* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Reserved on: 14.10.2026
Date of Decision: 28.10.2026
Uploaded on: 28.10.2026

\# **CNR No. DLHC010765612016**

\+ **CRL.A. 237/2016**

DEEPAK KATARA .....Appellant
Through: Mr. Chetan Lokur, Adv
versus

STATE (GOVT OF NCT OF DELHI) .....Respondent
Through: Ms. Meenakshi Dahiya, APP for the State.
SI, Nitesh Yadav, PS Meharauli

CORAM:
HON'BLE MS. JUSTICE MADHU JAIN

JUDGMENT

MADHU JAIN, J.

1. The present appeal has been filed under Section 374 of the Code of Criminal Procedure, 1973 (hereinafter referred to as "*Cr. P.C.*") assailing the Judgment dated 28.01.2016 and the order on sentence dated 29.01.2016 passed by the Ld. Additional Sessions Judge, Saket, New Delhi, in ***FIR No. 230/2012,*** registered at P.S. Mehrauli under Sections 302, 306, and 498A of the Indian Penal Code, 1860; whereby the Ld. Additional Sessions Judge was pleased to sentence the Appellant to undergo seven (7) Years SI along with a fine of Rs.3,00,000/- for the offence punishable under Section 306,

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IPC, and to undergo three (3) Years SI along with a fine of Rs.50,000/- under Section 498-A, IPC.

The brief facts of the case, as emerging from the impugned order, are as follows:

2. In brief, the case of the prosecution is that on 25.05.2012, information vide DD No. 27-A was received at PS Mehrauli at about 4.05 pm from one Hemant Gautam (PW-25) from Kota, Rajasthan that his sister-in-law namely Vinita Katara, w/o. Deepak Katara, r/o. Deluxe Apartment, Ward No. 6, Mehrauli, New Delhi, called him half an hour before and informed that she is committing suicide and thereafter, her phone is not reachable. Hemant Gautam requested police official posted at PS Mehrauli to check the aforesaid apartment by sending police. Pursuant to the request of Hemant Gautam, HC Devender and HC Subhash were rushed to the spot and on reaching there, HC Subhash informed SI Surinder Pal Singh (PW-38) on his mobile phone that door of the house of Vineeta at IInd floor, Deluxe Apartment ward no. 6 is locked from inside and there is no response from inside. Thereafter, SI Surinder Pal Singh (PW-38) reached the spot along with ASI Ravi Shankar. While SI Surinder Pal Singh was proceeding to the spot, Duty Officer HC Jagvir (PW-12) also handed over a complaint to SI Surinder Pal Singh (PW-38) telling that one lady Vineeta Katara, w/o. Deepak Katara had come to Police Station and has given this complaint against her husband and in-laws. SI Surinder Pal Singh (PW-38) reached the spot and broke open the door of the flat in the said apartment in the presence of PW Sat Prakash and Chowkidar namely Bhagirath and found that inside one room of the said flat, one lady was hanging with ceiling fan with the

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help of chunni and was dead. In the other room of the flat, one girl aged about 3 ½ - 4 years was hanging with ceiling fan with the support of chunni and one boy aged about 2 years was lying naked dead on the double bed with ligature marks on the neck. SI Surinder Pal Singh immediately informed the Police Station and Inspector Dalip with SHO Inspector Pankaj Singh and other staff reached the spot. From the conversation with relatives of deceased, it was revealed that deceased was married to Deepak Katara five years ago. Accordingly, SDM, Hauz Khas was informed regarding death of Vineeta Katara who also arrived at the spot and inquest proceedings of deceased Vineeta Katara was conducted by him.

3. Deepak Katara, husband of deceased Vineeta Katara who was on duty at AIIMS, was also called at the spot and he identified the deceased as his wife Vineeta Katara, daughter Harshita and son Harshit. On the basis of circumstances, it was revealed that both the children were killed by lady Vineeta Katara and thereafter, she committed suicide by hanging. The house was completely locked from inside. On the basis of circumstances, dead bodies and gist of the complaint given by deceased in PS Mehrauli just before the incident, FIR u/s. 302/306/498-A IPC was registered at PS Mehrauli. After registration of FIR, investigation was handed over to Inspector Dalip. Crime team and photographer had also been called at the spot. Crime Team inspected the scene of crime and took photographs. Inspector Dalip inspected the scene of crime, prepared the site plan along with SI Surinder Pal Singh. Inspector Dalip conducted the inquest proceedings of deceased Harshit aged about 2 years and Harshita aged 3 ½ - 4 years. After inquest proceedings were completed by SDM, Hauz Khas,

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Inspector Dalip, dead body of deceased Vineeta Katara was inspected by SDM, Hauz Khas and all the three dead bodies were sent to mortuary, AIIMS. Thereafter, Inspector Dalip lifted exhibits from the spot such as plastic chair, ligature materials (chunni's), one wooden stool, broken pieces of iron grill of main gate and the broken kundi and seized them by preparing the seizure memo.

