

2025:PHHC:146953



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRA-D-532-DB of 2004 (O&M)

Date of Decision: 14.10.2025

Ram Chander and others ...Appellants
Vs.
State of Haryana ...Respondent

**CORAM: HON'BLE MR. JUSTICE N.S.SHEKHAWAT
HON'BLE MS. JUSTICE SUKHVINDER KAUR**

Present: Mr. Onkar Singh, Advocate
for the appellants.

Proceedings against appellant No. 2 abated vide
order dated 27.08.2025.

Mr. Rajinder Kumar Banku, Sr. DAG, Haryana with
Mr. Rajiv Sidhu, Sr. DAG, Haryana.

N.S.SHEKHAWAT, J.

1. The appellants have filed the present appeal against the impugned judgment of conviction and order of sentence dated 17.05.2004 passed by the Court of Additional Sessions Judge (I) Kaithal, whereby, they were convicted for the commission of the offences punishable under Sections 498-A/34 and 304-B/34 IPC and sentenced Ram Chander, appellant No.1 and Bharat Singh appellant No.2 to undergo imprisonment for life and to pay a fine of Rs. 5000/-

each and in default of payment of fine to further undergo imprisonment for six months for the offence under section 304-B/34 IPC each. They are further sentenced to undergo rigorous imprisonment for a period of three years and pay a fine of Rs. 2000/- and in default of payment of fine to further undergo imprisonment for two months each for the offence under section 498A/34 IPC. Sona Devi, appellant No.3 was sentenced to undergo rigorous imprisonment for the minimum period of 7 years and to pay a fine of Rs. 5000/- and in default of payment of fine to further undergo imprisonment for six months for the offence under section 304-B/34 IPC. She was further sentenced to undergo rigorous imprisonment for a period of two years and to pay a fine of Rs. 2000 and in default of payment of fine to further undergo imprisonment for two months for the offence under section 498A/34 IPC.

2. During the pendency of the present appeal, Bharat Singh, appellant No.2 had expired on 18.02.2017 and vide order dated 27.08.2025, the proceedings qua appellant No. 2 Bharat Singh stood abated. Consequently, the present appeal is being contested on behalf of Ram Chander, husband of the deceased and Sona Devi, sister in law (Jethani) of the deceased.

3. The prosecution case, as unfolded by the report under Section 173 Cr.P.C. is that on 24.10.2000, Ram Chander Inspector/SHO Police Station City Kaithal alongwith the police

officials was present at Bus Stand Manas, in the meantime Charan Dass complainant appeared before him and made a statement Ex.PF, which is reproduced below:-

“Statement of Charan Dass son of Trilok Chand by Caste Shorgir resident of Saina Saida, Police Station Pehowa. District Kurukshetra, Aged about 38 years.

Stated that I am resident of above address and do the shop of Cycle Puncture. I have four children out of them two are sons and two are daughters. On dated 16-07-2000, I solemnized the marriage of my elder daughter Usha Rani with Ram Chander @ Chander son of Ganga Ram by Caste Shorgir resident of Polar Theh according to Hindu Rites and Customs at my village Saina Saida and in the marriage, according to my capacity sufficient dowry was given and with her, the marriage of my younger daughter Bedi Rani was solemnized with Disha, the younger brother of Ram Chander, whose “MUKLAWA” ceremony was not performed. After the marriage my daughter Usha Rani used to reside at the house in-laws with her husband Ram Chander at Polar Theh and after ten days of marriage, when my daughter Usha Rani came at our house then told us that her husband Ram Chander, “JETHANI” Sona and “JETH” Bharat used to taunt her for bringing insufficient dowry and used to say that if scooter will not bring then we will not keep her. Now this time, you came after bringing the scooter from your parents then about after one month, my son-in-law Ram Chander came to take my daughter Usha Rani then we got understand him that we are poor persons. Already in the marriage, we gave enough

