

**IN THE COURT OF SH. ANKUR JAIN-I
ADDITIONAL SESSIONS JUDGE-04:CENTRAL,
TIS HAZARI: DELHI**



Sessions Case No.:28420/2016
CNR NO.:DLCT01-003196-2016

STATE

Vs.

Sunil Kumar Sehrawat @ Sonu
S/o Sh. Jagdish Sharma
R/o H.No.21, Village Bakkarwala,
PS Nangloi, Delhi

.....Accused

Case arising out of:-

FIR No.	: 154/2009
Police Station	: Timar Pur
Under Section	: 201/411/120B/34 IPC & 174A IPC

Date of institution of case	: 02/06/2016
Date on which judgment reserved	: 23/05/2026
Date on which judgment pronounced	: 11/07/2026
Decision	: Convicted U/s 174A IPC

J U D G M E N T

1. The brief facts of the case are that on 05/09/2009 DD NO.8A was recorded at PS Timarpur regarding smell emanating from H.No. 256-257, F-Block, Gandhi Vihar. Police reached at the spot and opened the door where body of a female lying in decomposed condition was

found. On the basis of the condition of the spot and the fact that the body was found, an FIR No.302 IPC was registered and investigation was handed over to Jitender Kumar.

2. During the course of investigation, the body was identified by cousin sister Vandana to be of Anita Mukhiya. Exhibits were taken into possession. It transpired that deceased was using two mobile numbers i.e. 9971421142 and 9911296417. CDR was obtained. From the analysis of the CDR it was found that the deceased was in continuous touch with mobile No. 9718240430, which was found to be used by one Sunil Kumar Sehrawat @ Sonu whereas it was taken in the name of one Gulshan. Raid was carried out at the house of Sunil Kumar Sehrawat @ Sonu, he was not found. On 11/09/2009, 'A.J @ B' and Hardeep Gulia were arrested who made disclosure statement about their involvement in the present case. The accused persons were formally arrested and chargesheet was filed against Hardeep Gulia. Accused Sunil Kumar Sehrawat @ Sonu was declared a proclaimed offender and supplementary chargesheet was filed against him.
3. Vide order dated 20/08/2011, accused Hardeep Gulia was acquitted. On 10/02/2016 accused Sunil Kumar Sehrawat @ Sonu was arrested and supplementary chargesheet was filed against him.

4. After complying with the provisions of Section 207 Cr. P.C., Ld. M.M. committed the case to the Court of Sessions as section 302 IPC was exclusively triable by sessions court.
5. Vide order dated 29/09/2016, charge u/s 120B, 201 and 174A IPC was framed against the accused to which he pleaded not guilty and claimed trial.
6. In order to substantiate its case, the prosecution examined as many as total 25 witnesses.
7. PW-1 is retired ASI Nihala Ram who was posted as duty officer and has recorded DD No.8A. The same was exhibited as Ex.PW-1/A.
8. PW-2 is Ms. Divya Gurung who had merely identified the body of the deceased.
9. PW-3 is HC Deepak who had taken the copy of the FIR to the residence of the Id. area Magistrate as well as senior police officers.
10. PW-4 is Abdul Sattar had tried to search for the weapon of offence and blood stained clothes in the naala leading to Yamuna, at the instructions of the IO but nothing was recovered. Similarly on 24/09/2009, he had tried to search of the mobile phone in a canal at Rohar village but nothing was found.
11. PW-5 is ASI Gajender Kumar who has deposed that on 05/09/2009 he was posted as ASI and on receipt of information, he went to the premises alongwith Ct.

Devender and saw that premises were locked and foul smell was coming. The lock was broken and they entered the house and found out that a dead body of a female in highly decomposed condition was lying in a room. He made endorsement on DD No.8A vide Ex.PW-5/A and after registration of the FIR, investigation was handed over to Jitender Kumar. IO seized the articles vide seizure memo Ex.PW-5/C to Ex.PW-5/G.

12. PW-6 is W Ct. Budhmani who had fed the rukka in the computer system in proforma of FIR.
13. PW-7 is W. Ct. Praveen Kumari was posted in police control room and at around 7:30 AM, telephonic information was received in the PCR regarding foul smell coming from a house. The said information was fed in the system and transmitted. The copy of the PCR form is Ex.PW-7/A.
14. PW-8 ASI Devender Kumar was posted as a constable at PS Timar Pur and had accompanied ASI Gajender to the spot pursuant to receipt of DD No.8A. His testimony is similar to the testimony of PW-5 and is not being repeated for the sake of brevity.
15. PW-9 is Inspector Jagdish Rai was posted at PS Timar Pur. On 10/02/2016, DD No.7B Ex.PW-9/A was received in PS, which was in respect of arrest of accused Sunil Kumar Sehrawat. He alongwith SI Surya Prakash reached in the court and after seeking permission from the Id. MM interrogated the accused. He arrested the accused

vide arrest and personal search memo Ex.PW-9/B and Ex.PW-9/C. He recorded the disclosure statement Ex.PW-9/D. Accused refused to join the TIP proceedings. The copy of the application seeking copy of TIP proceeding is Ex.PW-9/E. He recorded the statement of the witnesses, collected the certified copy of the supplementary chargesheet and filed the supplementary chargesheet against the accused Sunil Kumar Sehrawat.

