the treating doctors establish that from the time of admission the deceased was in a deeply unconscious state (E1VtM1), with fixed dilated pupils, absent corneal, gag and cough reflexes, and was on ventilator support. She never regained consciousness. A person in such a neurological condition cannot shake her head in response to questions;

Thirdly, both defence witnesses are closely related to or associated with the accused. DW-1 is the uncle of the accused and claims to have paid a major part of the hospital expenses. DW-2 is a neighbour who used to visit the house of the accused regularly. Their evidence is interested and has to be scrutinised with caution. They have not explained why they did not immediately inform

the police that it was a case of suicide if that was truly the position;

Fourthly, the plea that the father of the deceased demanded Rs.15 lakhs for settlement is unsupported by any independent evidence. No complaint, notice, or contemporaneous document has been produced. The statement of the father before the SDM was recorded within 24 hours of the death and is consistent with his subsequent deposition. A bare oral allegation of this nature cannot be accepted;

Fifthly, the defence evidence does not explain the presence of four ante-mortem blunt-force injuries on the body of the deceased (left eye, shoulders and thigh) in addition to the fatal firearm injury. These injuries are wholly inconsistent with a suicidal act.

89. In view of the above, the defence evidence is found to be unreliable, interested, and contradicted by the scientific and medical evidence on record. It fails to create any reasonable doubt in the prosecution case on the charge under Section 302 IPC. The defence version of suicide stands completely disproved.

IV. Recovery of the Country-made Pistol at the Instance of the Accused

90. On 12.06.2015, accused Ashwani @ Ashu made a disclosure statement (Ex. PW-12/G) and, pursuant thereto, led the police party to a cattle shed behind his house from where a

country-made pistol along with magazine was recovered (seizure memo Ex. PW-12/D; sketch Ex. PW-12/H).

91. The ballistic examination report (Ex. PW-29/A) confirms that the recovered pistol is a firearm capable of chambering and firing 7.65 mm cartridges, and that the empty cartridge cases recovered from the spot could have been fired from the said pistol.

92. Although the presence of GSR on the hand-wash of the accused could not be conclusively established, the recovery of the weapon at the instance of the accused under Section 27 of the Evidence Act¹² remains a strong incriminating circumstance. The principles governing the admissibility and evidentiary value of such recovery have been settled in ***Rumi Bora Dutta v. State of Assam***¹³, wherein it was held by Hon'ble Supreme Court of India that:

“16. In this context, we may refer with profit to the ruling in State of Maharashtra v. Damu [(2000) 6 SCC 269 : 2000 SCC (Cri) 1088] wherein it has been observed that : (SCC pp. 282-83, para 35)

“35. The basic idea embedded in Section 27 of the Evidence Act is the doctrine of confirmation by subsequent events. The doctrine is founded on the principle that if any fact is discovered in a search made on the strength of any information obtained from a prisoner, such a discovery is a guarantee that the information supplied by the prisoner is true. The information might be confessional or non-inculpatory in nature, but if it results in discovery of a fact it becomes a reliable

12 27. How much of information received from accused may be proved.—Provided that, when any fact is proved to be discovered in consequence of information received from a person accused of any offence, in the custody of a police-officer, so much of such information, whether it amounts to a confession or not, as relates distinctly to the fact thereby discovered, may be proved.

13 (2013) 7 SCC 417

information. Hence the legislature permitted such information to be used as evidence by restricting the admissible portion to the minimum.”

Thereafter, the two learned Judges proceeded to state as follows : (SCC p. 283, para 35)

“35. ... It is now well settled that recovery of an object is not discovery of a fact as envisaged in the section [Section 27]. The decision of the Privy Council in Pulukuri Kotayya v. King Emperor [Pulukuri Kotayya v. King Emperor,(1946-47) 74 IA 65 : AIR 1947 PC 67] is the most quoted authority for supporting the interpretation that the ‘fact discovered’ envisaged in the section embraces the place from which the object was produced, the knowledge of the accused as to it, but the information given must relate distinctly to that effect.”