4. Carbon copy of complaint and bunch of keys which were handed over to one boy namely Manoj (PW-26) by Vineeta Katara who in turn had handed over the same to building chowkidar Bhagirath (PW-11) were also seized and taken into possession. Accused Deepak Katara was interrogated.

5. On 26.05.2012, mother of deceased and father of deceased arrived at Police Station along with their relatives from Rawat Bhata in Chitorgarh, Rajasthan. During inquest proceedings of Vineeta Katara, SDM, Hauz Khas recorded the statement of Smt. Meera Sharma (mother of deceased/PW-7) and Krishan Hari Sharma (father of deceased/PW-19) and postmortem of all dead bodies were conducted in AIIMS mortuary. The dead bodies were handed over to the relative after postmortem. After inquest proceedings conducted by SDM, Hauz Khas, section 304-B IPC was added in the case. Accused Deepak Katara was arrested and interrogated. Accused Deepak Katara admitted to the demand of dowry and torture of deceased at his hands. Accused Deepak Katara further disclosed that when he had quarrel with deceased Vineeta Katara in the morning of 25.05.2012, he had broken and thrown one SIM and kept the mobile phone with him so that Vineeta Katara cannot call to her parents.

6. After completion of investigation, a charge-sheet was filed against

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accused Deepak Katara and Harpati for offences punishable under Sections 304-B, 306 and 498-A IPC. Third accused namely Kedar Nath could not be arrested and he was declared proclaimed offender. After committal proceedings, charge u/s. 498-A/304-B/306 IPC were framed against accused Deepak Katara and Harpati. Both the accused pleaded not guilty and claimed trial.

7. To prove its case against the accused persons and discharge its burden, the prosecution examined thirty-eight witnesses before the learned Trial Court, whose testimonies have been discussed in the impugned judgment as under:

> *"12. PW-2 HC Devender Kumar, PW-6 Deepa, PW-7 Meera Sharma (mother of deceased), PW-11 Bhagirath (chowkidar), PW-19 Krishan Hari Sharma, (father of deceased), PW-21 Intkhab, PW-22 Heera Lal (neighbour and friend of father of deceased), PW-25 Hemant (brother-in-law of deceased), PW-26 Manoj, PW-28 Sangeeta (childhood friend of deceased), PW-37 Inspector Dalip (Investigating Officer) and PW-38 SI S.P. Singh, are material witnesses in this case.*
> *13. PW-2 HC Devender Kumar submitted that on 25.05.2012, at about 4 pm, he and HC Subhash (PW-17) were called by the Duty Officer HC Jaivir (PW-12) in his reporting room and were told that one Hemant had informed through telephone that his sister-in-law namely Vineeta Katara, w/o. Deepak Katara, who lives in 3-C, Deluxe Apartment, Ward No.6, Mehrauli, New Delhi, is committing suicide, PW-2 HC Devender Kumar was further told by PW-12 HC Jaivir that he received this information from Rajasthan about half an hour before and presently Vineeta Katara*

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is not picking up the phone. PW-2 HC Devender Kumar further deposed that on this information, he along with HC Subhash (PW-17) reached 3-C within 10-15 minutes where they found that room was locked from inside, PW-2 HC Devender Kumar informed the Division Officer SI S.P. Singh (PW-38) about the situation on his phone, SI S.P. Singh alongwith ASI Ravi Shankar reached the spot within 10-15 minutes and they also tried to open the door but the door could not be opened. SI S.P. Singh (PW-38) peeped through the ventilator and saw that one lady was hanging with ceiling fan, in the meanwhile, Chowkidar (PW-11 Bhagirath) came there and he handed over one letter and bunch of keys to SI S.P. Singh. However, despite using those keys, door could not be opened. SI S.P. Singh (PW-38) called one person namely Sat Prakash for breaking open the lock and he broke open the door. PW-2 Devender Kumar further deposed that after opening the door, they saw that a lady was hanging from ceiling fan with chunni around her neck, in the first room of the house/entry room and the feet of the lady were touching the bed, one wooden stool was also lying on the bed and one plastic chair was also lying by the side of the bed on the floor. PW-2 HC Devender Kumar further deposed that in another room, one male child aged about 2 years was lying on the bed, above the bed, one female child aged about 4 years was hanging by neck from the ceiling fan with a chunni and both the children were dead. The Chowkidar (PW-11 Bhagirath) told that name of the lady was Vineeta Katara, w/o. Deepak Katara. PW-2 Devender Kumar further deposed that SI S.P. Singh (PW-38) briefed the senior officers about the situation. PW-2 Devender Kumar was asked by SI S.P. Singh (PW-38) to

