

CNR No. DLST01-004775-2022

SC No. 220 of 2022
State Vs Rajni Singh
FIR No. 282/2020
PS Malviya Nagar

22.09.2022

Present: Sh. Santosh Kumar, Ld. Additional PP for State.
Accused on bail.
Sh. Pradeep Kumar, Ld. Counsel for accused.

Detailed arguments on point of charge heard. Records perused carefully.

The contention of Ld. Counsel for the accused is that incident of dog bite took place on 11.06.2020 whereas the FIR has been registered on 02.07.2020. It is submitted that the statement of witness Moni would show that it was not the intention of the accused to get the complainant bitten by her dog. It is submitted that MLC of the injured was also got done after one month and the injury was simple.

Ld. Additional PP for State has argued that statement of the complainant recorded on 03.07.2020 cannot be ignored. A medical board was constituted after a month of incident and the injury was found to be grievous. It is further submitted that prior to going to AIIMS Hospital, the complainant had got herself treated at Pandit Madan Mohan Malviya Hospital and Safdarjung Hospital.

I have considered the rival contentions.

Contd....

:2:

There is a specific allegation against the accused that when the complainant went to the house of the accused who was her employer in the evening of 11.06.2020 and asked for her salary, the accused told her that she would get her money only if she performed sexual intercourse. When the complainant refused, the accused threatened to kill her and also set her pet dog on her. The complainant got injured grievously. She also lost two teeth in the process.

Ld. Counsel for the accused has referred to statement of one Moni recorded on 20.01.2021. The statement of this witness confirms the incident of dog bite but she could not say whether the accused had deliberately set her dog on the complainant or the dog had attacked the complainant itself. It also confirms that the dog was not on leash at the time of incident.

The charge-sheet further discloses that the complainant had gone to Pandit Madan Mohan Malviya Hospital on 11.06.2020 for dog bite (Category III) treatment. It also mentions a history of fall from bed. Apart from check-ups, dental opinion was also advised. The medical documents of this hospital shows dog bite on face and neck. It also mentions deep wound on face below nose and neck. The medical documents of Safdarjung Hospital show that the dog bite measured 5 X 1 cm. The sutures were removed only on 24.06.2020.

The Medical Board opinion dated 13.07.2020 mentions total eight injuries. Five injuries caused permanent disfiguration of face. Two

Contd....

:3:

other injuries were fractures and injuries on teeth. Another injury was a lacerated wound at neck which was a vital area. This injury was opined to be dangerous and life threatening injuries. It was opined that all the eight injuries were sustained due to dog bite which was a dangerous means of causing injury. It was further opined that duration of all the injuries were consistent with history of the case.

So far as delay in lodging of FIR is concerned, it appears that the FIR was lodged only after intervention of Delhi Commission for Women. The statement of the complainant shows that she was not aware that she could lodge a police complaint in respect of the dog bite incident. The complainant belongs to a poor socio economic background.

The contentions of Ld. Counsel for the accused are a matter of trial.

In the facts and circumstances of the case, *prima facie*, **there is sufficient material on record to frame charge for the offence punishable u/s 308/289/509 IPC against the accused.**

Now to come up for formal framing of charge on **10.10.2022.**

(Vrinda Kumari)
ASJ-02 (South)
New Delhi/22.09.2022