

CNR No. DLST01-003194-2024

SC No. 222 of 2024

State Vs Vinit Kumar & Ors.

FIR No. 04/2024

PS Fatehpur Beri

02.05.2024

Present: Sh. L. D. Singh, Ld. Additional PP for the State.
Accused Vinit Kumar produced from JC.
Accused Harmukh, Beena, Poonam and Birbal in person.
Sh. Brij Lal, Ld. Counsel for all accused.
Sh. D. V. Singh, Ld. Counsel for complainant.

Matter is listed for consideration/arguments on point of charge.

Ld. Counsel for accused persons has argued that the allegations of cruelty and alleged dowry demand are general in nature without specifications as to the dates and time period of the demand and also there is no proximity between the alleged demand of dowry and cruelty with the death of the deceased.

On the contrary, Ld. Additional PP for the State, assisted by Ld. Counsel for complainant, argued that the aforesaid arguments on behalf of the accused are the subject matter of evidence and trial and cannot be the basis to discharge the accused persons.

The gravamen of the case of the prosecution is that from marriage (in June 2022) of the deceased Manisha and accused Vinit Kumar till 01.01.2024, deceased Manisha was subjected to cruelty and harassment by her husband accused Vinit Kumar, father-in-law Harmukh, mother-in-law Beena, sister-in-law Poonam and father-in-law (taya sasur) Birbal with a view to

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coerce her or her family members to meet any unlawful demand of dowry and that on 01.01.2024, at unknown time at House B-46, Shanti Colony, Mandi Pahari, New Delhi, within the jurisdiction of PS Fatehpur Beri, deceased Manisha was found dead in such circumstances which were 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 all the accused persons.

In so far as the words 'soon before' employed in Section 304 IPC are concerned, no definite time has been indicated and said expression has not been defined. The determination of the said period depends upon facts and circumstances of each case. Suffice, however, to indicate that the expression 'soon before' would normally imply that the interval should not be much between the concerned cruelty or harassment and the death in question. There must be existence of a proximate and live-link between the effect of cruelty based on dowry demand and the concerned death.

In the context of the present case, the statements of father and mother of the deceased as well as other family members are sufficient at the stage of framing of charge as prima facie allegations of cruelty and dowry demand are made out.

The case in hands presents, prima facie, offence which indicate grave suspicion and not mere suspicion towards all the accused persons in regard to the commission of the offence under Section 498A/304B/34 IPC.

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Accordingly, formal charge under Section 498A/34 IPC and 304B/34 IPC has been framed and explained to all accused persons in vernacular. All accused persons have pleaded not guilty and claimed trial.

Let PW/Complainant Sh. Ganga Prasad and PW Smt. Usha (mentioned at Serial No. 01 and 02 respectively in the list of witnesses) be summoned through the SHO concerned for next date of hearing.

MHC(M) with case property, if any, be also summoned through the SHO concerned for next date of hearing.

List now for prosecution evidence on 24.07.2024.

**(Navjeet Budhiraja)
ASJ-02 (South)/ Saket Courts
New Delhi/02.05.2024**