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bring accused Deepak Katara from AIIMS where he was employed, PW-2 went to the Screening Department of AIIMS hospital and met Deepak Katara there. PW-2 Devender Kumar brought Deepak Katara to his house and thereafter SI S.P. Singh (PW-38) handed over the ruqqa to PW-2 for getting the FIR registered and PW-2 came to Police Station and got the case registered.

14. PW-38 SI S.P. Singh conducted inquiry/proceedings before registration of FIR, prepared the ruqqa and got the FIR registered. PW-38 SI S.P. Singh was informed of the situation at the spot by HC Subhash and thereafter, he reached Deluxe Apartment, Ward no. 6, Mehrauli and found that door of the flat was bolted from inside and no-one was responding. PW-38 SI S.P. Singh further deposed that after receiving call from HC Subhash, he along with ASI Ravi Shankar went inside the reporting room of Police Station where Duty Officer HC Jaivir informed him that one lady namely Vineeta Katara who lived in Deluxe Apartment, Ward no. 6, Mehrauli had given a written complaint against her husband and in-laws and the said complaint was handed over to PW-38 for investigation. PW-38 SI S.P. Singh further deposed that thereafter, he along with ASI Ravi Shankar reached the spot after making departure entry vide DD no. 31-A and HC Subhash met them at the spot. PW-38 SI S.P. Singh reached the second floor and saw that door of the room was bolted from inside so PW-38 peeped through the glass which was above the door of the house and saw that a lady was hanging from ceiling fan with a chunni. PW-38 SI S.P. Singh called one Satya Prakash through one other police official, who lives near the house of deceased and accused, Satya Prakash broke the door of the house and

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police officials entered the first room and found that a lady was hanging from ceiling fan with the help of chunni, one wooden stool was also lying on the bed and on the floor one plastic chair was lying near the bed. PW-38 SI S.P. Singh further deposed that thereafter, they went inside another room where they found one male child aged about 1 ½ - 2 years was lying on the bed and there were marks of strangulation around the neck of the child and one girl child aged 3-4 years was found hanging from ceiling fan with the help of chunni. On inquiry, PW-38 SI S.P. Singh came to know that the name of deceased was Vineeta Katara, name of male child was Harshit and name of girl child was Harshita. PW-38 SI S.P. Singh informed about the incident to Inspector Pankaj Singh, SHO and SDM, Hauz Khas as PW-38 SI S.P. Singh came to know that marriage of deceased Vineeta Katara with accused Deepak Katara was solemnized 4-5 years back. Thereafter, SHO PS Mehrauli Inspector Pankaj Singh, Inspector Dalip, SI Pushpinder, Ct. Satpal, Ct. Ajay and other staff reached the spot. PW-38 SI S.P. Singh also called the husband of deceased namely Deepak Katara through Constable from AIIMS Hospital. On the basis of scene of crime, PW-38 SI S.P. Singh prepared rukka Ex. PW-38/A and handed over the same to HC Devender for registration of FIR and after registration of FIR, investigation was conducted by Inspector Dalip.