articles and cannot give more and Ram Chander after taking my daughter Usha Rani came at Polar Theh then about after ten days of this, my wife Krishna Devi came at village Polar Theh to see her daughter. Then my daughter Usha Rani told to my wife Krishna devi that her husband Ram Chander, "JETH" Bharat and "JETHANI" Sona used to beat her now also and used to demand of Scooter and say that if you will not come to bring the scooter from your parents, then we will not allow you to live here. On which my wife Krishna Devi told this matter to us after coming house. Then on dated 10-09-2000, I and my brother Phool Singh came at village Polar Theh and I and my brother after collecting my son-in-law Ram Chander and Bharat and Sona Devi got understand that we are poor persons cannot give more dowry and I said to them after giving rupees five thousands in cash that cannot give more than this and do not harass more and after about 20-25 days from this my daughter Usha Rani told to us after coming to the house that her husband Ram Chander, "JETH" and "JETHANI" have turned out after beating her and said that you came after taking ten thousands from your parents otherwise do not come. On which I, after coming at Polar Theh, got understand sufficiently to my son-in-law Ram Chander and his family members. But they did not agree with my any talk and used to say that if you will give rupees ten thousands for Scooter then we will keep your daughter otherwise not. On dated 14-10-2000 Bharat the JETH of my daughter Usha Rani came at our house and at his own responsibility he brought my daughter Usha Rani at Polar Theh. Today at about

10:00A.M. I received the information from Polar Theh by telephone that my daughter Usha Rani has killed by burning. On which I and my brother Phool Singh and my wife Krishna Devi and Ramji Lal and my father Tirlok Chand alongwith other persons of village reached at Polar Theh then saw that the dead body of my daughter Usha Rani has burnt deadly and kept in the house of my son-in-law and we have verified then it came to know that my son-in-law Ram Chander and "JETH" Bharat and "JETHANI" Sona Rani have killed after sprinkling the kerosene on my daughter Usha Rani in greed of more dowry at brick klin of Rajinder Gupta at village Manas and they brought at Polar Theh for her last rites. That I after leaving my brother Phool Singh and other persons of village near the dead body of my daughter Usha Rani at Polar Theh, verifying at brick klin at village Manas, were going to police station for information. You met at Bus Adda Manas. Legal action be taken. This occurrence is of 6:00 A.M.

ATTESTED.

Sd/-(In English).

Ram Chander Inspector/SHO. Police Station Sadar Kaithal.

Dated: 24-10-2000.

Sd/-(In Hindi).

Charan Dass".

4. On the basis of the statement Ex.PF, an action taken report Ex.PF/1 was mentioned, which led to the registration of the FIR Ex.PH in the present case against the appellants and Bharat Singh, since deceased. After recording of the formal FIR, the IO took

into possession various articles, rough sketch of the place was prepared and usual investigation was conducted. Ultimately, the *challan* was presented against the appellants for commission of the offence punishable under Sections 304-B IPC. Since, the case was exclusively triable by the Court of Sessions, the case was committed to the Court of Sessions Judge, Kaithal. Ultimately, the trial Court found that the appellants had committed the offences punishable under Sections 498-A, 304-B, 201 read with Section 511 IPC and Section 34 IPC. The appellants pleaded that they had been falsely involved in the case and claimed to be tried by the trial Court.

5. In support of the prosecution case, the prosecution examined 9 witnesses in the present case. The prosecution examined PW1 Dr. Lajja Ram, who alongwith four more doctors had conducted the postmortem on the dead body of Ms. Usha Rani daughter of Charan Dass, complainant on 25.10.2000. In his testimony, he stated as follows:-

“On the same day at about 12.30 P.M., dead body of a young female of moderately built bearing bluish green printed suit which has no burn sign, eyes and mouth were semi open, clotted blood was present in both nostrils, postmortem staining present, rigormortis is present in passing away stage, superficial to deep burn present all over the body, there was no blister formation, no red line of demarcation present no splitting of fat present, at places the skin charred at placed attitude of

the body (pugilistic, stools sticky present around the buttock).

On examination of neck and other parts of the body no other injury could be made out.

On dissection of neck, subcutaneous tissues was congested, oedematous with spillage of blood present, on dissection and left side of mid part of the neck, on deep dissection, multiple rings of trachea were fractured trachel mucosa was congested (deeply) with clotted blood present. No soots partical were present in/ trachea and larynx.

Rest of the visceras on internal examination were congested. In our opinion, the cause of death in this case was asphyxia as a result of strangulation which was ante-mortem in nature and sufficient to cause death in ordinary course of events, the 100% burn present over the body, the burnwas post-mortem in nature.

Probable duration between injury and death immediate and between death and postmortem bearing 24 to 48 hours.