17. In State of Punjab v. Gurnam Kaur [(2009) 11 SCC 225 : (2009) 3 SCC (Cri) 1311] it has been laid down that : (SCC p. 228, para 14)

“14. If by reason of statements made by an accused some facts have been discovered, the same would be admissible against the person who had made the statement in terms of Section 27 of the Evidence Act.”

18. In Aftab Ahmad Anasari v. State of Uttaranchal [(2010) 2 SCC 583 : (2010) 2 SCC (Cri) 1054] , after referring to an earlier decision in Pulukuri Kotayya [Pulukuri Kotayya v. King Emperor,(1946-47) 74 IA 65 : AIR 1947 PC 67] , a two-Judge Bench opined in the context of the said case that when the accused was ready to show the place where he had concealed the clothes of the deceased, the same was clearly admissible under Section 27 of the Evidence Act because the same related distinctly to the discovery of the clothes of the deceased from that very place.

19. In Bhagwan Dass v. State (NCT of Delhi) [(2011) 6 SCC 396 : (2011) 2 SCC (Cri) 985 : AIR 2011 SC 1863] , relying on the decisions in Aftab Ahmad Anasari [(2010) 2 SCC 583 : (2010) 2 SCC (Cri) 1054] and Manu Sharma v. State (NCT of Delhi) [(2010) 6 SCC 1 : (2010) 2 SCC (Cri) 1385 : AIR 2010 SC 2352] , the Court opined that when the accused had given a

statement that related to discovery of an electric wire by which the crime was committed, the said disclosure statement was admissible as evidence.

20. In the case at hand, both the accused have led to discovery of the knife and the skipping rope used in the crime. It was within their special knowledge. The medical evidence corroborates the fact that the deceased died because of strangulation and further there was a stab injury on his chest. Thus, the weapon and the other articles have direct nexus with the injuries found in the post-mortem report.

21. At this juncture, as mentioned earlier we proceed to advert to the issue pertaining to falsehood. In this context we may fruitfully refer to the authority in State of Maharashtra v. Suresh [State of Maharashtra v. Suresh, (2000) 1 SCC 471 : 2000 SCC (Cri) 263] , wherein it has been held that a false answer offered by the accused when his attention is drawn to the circumstances, it renders the circumstances to be of inculcating nature. In such a situation a false answer can also be counted as providing “a missing link” for completing the chain. In the case at hand, the factum of recovery through the witnesses has been proven that the accused persons had led to recovery. When it was put to them they had given an answer in the negative in a nonchalant manner. The incriminating materials were concealed and they were discovered being led by the accused persons.

22. In Suresh [State of Maharashtra v. Suresh, (2000) 1 SCC 471 : 2000 SCC (Cri) 263] it has been held that there are three possibilities when an accused points out the place where the incriminating material is concealed without stating that it was concealed by himself. Elaborating on the three possibilities the Court proceeded to state as follows : (SCC p. 479, para 26)

“26. ... One is that he himself would have concealed it. Second is that he would have seen somebody else concealing it. And the third is that he would have been told by another person that it was concealed there. But if the accused declines to tell the criminal court that his knowledge about the concealment was on account of one of the last two possibilities the criminal court can presume that it

was concealed by the accused himself. This is because the accused is the only person who can offer the explanation as to how else he came to know of such concealment and if he chooses to refrain from telling the court as to how else he came to know of it, the presumption is a well-justified course to be adopted by the criminal court that the concealment was made by himself.”

23. Tested on the anvil of the aforesaid principle the factum of recovery is proven beyond reasonable doubt by the prosecution.”

(emphasis supplied)

V. Conduct of the Accused after the Incident

93. The post-crime conduct of the accused further strengthens the prosecution case. Immediately after the shooting, the accused and his father (since deceased) cleaned the blood from the floor and walls. This is evident from the partially washed blood stains, the blood-stained towel recovered from the gallery, and the presence of blood in the drain outside the house. The accused initially gave a false version that the shooting had taken place on the roof. He was found wearing blood-stained clothes which were seized vide seizure memo Ex.PW12/L. He remained present at the hospital but did not make any spontaneous disclosure consistent with the defence of suicide.

94. Such conduct is relevant under Section 8 of the Evidence Act and constitutes an additional circumstance against the accused.