15. PW-37 Inspector Dalip Kumar inter alia deposed that after registration of FIR, investigation was handed over to him and he conducted inquest proceedings with respect of dead body of Harisht and Harshita and filled form no. 25:35 (1) (B) Ex. PW-37/A and Ex. PW-37/B, PW-37 Inspector Dalip Kumar recorded

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identification statement of Deepak Katara as Ex. PW-37/C which bears the signature of accused Deepak Katara at point 'A'. PW-37 Inspector Dalip Kumar also recorded the identification statement of Bhagirath Ex. PW-11/B. PW-37 Inspector Dalip Kumar further deposed that after conducting inquest proceedings, SDM, Hauz Khas reached the spot and both the dead bodies were brought down after cutting chunni's and all the three dead bodies were sent to AIIMS mortuary. PW-37 Inspector Dalip Kumar seized the plastic chair, wooden chair vide seizure memo Ex. PW-17/A and Ex. PW-17/B. PW-37 Inspector Dalip Kumar prepared the site plan Ex. PW-37/D. PW-37 Inspector Dalip Kumar also seized ligature material vide seizure memo Ex. PW-17/C and Ex. PW-17/D. PW-37 Inspector Dalip Kumar further deposed that SI S.P. Singh also handed over original complaint along with carbon copy and one bunch of keys to him at that time SI S.P. Singh (PW-38) told that he received the original complaint from Police Station Mehrauli. PW-37 Inspector Dalip Kumar seized the original complaint along with its copy and bunch of keys vide memo Ex. PW-17/A. PW-37 Inspector Dalip Kumar further deposed that on 26.05.2012, father of deceased namely Krishan Hari Sharma, mother of deceased Meera Sharma, brother of deceased Ashish Sharma, brother-in-law Hemant Gautam along with other relatives arrived in Police Station and PW-37 Inspector Dalip Kumar informed the SDM and on whose advice, parents and relatives of deceased were taken to AIIMS mortuary. PW-37 Inspector Dalip Kumar moved two applications requesting the Head, Department of Forensic Medicine, AIIMS to conduct postmortem on the dead body of children Harisht and Harshita. SDM

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recorded the statements of father of deceased (Krishan Hari Sharma) and mother of deceased (Meera Sharma) and handed over the inquiry report to PW-37. After postmortem, all the dead bodies were handed over to the father of deceased. PW-37 Inspector Dalip Kumar further deposed that on the direction of senior officials as well as inquiry report of SDM, he added section 304-B IPC in the case and further interrogated accused Deepak Katara and arrested him vide memo Ex. PW-37/J. PW-37 Inspector Dalip Kumar further deposed that on 13.07.2012, he along with SI S.P. Singh and Ct. Sher Singh proceeded to the parental house of deceased Vineeta Katara at Rawat Bhata, District Chittorgarh, Rajasthan where on 14.07.2012, Krishan Hari father of deceased produced three photographs showing the marriage of deceased Vineeta Katara with accused Deepak Katara, one DVD of marriage function and four jewelery receipts and same were seized by PW-37. PW-37 Inspector Dalip Kumar also recorded the statement of public witnesses namely Heera Lal and one Deepa who was residing on the first floor of Deluxe Apartment, Ward No. 6, Mehrauli. PW-37 Inspector Dalip Kumar further deposed that during investigation, he also came to know that actual number of flat where the incident has happened was flat no. 4, second floor, Ward no. 6, Mehrauli whereas deceased Vineeta Katara had mentioned flat number as flat no. 3-C in her complaint which she had filed in Police Station on the day of incident just before her death. PW-37 Inspector Dalip Kumar further deposed that he also collected photocopy of documents of flat from Harish Kumar Jain who had sold this flat to deceased Vineeta Katara and also recorded the statement of Harish Kumar Jain in this regard.

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16. PW-29 Mr. Rajeev Shukla, who was working as SDM, Hauz Khas on the date of incident, deposed that he received information at about 5.30 pm from SHO PS Mehrauli that a lady had committed suicide at her Deluxe home apartment at Mehrauli. Thereafter, PW-29 Mr. Rajeev Shukla, reached the spot and found that a lady whose name was later on revealed as Vineeta Katara was hanging with chunni from a ceiling fan. In the adjacent room, her son was lying dead on the bed and her daughter was also hanging from the ceiling fan. PW-29 Mr. Rajeev Shukla further deposed that he filled up form no.25:35(1B) Ex. PW-29/A. PW-29 Mr. Rajeev Shukla further deposed that on the next day, he went to AIIMS mortuary and met the parents of deceased namely Meera Sharma and Krishan Hari Sharma and recorded their statements and made a request to Autopsy Surgeon Ex. PW-29/B for conducting postmortem on the body of deceased Vineeta Katara. PW-29 Mr. Rajeev Shukla further deposed that he prepared inquest report Ex. PW-29/D and directed SHO to take appropriate action as per law.