Ex. PA is the correct carbon copy of most-mortem report which bears my signature as well signatures of Dr. R.K.Gupta, Dr. V.K. Nagpal, Dr. H.S.Saini and Dr. Hajari Lal, whose signature I also identified. Ex. PA/1 is the copy of application moved by the police on which the post-mortem examination was conducted. Ex. PB is enquest report into 19 papers and each paper bears my initial”.

6. The prosecution further examined PW2 Ram Phal Singh Patwari, who visited the spot and prepared the scaled site plan Ex.PD.

In his cross-examination, he stated that there was other brick kiln, opposite the brick kiln where the occurrence had taken place. There was five brick kiln in village Manas. There were about 30/35 houses in the back of points No. A and G (rooms of Ram Chander). There were labourers, who were residing in 20/25 houses. The prosecution further examined PW3 Constable Mahavir, who had delivered the special report. The prosecution examined PW4 Hem Chander Assistant Sub Inspector, CIA Staff Kaithal, who had visited the spot at brick kiln in village Manas alongwith the complainant. He initially conducted the investigation and took into possession the various articles, which were lying at the spot. He took into possession one match box containing match sticks, plastic cane, one half burnt underwear, one half burnt *Salwar*, one half burnt shirt and all the articles were sealed by him.

7. The prosecution further examined PW5 Charan Dass, who supported the case of the prosecution and deposed in favour of the prosecution. He had reiterated the allegations levelled in the initial complaint. However, in his cross-examination, he admitted that many labourers used to reside at the brick kiln. About 20/25 labourers had come to inform him, however, he did not know their names. He further admitted that Sona Devi and Bharat, appellants No. 2 and 3 had five children, i.e., two sons and three daughters. The youngest one might be of 07 years of age and the eldest was about 16 years old.

The children of Bharat Singh were residing at village Polar, but Bharat Singh and Sona Devi were residing at brick kiln of Manas. When Usha Rani came in his house second time, prior to that he had once gone to brick kiln of Manas. He handed over Rs.5,000/- to Ram Chander, accused. All the three accused were making demands of scooter for the use of Ram Chander, accused. He did not know Ram Chander was already having a scooter but he had not seen it. He further stated that if accused was having a scooter, he might be demanding the amount for repayment of the loan of the scooter. The prosecution examined Ms. Krishna, mother of the deceased as PW6 who supported the testimony of PW5 Charan Dass. In her testimony, she stated that the accused had demanded scooter and had also asked her to come back in the matrimonial home with a scooter. She also admitted that in her cross-examination that Sona Devi, appellant No. 3 was having three children. The prosecution further examined PW7 Baksa Singh, who had recorded the formal FIR Ex.PH. The prosecution also relied upon the testimony of PW8 Raju, who visited the spot and collected the photographs. The photographs were exhibited as Ex.P-6 to P-20 and their negatives as P-21 to P-33. Finally, the prosecution examined Inspector Ram Chander as PW9, who had conducted the investigation in the present case. In his cross-examination, he admitted that there were 10/12 residential temporary sheds of labourer at the brick kiln of Rajinder Gupta. The

labourer were residing there. When the police party visited the brick kiln, only 2/3 women were there and the rest of labourer had already fled away after the incident at the brick kiln. Even, the ladies who were present, expressed their ignorance about the matter. Even, he had made inquiries from Sampuran Singh Ex. Sarpanch, Kartar Singh etc., who told that accused had burnt Usha Rani at the brick kiln of Manas and, thereafter, they had brought the dead body in the village for the last rites.

8. After concluding the evidence, the statements of all the accused/appellants were recorded under Section 313 Cr.P.C., but all had taken a common defence that Usha Rani, since deceased, was hot tampered lady and she herself committed suicide. They never raised any demand of dowry nor tortured her at any point of time, even they were present at the spot at the time of occurrence.

9. In the defence evidence, the appellants had examined Sampuran Singh, Ex. Sarpanch of village Polar. As per the said witness, he knew the family of the appellants. The appellants No. 2 and 3 had five children and they used to reside in the village. They never worked on brick kiln. They were labourers and used to work in the fields. Ram Chander accused was married with Usha Rani (since deceased) and both of them were residing at the brick kiln. The accused never harassed the deceased for bringing insufficient dowry. Apart from that, the appellants tendered *Chulha* tax receipts for the

year 2001 as Mark A, another *Chulha* tax receipt for the year 2004 as Mark B, copy of ration card as Mark C and copy of affidavit of Seema Bansal as Mark D in their defence evidence and, thereafter, the evidence was closed.