VI. Defence of Suicide is Medically and Factually Impossible

95. The defence version that the deceased committed suicide is wholly improbable for the following reasons:

- (a) The post-mortem report records five injuries. Only one is the fatal firearm injury; the remaining four are blunt-force injuries on the left eye, front and left shoulders, and the inner side of the left thigh. A person committing suicide by firearm does not ordinarily sustain multiple blunt-force injuries.
- (b) The presence of blackening around the entry wound indicates close-range firing, consistent with the prosecution case that the accused overpowered the deceased and fired the shot from close range.
- (c) The crime-scene evidence shows that one shot missed the deceased and hit the wall opposite the bathroom. A suicidal shot would not ordinarily result in a missed shot hitting a wall at that location.
- (d) The clinical notes of Artemis Hospital (Ex. PW-2/A and Ex. PW-19/A) establish that the deceased was deeply unconscious from the time of admission, with absent brainstem reflexes. The assertion of the defence witnesses that the deceased shook her head while on ventilator to deny any dowry demand is medically impossible.

96. The testimonies of DW-1 Ravinder Kumar Solanki and DW-2 Babita, both close relatives/neighbours of the accused, are interested and stand contradicted by the scientific evidence. Their version that the pistol was lying near the deceased is falsified by the recovery of the weapon from the cattle shed.

VII. Plea that the Parental Family Demanded Money for Settlement

97. The defence has suggested that the present case was registered only because the parental family of the deceased demanded a sum of Rs.15 lakhs for settlement and the accused family refused. No independent evidence has been led to substantiate this allegation. The statement of the father of the deceased was recorded by the SDM within 24 hours of the death and is consistent with the subsequent deposition in Court. A bare allegation of demand for money, without any supporting material, cannot be accepted as a ground for rejecting the prosecution case.

98. **In nutshell**, independently of Section 304-B IPC, the charge under Section 302 IPC stands fully proved against the accused on the basis of clear and cogent circumstantial evidence. The post-mortem report (Ex. PW-25/A) categorically records that the cause of death was cranio-cerebral damage consequent upon firearm injury No. 1, which was sufficient in the ordinary course of nature to cause death. The presence of blackening around the entry wound establishes that the shot was fired from close range. In addition to the fatal firearm injury, the deceased had sustained four other ante-mortem blunt-force injuries on the left eye, shoulders and thigh, which further rule out the possibility of a self-inflicted injury. The clinical notes of Artemis Hospital (Ex. PW-2/A and Ex. PW-19/A) confirm that the deceased was brought in a deeply unconscious condition (E1VtM1) with fixed dilated pupils and never regained consciousness. These medical findings, when read with the scene-of-crime evidence, establish that the death was homicidal and was caused with the intention of causing death, thereby attracting Section 300 IPC and consequently Section 302 IPC.

99. The chain of circumstances against the accused is complete and unbroken. The accused was admittedly present inside the house at the time of the incident. The claim that the deceased shot herself on the roof stands completely falsified by the recovery of blood, empty cartridge cases, bullet impact mark and hair from inside the house, and the total absence of any such evidence on the roof. The country-made pistol was recovered at the instance of the accused from the cattle shed behind the house pursuant to his disclosure statement. Immediately after the incident, the accused and his father attempted to clean the blood from the floor and walls, as is evident from the partially washed blood stains and the blood-stained towel recovered from the gallery. The accused gave a false explanation to the police and the hospital authorities that the incident had occurred on the roof. These circumstances, taken together, form a complete chain which points only to the guilt of the accused and is inconsistent with any reasonable hypothesis of innocence. In ***Trimukh Maroti Kirkan (Supra)***, it was also held that:

“Where an offence like murder is committed in secrecy inside a house, the initial burden to establish the case would undoubtedly be upon the prosecution, but the nature and amount of evidence to be led by it to establish the charge cannot be of the same degree as is required in other cases of circumstantial evidence. The burden would be of a comparatively lighter character. In view of Section 106 of the Evidence Act there will be a corresponding burden on the inmates of the house to give a cogent explanation as to how the crime was committed. The inmates of the house cannot get away by simply keeping quiet and offering no explanation on the supposed premise that the burden to establish its case lies entirely upon the prosecution and there is no duty at all on an accused to offer any explanation”.