16. PW-10 is SI Devender Pawar who was already examined as PW-8 and his testimony is repetitive in nature.
17. PW-11 Udaiveer Singh has deposed that on 05/09/2009, Panna Lal who was doing the work of white wash with him and staying on the fourth floor of H.No.F-256-257 had informed him about a foul smell coming from the third floor. He made a call at 100 number and his presence, police broke open the lock and found the body in the said floor.
18. PW-12 is ACP Jitender Kumar who was the IO of the present case and has deposed that after the investigation was handed over to him, he inspected the spot, he prepared a rough site plan, he took the exhibits into possession. He recorded the statement of the witnesses. Body of the deceased was sent to mortuary Subzi Mandi. On 06/09/2009, he came to know that two mobile phones, two gold rings and one lady purse belongings to deceased is missing from the house. The mobile number of the aforesaid mobile were 9911296417 and 9971421142. He

analyzed the CDR and it was revealed that mobile No.9971421142 is in continuous touch with mobile No.9718240430, which was in the name of one Gulshan. When he called the said number the receiver told his name as Rajesh and that the mobile number is being used by one Sunil Kumar Sehrawat. He recorded the statement of the Rajesh Kumar. He examined one taxi driver Naresh who told that he had taken Sunil Kumar Sehrawat, Prince Dabar, Hardeep Gulia and A.J. in a taxi to MGF Mall. He got the postmortem on the body of deceased and collected the exhibits vide seizure memo Ex.PW-12/A. He recorded the statement of Rani Tamang who had stated that she had seen the deceased in the company of Sunil Sehrawat, Hardeep Gulia and A.J. In the disclosure statement of Hardeep Gulia and A.J. it had also come that the present accused was also involved. After completion of investigation, he filed chargesheet against Hardeep Gulia (who has since been acquitted) and A.J. During investigation, he found that location of mobile No.9718240430 was near the house of deceased on 02/09/2009. On 03/09/2009, the location was continuously moving from Majnu Ka Tilla to MGF Mall and that calls were made from the mobile phone to the mobile phone of deceased. During the investigation, he came to know that accused had moved from Majnu ka Tilla to MGF Mall alongwith his two friends which was deposed by the taxi driver.

19. PW-13 is Monika Mukhiya who was the real sister of deceased. She was informed about the death by her friends. She identified the dead body of her sister vide statement Ex.PW-13/A. After postmortem, she received the body vide memo Ex.PW-13/B.
20. PW-14 is Rajesh Kumar who has deposed that on 02/09/2009, he had received a call from the accused who had asked him to take a party at Gurgaon. He knew the accused as he had hired the taxi earlier. He arranged another taxi driven by Gulshan for Sonu but he also did not take him to Gurgaon. Gulshan told him that he had asked Naresh to take them.
21. PW-15 is Naresh Daba who has deposed that in 2009, Prince and two of his friends went to MGF Mall in his taxi and left Delhi at about 11:30 PM and reached Gurgaon at 12:30, he stayed there for the entire night and in the morning, he brought them to Delhi and dropped them at Majnu Kal till at around 6:00 AM.
22. PW-16 is Gulshan who has deposed that on 02/09/2009, his friend Rajesh had called him and asked him to take passengers from Majnu Ka till from Gurgaon. Two boys sat in his car, after some distance his nephew also met him and was trying to sit in the car but he refused and took a U turn and dropped all of them at a taxi stand.
23. PW-17 is Lalit who has deposed that on 02/09/2009, he alongwith his friends and one another boy went to MGF

Mall in the taxi of Naresh and on the next day returned back to Majnu Ka Tilla in the same taxi.

24. PW-18 Naresh s/o Budha Ram has completely turned hostile and has not supported the case of the prosecution.
25. PW-19 is HC Sandeep who has deposed that on 09-10/02/2016, a secret information was received by ASI Naresh that accused Sunil Sehrawat who is wanted in FIR No. 154/2009 is present in his residence. He alongwith ASI Naresh and secret informer reached the house of accused and since, he was running PO in the above said FIR, he was arrested vide arrest and personal search memo Ex.PW-19/A and Ex.PW-19/B. On the next day, he was produced before the court and the IO of the present case after taking permission from the court concerned arrested the accused.
26. PW-20 is SI Naresh Rana whose testimony is identical to the testimony of PW-19 and is thus not being repeated for the sake of brevity.
27. PW-21 is Prince Dawar who has deposed that he knew the accused as he used to visit his tenant Rozy, he was declared hostile and duly cross examined but nothing material came.
28. PW-22 ASI Sonu Kaushik had taken the rough notes of the spot and prepared scaled site plan Ex.PW-22/A