17. When the deposition of PW-7 Meera Sharma and PW-19 Krishan Hari Sharma are carefully perused and analyzed, one does not find any specific allegation that accused Harpati subjected the deceased to cruelty or demanded dowry from her. PW-7 Meera Sharma deposed that when demand of accused Deepak for Rs. 50,000/- was not met, accused Deepak continued to harass the deceased and his parents also joined him in harassing the deceased. PW-7 Meera Sharma further deposed that Deepak Katara used to tell the deceased that PW-7 Meera Sharma and PW-19 Krishan Hari Sharma have not given enough dowry and since Deepak Katara is now employed

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with AIIMS, he would get Rs. 30 lacs as dowry. It is, therefore, obvious that specific details of cruel treatment towards deceased at the hands of accused Harpati particularly on account of demand of dowry are lacking in the deposition of PW-7 Meera Sharma and PW-19 Krishan Hari Sharma. In Salamat Ali Vs. State of Bihar - AIR 1995 Supreme Court Cases 1983 it was held that in the absence of clear and pointed evidence it would be unsafe to maintain conviction of parents, on vague allegations that demand of dowry was made by husband's family members.

18. At another place, PW-7 Meera Sharma deposed that deceased telephoned her from Kota and told her that she is not given food. Here again, PW-7 Meera Sharma did not specify as to who deprived the deceased of food in her in-laws house. PW-19 Krishan Hari Sharma deposed that about 1 ½ months prior to the death of deceased, accused persons demanded Rs. 50,000/-. However, PW-19 Krishan Hari Sharma has not specified as to which of the accused demanded Rs. 50,000/- from deceased or from PW-7 Meera Sharma or PW-19 Krishan Hari Sharma himself. In-fact, PW-19 Krishan Hari Sharma while giving his deposition in the Court improved over his version given to the SDM as PW-19 Krishan Hari Sharma has nowhere stated in his statement Ex. PW-19/A recorded by the SDM that about 1-1 ½ months prior to the death of deceased, accused persons also demanded Rs. 50,000/-. Similarly, PW-19 Krishan Hari Sharma also made improvement over his version contained in his statement Ex. PW-19/A recorded by SDM that PW-19 Krishan Hari Sharma deposed as to how his wife dropped the deceased at the house of accused persons on 21.05.2012. PW-19

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Krishan Hari Sharma further deposed that one day prior to the death of deceased, he made call to his daughter as he wanted to talk to his daughter's children but the phone was picked up by accused Deepak Katara and accused Deepak Katara told "tumhari ladki deidh mahine tumhara yahan rahi, tumne usko koi lakshan nahi sikhaye" (your daughter lived with you for 1 ½ months, you have not taught her manners). According to PW-19 Krishan Hari Sharma, when PW-19 asked accused Deepak Katara to make him talk to his daughter and he talked with his daughter and asked her to adjust herself, at that time, PW-19 over heard the voice of accused Deepak Katara on phone and he was abusing his daughter and was saying that she had not cleaned the utensils of her mother and he will kill her. PW-19 Krishan Hari Sharma further deposed that on the next day i.e. Friday, wife of PW-19 received a telephonic call of his daughter on her mobile phone no. 8432581164 at about 11-11.30 am and deceased told that she has given the key of Godrej almirah in the house at Kota to Deepa and in that almirah, her daughter had kept all her jewelery articles and she is going to die as her husband had severally beaten her in the night. PW-19 Krishan Hari Sharma further deposed that after

19. PW-28 Sangeeta who is the childhood friend of deceased has also not mentioned about any cruel treatment of deceased at the hands of accused Harpati on account of dowry or otherwise. Regarding accused Harpati, PW-28 Sangeeta merely deposed that deceased told her that behaviour of her father-in-law and mother-in-law is not supportive as they used to taunt her. This is not sufficient to prove the charge u/s. 498-A IPC, u/s. 304-B IPC and u/s. 306 IPC.

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20. PW-22 Heera Lal who is the brother and friend of father of deceased has deposed about Rs. 2 lacs demanded by accused for purchasing a flat and same were given to accused Deepak Katara. PW-22 Heera Lal has nowhere deposed that accused Harpati tortured or harassed the deceased on account of dowry or otherwise. As in the depositions of PW-7 Meera Sharma, PW-19 Krishan Hari Sharma, PW-28 Sangeeta, the main thrust of the deposition of PW-22 Heera Lal is on the dowry demand being raised by accused Deepak. It is, therefore, obvious that prosecution miserably failed to prove that accused Harpati being the mother-in-law of deccased subjected her to cruelty. Prosecution has also failed to prove that accused Harpati by her conducted has instigated the deceased to commit suicide.