100. In any case, All the conditions as mentioned in ***Sharad Birdhichand Sarda (Supra)*** stand fully satisfied in the present case. The medical evidence, the scene-of-crime evidence, the recovery of

the weapon at the instance of the accused, the false explanation, and the post-crime conduct of cleaning the blood collectively exclude every hypothesis except that of the guilt of the accused under Section 302 IPC.

101. The evidence on record establishes that immediately after the fatal shot was fired, an attempt was made to cause disappearance of the evidence of the offence. The scene-of-crime inspection revealed that blood stains on the floor and tiles had been partially washed with water and cloth, and a blood-stained towel was recovered from the gallery. The accused, after firing the shot, went and hid the country-made pistol in the cattle shed behind the house, from where it was later recovered at his instance. Even though the physical act of wiping the blood is attributed mainly to the deceased co-accused Bijender, the accused actively participated in the post-crime conduct by concealing the weapon of offence. Both acts were done in furtherance of the common intention to screen the offender and destroy evidence of the crime. The charge under Section 201 read with Section 34 IPC is, therefore, fully proved against the accused.

CONCLUSION

102. Upon a comprehensive and careful appraisal of the entire oral and documentary evidence led by the prosecution, the statement of the accused under Section 313 Cr.P.C., the defence evidence, and the rival submissions, this Court records the following conclusions:

- (a) The medical evidence, particularly the Post-Mortem Report (Ex. PW-25/A), the Medico-Legal Certificate (Ex. PW-18/A) and the clinical notes of Artemis Hospital (Ex. PW-2/A and Ex. PW-19/A), conclusively establishes that the death of the deceased Jyoti was caused by a close-range firearm injury to

the head and that the manner of death was homicidal. The presence of additional ante-mortem blunt-force injuries on the body further rules out the possibility of suicide. The scene-of-crime evidence completely falsifies the defence version that the incident occurred on the roof. The recovery of the country-made pistol at the instance of the accused from the cattle shed, the false explanation given by the accused regarding the place of occurrence, and his post-crime conduct form a complete chain of circumstances which points only to his guilt and is inconsistent with any reasonable hypothesis of innocence. The charge under Section 302 IPC is, therefore, proved beyond reasonable doubt against the accused Ashwani @ Ashu.

- (b) The evidence on record further establishes that after the commission of the offence an attempt was made to clean the blood from the scene and to cause disappearance of evidence. The accused actively participated in the said act by hiding the weapon of offence. Even though the physical act of wiping the blood is attributed mainly to the deceased co-accused Bijender, the act was done in furtherance of the common intention of both. The charge under Section 201 IPC read with Section 34 IPC is, therefore, also proved against the accused.
- (c) However, on the charges under Sections 304-B and 498-A IPC, the prosecution has failed to prove its case beyond reasonable doubt. There exists a material contradiction between the two star witnesses (PW-3 and PW-6) on the vital incident of 08.05.2015 regarding who threw/broke the gold chain. PW-3 has admitted in cross-examination that there was no demand of dowry prior to 08.05.2015. No allegation of demand of dowry or harassment was made during the entire period of eight days when the deceased remained hospitalised. The first formal allegation was made only after her death. In view of these

serious infirmities, the foundational fact that the deceased was subjected to cruelty or harassment soon before her death in connection with demand for dowry is not established. Consequently, the presumption under Section 113-B of the Evidence Act does not arise. The charges under Sections 304-B and 498-A IPC therefore fail, and the accused is entitled to the benefit of doubt on both these counts.

103. **In the result, accused Ashwani @ Ashu is held guilty and is convicted for the offences punishable under Section 302 IPC and Section 201 read with Section 34 IPC. He is acquitted of the charges under Sections 304-B and 498-A IPC.**

104. The matter is now listed for hearing on the quantum of sentence on **12.08.2026**. The convict shall remain present on the said date.

**Pronounced in open Court on
this 03rd day of August, 2026.**

**(Shilpi M Jain)
ASJ-06 (South-West)
Dwarka Courts/03.08.2026 (sk)**