10. Learned counsel for the appellants had vehemently argued that the occurrence in the present case had taken place at a brick kiln of village Manas and admittedly during the course of investigation, it was found that several other labourers were also residing in nearby houses. However, the testimony of any such witness was not recorded by the police. Rather, there was positive evidence on record to show that Usha Rani (since deceased) had committed suicide and the appellants had no concern with the same. Apart from that Bharat Singh and Sona Devi, appellants No. 2 and 3 had five children, who are staying in the village and had no concern with the matrimonial affairs of Ram Chander and Usha Rani. Still further, the occurrence in the present case had taken place at about 10.00 a.m. on 16.07.2000, whereas the complaint was lodged by the complainant at about 05.00 p.m. The delay in lodging the FIR in the present case is fatal and would definitely affect the credibility of the witnesses produced by the prosecution in the instant case. Even, during the course of trial, the prosecution lead no evidence to show that the delay was properly explained in the instant case. In the present case, there was no evidence to suggest that the deceased was

harassed by the accused in connection with demand of dowry, in any manner. It has been stated by the witnesses of the prosecution that Usha Rani, since deceased was harassed by the accused in connection with demand of a scooter, however, Ram Chander, appellant No. 1 already owned a scooter and the allegation was completely baseless. Even in his cross-examination, PW5 Charan Dass had admitted that all the three accused had made a demand of scooter for the use of Ram Chander, appellant No.1. However, he did not know as to whether Ram Chander, appellant No.1 was having a scooter. He further stated that if he was having a scooter, he may be demanding the amount for repayment of the loan of the scooter. Thus, there was no definite demand of dowry and the allegations were vague and unfounded.

11. On the other hand, learned State counsel had vehemently opposed the submissions made by the learned counsel for the appellants and stated that the matter was directly reported by the complainant to the police and there is no evidence that the version of the prosecution was a coloured version or contained any falsehood. Even PW5 Ram Chander and PW6 Krishna had consistently deposed against the appellants in the present case and even from the testimony of PW1 Dr. Lajya Ram, it stood proved that Usha Rani, since deceased, had died due to asphyxia, as a result of strangulation, which was antemortem in nature and sufficient to cause death in ordinary

course of events. Even, Usha Rani, since deceased had suffered 100% burn injuries on her person and the probable duration between the injury and death was immediate. Apart from that, there was sufficient evidence to show that soon after her marriage, Usha Rani was subjected to cruelty in connection with demand of dowry and she was done to death by burning her in a barbaric manner. Thus, the impugned judgement, which is based on correct appreciation of evidence and settled law and is liable to be upheld by this Court.

12. We have heard the learned counsel for the parties and perused the record carefully.

13. In the present case, the remaining appellants, i.e., appellants No. 1 and 3 have been convicted for commission of the offences under Sections 304-B, 498-A and 34 IPC. At this stage, before proceeding any further, it would be appropriate to reproduce the legal provisions of Sections 304-B and 498-A of the IPC.

"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 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. Explanation.- For the purpose of this sub-section, "dowry" shall have the same meaning as in section 2 of the Dowry

Prohibition Act, 1961 (28 of 1961).

(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. Explanation.-For the purpose of this section, "cruelty" means-*

(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".

14. From a bare perusal of the above referred provisions of law, it is apparent that when a married woman committed suicide within a period of seven years of her marriage, then the presumption under Section 113-A of the Evidence Act comes into operation. However, when a person had committed dowry death of a woman and "soon before her death", such woman has been subjected by such person to cruelty or harassment, in connection with demand of dowry,

the presumption under Section 113-B of Evidence Act comes into effect. Section 113-B of the Indian Evidence Act is reproduced below:-

"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 has 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. Explanation.-For the purposes of this section, "dowry death" shall have the same meaning as in section 304B, of the Indian Penal Code, (45 of 1860)."