29. PW-23 HC Chetan was posted as finger print proficient in the crime team. He inspected the spot and prepared his report.
30. PW-24 is Rajiv Vashist Nodal Officer from Bharti Airtel and had provided the CAF, CDR of mobile No.9896979709 and 9971421142.
31. PW-25 SI Dheeraj Kumar was posted as Incharge crime team and at the instance of the IO, inspected the spot and gave his report Ex.PW-25/A.
32. Accused admitted the genuineness of the postmortem report vide his statement of 09/07/2025, CDR of Mob. no.9718240430 and 9911296417 vide order dated 18/12/2025 and genuineness of statement u/s 161 Cr.PC vide order dated 05/09/2009 of HC Rajpal photographer, DD No.12 made by HC Anil, statement of SI Pardeep, TIP conducted by Id. MM Sh. Ashish, statement of Ct. Gaurav, Ct. Karan, Ct. Rakesh, HC Chiranjilal, HC Rajeev, Ct. Parveen, HC Rajesh, HC Manjeet, HC Anish, Deepak, Poonam, Kavita, Ravinder, and SI Surya Prakash vide order dated 09/02/2026.
33. In light of the statement P.E was closed vide order dated 09/02/2026. Statement of accused was recorded on 25/04/2026. Accused chose not to leave any evidence in defence and the matter was listed for final arguments.
34. Accused filed an application for pleading guilty with respect to offence u/s 174A IPC.

35. Ld. counsel for the accused submits that during the course of the trial qua accused Hardeep Gulia, ld. Predecessor of the court after considering the entire evidence had acquitted the accused. It is submitted that prosecution has not been able to prove any element of conspiracy or destruction of evidence qua the present accused and as such, accused is liable to be acquitted. It is submitted that in so far as offence u/s 174A IPC is concerned, the accused has pleaded guilty and he may be released on the period already undergone by him.
36. Ld. Addl. PP for the state submits that allegations are serious in nature.
37. There is no eye witness to the incident. The case of the prosecution is based on circumstantial evidence.
38. It is well settled law that to convict the accused on circumstantial evidence, there must be complete chain of events pointing towards the guilt of the accused and no other. It was held by the Apex court in '**Hanumant Govind Nargundkar and Anr. V. State of Madhya Pradesh**', [AIR 1952 SC 343], that:

"It is well to remember that in cases where the evidence is of a circumstantial nature, the circumstances from which the conclusion of guilt is to be drawn should be in the first instance be fully established and all the facts so established should be consistent only with the hypothesis of the guilt of the accused. Again, the circumstances should be of a conclusive nature and tendency and they should be such as to exclude every hypothesis but the one proposed to be proved. In other words, there must be a chain of evidence so far complete as not to leave any

reasonable ground for a conclusion consistent with the innocence of the accused and it must be such as to show that within all human probability the act must have been done by the accused."

39. In case of **Sharad Birdhi Chand Sharda Vs. State of Maharashtra**, [AIR 1984 SC 1622], the Hon'ble Apex Court had laid down the test which are per-requisites before conviction should be recorded, which are as under:

(1) The circumstances from which the conclusion of guilt is to be drawn should be fully established;

(2) The circumstances concerned "must or should" and not "may be" established;

(3) 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;

(4) The circumstances should be of conclusive nature and tendency;

(5) They should exclude every possible hypothesis except the one to be proved; and

(6) There must be a chain of evidence so complete as not to leave any reasonable ground for conclusion consistent with the innocence of the accused and must so that in all human probability the act must have been done by the accused.

40. The accused has been charged in the present case for the offence punishable u/s 120B/201 IPC and 174A IPC. The accused was one of the co-accused alongwith accused Hardeep Gulia, and 'AJ @ B'. It was the case of the prosecution that accused Hardeep Gulia had committed the murder of Anita Mukhiya @ Dikky and the present accused was a conspirator as well as had caused disappearance of the evidence. After the conclusion of trial, accused Hardeep Gulia was acquitted. The location

of the mobile phone by itself is not a sufficient piece of evidence which could warrant conviction of the accused. There is no evidence on record which could suggest as to what evidence was destroyed by the accused and how he had helped or carried disappearance of any evidence. The accused is accordingly, acquitted for the offence punishable u/s 120B /201 IPC.

41. In so far as the offence u/s 174A IPC is concerned the accused was declared proclaimed offender on 29/05/2010 as he failed to appear in the court despite issuance of process. Since, he has filed an application, thereby pleading guilty for the said offence, the accused is accordingly convicted of the said offence. As per the nominal roll, he has undergone a period of 03 months and 28 days in present case. Accordingly, the accused is convicted for offence punishable u/s 174A IPC and sentenced to the period already undergone.
42. Previous file as well as the present file be consigned to Record Room after completing necessary formalities.

**Pronounced in the open court
on 11th July, 2026**

**(ANKUR JAIN)
Additional Sessions Judge-04,
Central, Delhi, THC, Delhi.**