…

25. So far as accused Deepak Katara is concerned, PW-7 Meera Sharma, mother of deceased has deposed that her daughter Vineeta was married on 20.05.2007 with accused Deepak at Rawat Bhata and at the time of marriage, Deepak Katara was in a private job at Dehradun and was earning Rs. 5,000/- per month. After six months of his marriage, Deepak Katara got a job at AIIMS and after his employment at AIIMS, his demands increased and he started beating the deceased and demanded Rs.2 lacs from the parents of deceased. PW-7 Meera Sharma further deposed that her husband himself came and gave Rs. 2 lacs for the purchase of flat. It has also come in the deposition of PW-7 Meera Sharma that even at the time of marriage of her younger brother Kavita, deceased came to attend the marriage but accused Deepak Katara himself did not come and had demanded a sum of Rs. 50,000/-and on account of refusal of

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parents of deceased to pay Rs. 50,000/- to accused Deepak Katara, accused Deepak Katara did not attend the marriage of Kavita. PW-7 Meera Sharma further deposed that accused continued to beat the deceased and kept on demanding money. PW-7 Meera Sharma has further deposed that in October 2011, deceased Vineeta had gone to Police Station to make complainant against Deepak Katara and his family when she was turned out of his house by accused Deepak Katara and police got the matter sorted out by counselling Deepak Katara. PW-7 Meera Sharma went on to depose that Deepak Katara again gave beating to deceased after reaching home. PW-7 Meera Sharma further deposed that her son Ankit went to Kota and brought the deceased to their house at Rawat Bhata on 17.04.2012 and her daughter lived with her for one month and four days, accused Deepak reached Kota and from there, he telephoned and called Vineeta at Kota as he had to go to Delhi and he also demanded Rs. 50,000/-, Vineeta refused to bring any money, PW-7 Meera Sharma asked the deceased to call Deepak Katara to their house at Rawat Bhata, Rajasthan, saying that PW-7 will pay him Rs. 50,000/-, accused Deepak Katara did not come to the house of PW-7 and accordingly PW-7 Meera Sharma did not pay any money to him. PW-7 Meera Sharma further deposed that on the insistence of accused Deepak Katara, she dropped the deceased at her matrimonial home at Kota and on 01.05.2012, deceased and accused Deepak Katara left for Kota in the night of 23.05.2012. PW-7 Meera Sharma further deposed that her daughter telephoned her on 24.05.2012 and informed that she was beaten on that night and she was not even given food and she was hungry since then. Thereafter, PW-7

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Meera Sharma talked with accused Deepak Katara on phone and accused Deepak Katara stated that he would kill Vineeta as she has been tutored by her parents. PW-7 Meera Sharma further deposed that on 25.05.2012 at about 11.30-12 noon, Vineeta telephoned her from a PCO as her mobile phone was damaged by accused Deepak Katara and told that she has been turned out of the house by Deepak and her father-in-law is telling her to kill her and they will see the consequence. PW-7 Meera Sharma tried to contact the deceased on her mobile phone but she could not contact her. Thereafter, PW-7 Meera Sharma, tried to contact other relatives of accused Deepak Katara to counsel him but to no avail. At about 5-5.30 pm, PW-7 Meera Sharma received a telephonic call from Lokinder, elder brother of Deepak Katara, informing that deceased has committed suicide. PW-7 Meera Sharma further deposed that immediately thereafter, she along with her husband, her son Ashish Sharma and son-in-law Hemant left for Delhi and where SDM recorded her statement Ex. PW-7/A.

26. PW-19 Krishan Hari Sharma, father of deceased, also deposed about the marriage of deceased with accused Deepak Katara in the year 2007 and the fact that accused Deepak Katara at the time of marriage was doing a private job and after the marriage, he got a job at AIIMS and demanded Rs. 2 lacs from deceased. PW-19 Krishan Hari Sharma further deposed that he paid Rs. 2 lacs to one Jain from whom flat was purchased in the name of Deepak Katara and his father Kedar Nath. PW-19 Krishan Hari Sharma specifically deposed that deceased was harassed after Deepak Katara got a job in AIIMS Hospital. PW-19 Krishan Hari Sharma further deposed that