15. While discussing the ingredients of Section 304-B IPC, the Hon'ble Supreme Court held in the matter of *Kasnsraj Vs. State of Punjab*, (2005) 5 SCC 2007 as under:-

".....In order to seek a conviction against a person for the offence of dowry death, the prosecution is obliged to prove that:

(a) the death of a woman was caused by burns or bodily injury or had occurred otherwise than under normal circumstances;

(b) such death should have occurred within 7 years of her marriage; (c) the deceased was subjected to cruelty or harassment by her husband or by any relative of her husband;

(d) such cruelty or harassment should be for or in connection with the demand of dowry; and

(e) to such cruelty or harassment the deceased should

have been subjected to soon before her death. As and when the aforesaid circumstances are established, a presumption of dowry death shall be drawn against the accused under Section 113B of the Evidence Act”.

16. Similarly, in *Shamnsaheb M. Multtani Vs. State of Karnataka, (2001) 2 SCC 577*, the Hon’ble Supreme Court again discussed the requirement for invoking the provisions of Section 304-B of IPC and also discussed the provisions of Section 113-B of Evidence Act and held as follows:-

"27. The postulates needed to establish the said offence are: (1) Death of a wife should have occurred otherwise than under normal circumstances within seven years of her marriage; (2) soon before her death she should have been subjected to cruelty or harassment by the accused in connection with any demand for dowry. Now reading Section 113B of the Evidence Act, as a part of the said offence, the position is this: If the prosecution succeeds in showing that soon before her death she was subjected by him to cruelty or harassment for or in connection with any demand for dowry and that her death had occurred (within seven years of her marriage) otherwise than under normal circumstances 'the court shall presume that such person had caused dowry death'."

28. Under Section 4 of the Evidence Act "whenever it is directed by this Act that the court shall presume a fact, it shall regard such fact as proved, unless and until it is disproved". So the court has no option but to presume that the accused had caused dowry death unless the accused disproves it. It is a statutory compulsion on the

court. However it is open to the accused to adduce such evidence for disproving the said compulsory presumption, as the burden is unmistakably on him to do so. He can discharge such burden either by eliciting answers through cross-examination of the witnesses of the prosecution or by adducing evidence on the defence side or by both."

17. Thus, from a bare perusal of the above referred provisions of law and principles laid down by the Hon'ble Supreme Court, we sum up that when the death of a woman is caused by burns or bodily injury or occurred otherwise than under normal circumstances within a period of seven years of her marriage and the woman was subject to cruelty or harassment by her husband or any relative of her husband and such cruelty of her husband/his relative was in connection with demand of dowry and the deceased had been subjected to cruelty soon before her death, then in such circumstances, the Court had no other option, but to presume that the accused had committed a dowry death. However, there is no doubt that the accused can always disprove such a presumption raised against him. However, in such cases, the accused would be required to adduce evidence to disprove such statutory presumption.

18. In the instant case also, before proceeding any further, it would be appropriate to refer to the testimony of PW1 Dr. Lajja Ram, who alongwith other four doctors had conducted the postmortem examination on the dead body of Smt. Usha Rani wife of appellant

No.1. As per him, Usha Rani had suffered 100% burn injuries and superficial to deep burns were present all over the body. On examination of neck and other parts of the body, no other injury could be made out. However, on dissection of neck, subcutaneous tissues were congested, oedematous with spillage of blood was present on dissection whereas deep dissection, multiple rings of trachea were fractured, trachel mucosa was congested deeply with clotted blood present. As per the opinion of the board of doctors, the cause of death in the present case was asphyxia, as a result of strangulation, which was antemortem in nature and sufficient to cause death in ordinary course of events. Even, Usha Rani had suffered 100% burn injuries over her body. Apart from that, the death had occurred within almost 03 months of marriage. Consequently, it is apparent that admittedly, the death of the deceased had occurred within almost 03 months of her marriage and she had not died natural death. Thus, her death had occurred in otherwise than normal circumstances within 03 months of the marriage.

19. Now next considerable question before the Court is that soon before her death, whether Usha Rani was subjected to cruelty and harassment by the accused in connection with any demand of dowry. For the said purpose, the prosecution has relied upon two witnesses, i.e., PW5 Charan Dass and PW6 Smt. Krishna. PW5 Charan Dass clearly stated that soon after the marriage, the accused

had repeatedly raised demands of money. Even, all the three accused were made to understand that he was a poor person and had already given sufficient dowry. Even, Usha Rani had come to their house and told that all the three accused were demanding a sum of Rs.10,000/-. Thereafter, the demands for a scooter was raised. Even, PW6 Krishna deposed on similar lines and stated that her daughter Usha Rani was harassed by all the three accused in connection with demand of dowry and the accused told her to bring a scooter, which was to be used by Ram Chander, accused.