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1-1 ½ month prior to the death of deceased, accused persons demanded Rs. 50,000/- but he refused to give the same. PW-19 Krishan Hari Sharma then deposed as to how his wife dropped the deceased at the house of accused persons on 21.05.2012. PW-19 Krishan Hari Sharma further deposed that one day prior to the death of his daughter, he made call to his daughter as he wanted to talk to his daughter's children but the phone was picked up by accused Deepak Katara and accused Deepak Katara told "tumhari ladki deidh mahine tumhara yahan rahi, tumne usko koi lakshan nahi sikhaye" (your daughter lived with you for 1 ½ months, you have not taught her manners). According to PW-19 Krishan Hari Sharma, when PW-19 asked accused Deepak Katara to make him talk to his daughter and he talked with his daughter and asked her to adjust herself, at that time, PW-19 overheard the voice of accused Deepak Katara on phone and he was abusing his daughter and was saying that she had not cleaned the utensils of her mother and he will kill her. PW-19 Krishan Hari Sharma further deposed that on the next day i.e. Friday, wife of PW-19 received a telephonic call of his daughter on her mobile phone no. 8432581164 at about 11-11.30 am and deceased told that she has given the key of Godrej almirah in the house at Kota to Deepa and in that almirah, her daughter had kept all her jewelery articles and she is going to die as her husband had severally beaten her in the night. PW-19 Krishan Hari Sharma further deposed that after hearing the said call, they became perplexed and made call to the relatives of accused persons but that call could not be connected. Thereafter, PW-19 Krishan Hari Sharma informed his son-in-law Hemant and informed about the conversation

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which PW-19 had with his daughter and Hemant, after obtaining telephone number of Police Station Mehrauli from internet informed PS Mehrauli. PW-19 Krishan Hari Sharma further deposed that at about 5.30 pm, his wife received a telephonic call from the elder brother of accused Deepak Katara that deceased has committed suicide. PW-19 Krishan Hari Sharma further deposed that on the next day he along with his wife, his another daughter, son, his brother and other relatives came to Delhi where SDM recorded his statement Ex. PW-19/A.

27. It is evident from the depositions of PW-7 Meera Sharma and PW-19 Krishan Hari Sharma that accused Deepak Katara started harassing the deceased and treated her with cruelty even since, he got a job at AIIMS. It can be seen from the depositions of PW-7 Meera Sharma and PW-19 Krishan Hari Sharma that accused Deepak Katara first demanded Rs. 2 lacs for purchasing flat at Delhi and that demand was fulfilled by PW-19 Krishan Hari Sharma in the presence of PW-22 Heera Lal. However, greed of accused Deepak Katara was not satisfied and he kept on demanding money from deceased and her parents. Accused Deepak Katara refused to attend the marriage of younger sister of deceased as his demand of Rs. 50,000/- was not fulfilled by the parents of deceased. This fact has been corroborated by an independent witness i.e PW-28 Sangeeta. PW-28 Sangeeta has also deposed that deceased told her that when marriage of deceased was solemnized with accused Deepak Katara, he was doing a private job and after marriage, he has got a job at AIIMS and his demands were raised. Not attending the marriage of younger sister of deceased on account of non-fulfillment of his demand of Rs.

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50,000/- was the cruel conduct of accused Deepak Katara towards the deceased as deceased has to explain to all the relatives present in the marriage as to why her husband has not attended the marriage.

28. PW-22 Heera Lal has deposed that Rs. 2 lacs were demanded by accused from PW-19 Krishan Hari Sharma in his presence for purchasing a flat and same were given to him. PW-22 Heera Lal further deposed that even on that occasion, quarrel had taken place between accused and Vineeta. The fact that accused Deepak Katara being the husband of deceased subjected the deceased to cruelty is proved not only by the depositions of PW-7 Meera Sharma and PW-19 Krishan Hari Sharma but also by independent witnesses namely PW-22 Heera Lal and PW-28 Sangeeta. Testimonies of PW-22 Heera Lal and PW-28 Sangeeta could not be shaken during cross examination and can be safely relied upon. While cross examining PW-22 Heera Lal and PW-28 Sangeeta, the main focus of learned defence counsel was to prove that these witnesses are not aware of the background of father of deceased i.e. PW-19 Krishan Hari Sharma. Even if, it is accepted that these witnesses were ignorant of criminal background of the father of deceased, same will not make them unreliable witnesses.