20. Apart from that, learned counsel for the appellants has submitted that the alleged occurrence had taken place at about 10/11 a.m. on 16.07.2000 whereas the FIR was got registered by the complainant at about 05.00 p.m. In fact, this insignificant delay in lodging the FIR would not adversely affect the veracity of the statements made by various prosecution witnesses. It is a matter of common knowledge that delay in registration of the FIR depends on various factors and facts and circumstances of every case are different. In the present case, the complainant and his family members had reached village Polar at about 10/11 a.m. and, thereafter, the complainant left his family members near the dead body and went to village Manas at the brick kiln, where the incident had taken place, to verify the other facts. As such, the delay in registration of the FIR was natural and no adverse inference can be

drawn regarding that. Still further, in the present case, there was sufficient evidence to show that Usha Rani, since deceased, was harassed in connection with demand of dowry.

21. In the present case, apart from that Ram Chander husband of Usha, since deceased, Sona Devi, i.e., her sister-in-law (Jethani) has also been arrayed as an accused and was convicted by the trial Court. However, the defence has raised an argument that Sona Devi appellant No. 3 and her husband Bharat Singh appellant No.2 had no concern with the matrimonial affairs of Ram Chander and Usha Rani. This Court agrees with the submissions raised by learned defence counsel for the reasons, which are mentioned in this paragraph. The prosecution examined its star witness Charan Dass as PW5. However, in his cross-examination, he admitted that Bharat Singh and Sona Devi, i.e., appellants No. 2 and 3 had two sons and three daughters. The youngest one might be seven years of age and eldest was aged about 16 years old. The children of Bharat Singh resided at village Polar, but Bharat and Sona Devi were residing at brick kiln of Manas. He further stated that an amount was demanded for the purchase of a scooter, which was to be used exclusively by Ram Chander. Apart from that, the defence also examined DW1 Sampuran Singh, Ex. Sarpanch of the village, who stated that Bharat Singh and Sona Devi, i.e., appellants No. 2 and 3 were having five children and they were agricultural laborers and used to work in the

fields. Even, they used to reside in the village, whereas Ram Chander and his wife Usha Rani were staying in the brick kiln in village Manas. Apart from that, the defence has also placed on record the *Chulha* tax receipts Mark A and B, copy of ration card Mark C and affidavit of Seema Bansal as Mark D, which would clearly show the separate residence of Bharat Singh and Sona Devi.

22. Apart from that, in the present case, the prosecution witnesses have repeatedly stated that there was demand of a scooter, which was to be exclusively used by Ram Chander. It is an admitted fact that Sona Devi appellant No. 3 is a rustic lady and can never be the beneficiary of demand of scooter by the other family members. Consequently, it cannot be stated that she had raised the demand of scooter and had harassed the deceased in connection with alleged demand of scooter. Even otherwise, it has also come on record that there were several *Jhuggies* at the brick kiln and all the labourers were residing separately. Thus, by extending the benefit of doubt, Sona Devi appellant No.3 is liable to be acquitted by this Court. So far as Ram Chander appellant No.1 is concerned, we have found that the presumption under Section 113-B of the Evidence Act was against the appellant No.1 and the findings of the trial Court are correct and liable to be affirmed by this Court. Apart from that, even the quantum of awarded sentence does not call for any interference by this Court and the appeal qua appellant No.1 is ordered to be dismissed.

However, Sona Devi, appellant No. 3 is ordered to be acquitted by extending the benefit of about to her.

23. The appellant No.1 is directed to surrender within 15 days from today, failing which, the CJM concerned shall issue non bailable warrants against the present appellant No.1/accused and shall commit him to custody to serve the remaining sentence of imprisonment.

24. All pending applications, if any, are disposed off, accordingly.

25. The case property, if any, may be dealt with as per the rules after expiry of period of limitation for filing the appeal.

26. Records of the Court below be sent back.

(N.S.SHEKHAWAT)
JUDGE

(SUKHVINDER KAUR)
JUDGE

14.10.2025
amit rana

Whether reasoned/speaking : Yes/No
Whether reportable : Yes/No