…

…

47. PW-1 Dr. Rajesh, Junior Resident, Department of Forensic Medicine, AIIMS, New Delhi, who conducted postmortem on the body of deceased Vineeta Katara opined that cause of death in this case was asphyxia due to antemortem hanging. PW-1 Dr. Rajesh also gave subsequent opinion to the effect that ligature mark over the neck as

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described in the postmortem report could have been caused by the alleged ligature material submitted to him. Similarly, PW-27 Dr. Raghvender Kumar, Assistant Professor, AIIMS, who conducted postmortem on the body of Harshit Katara opined that cause of death was asphyxia due to antemortem hanging by ligature. PW-27 Dr. Raghvender Kumar also identified the signature and handwriting of Dr. Sudipta Rangan Singh who had given subsequent opinion to the effect that ligature mark over the neck as described in the postmortem report could have been caused by any of the alleged ligature material submitted to him opinion.

48. PW-3 Dr. Asit Kumar Sikary, Sr.Resident, Department of Forensic Medicine AIIMS, New Delhi who conducted postmortem on the body of Harshita opined that cause of death was asphyxia due to antemortem hanging by ligature. PW-3 Dr. Asit Kumar Sikary also gave subsequent opinion on the postmortem to the effect that ligature mark over the neck could have been caused by any of the two ligature materials submitted to him.… ”

8. On the completion of prosecution evidence, an examination of accused person u/s 313 Cr. P.C was conducted on 18.09.2015, during his examination, he denied all the allegations levelled against them and claimed his innocence by stating that he has been falsely implicated in this case, that the deceased was a short tempered lady, and that the deceased was instigated by her own parents to commit suicide. The discussion regarding the defence witnesses by the learned Trial Court is reproduced hereinbelow:

“6. …*accused Deepak putforth the defence that few months before her death, the suitcase of deceased had fallen on the ground whereupon her*

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educational certificates had fallen on the floor and on seeing them, he came to know that father's name of deceased as Ashok Pathak and her mother's name is Meera Pathak and her own name is Vineeta Pathak and they belong to Gwalior, Madhya Pradesh. Accused Deepak Katara further stated that he made inquiries from Madhya Prakash and came to know that the father of deceased had committed a murder there at Madhya Pradesh and had run away from there and had been declared proclaimed offender by Hon'ble Court and they had been residing at Rawat Bhata, Rajasthan. Accused further stated that this fact was concealed from him and his parents at the time of marriage and accused asked the deceased about it and thereafter, deceased went to her parents and she remained in her parental house for about 1 months and four days and asked her father about it who admitted the said fact and on being asked by the deceased as to how she could show her face to her husband and other family members, father of deceased told her do not show your face if you do not want to show. In other words, accused took the defence that deceased was instigated by her parents to commit suicide.

…

39. *During examination of accused Deepak Katara u/s. 313 Cr.PC, it was put to accused that PW-12 HC Jaivir Singh received a complaint from Vineeta Katara Ex. PW-12/B vide DD No. 39-B and after receiving the same, PW-12 HC Jaivir Singh handed over the same to the Reader of SHO. Accused never Katara merely stated that "it is incorrect". Accused now raised a plea that some person other than the deceased gave the complaint Ex. PW-12/B to the Duty Officer of PS Mehrauli impersonating as deceased Vineeta Katara."*

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9. The learned Trial Court, vide the impugned judgment dated 28th January 2016, convicted the appellant and held as under:

> *"**73.** In-fact the facts of case **K. Prema S. Rao Vs. Yadla Srinivasa Rao & Ors. (supra)** are almost identical to the facts of present case. Hence, the law laid down in the said case is clearly applicable to the facts of present case.*
> *In view of the facts and the legal preposition discussed above, accused Deepak Katara is convicted under section 498-A IPC and under section 306 IPC. However, accused Deepak Katara is acquitted of the charge u/s. 304-B IPC. Accused Harpati is acquitted of the charges u/s. 498-A/304-B/306 IPC framed against her."*

10. Consequent upon the judgment of conviction, the learned Trial Court, vide Order on Sentence dated 29th January 2016, imposed the following sentence upon the present appellant:

> *"7. Considering the nature of offence and the character of convict Deepak Katara, Court does not find it a fit case to release the convict on probation of good conduct.*
> *8. Keeping in view all the mitigating and aggravating circumstances, convict Deepak Katara is sentenced to simple imprisonment for three years (3 years) and fine of Rs. 50,000/- (Rs. fifty thousand) for the offence u/s. 498-A IPC. In default of payment of fine, convict will further undergo simple imprisonment for four months (4 months). Convict Deepak Katara is further sentenced to simple imprisonment for seven years (7 years) and fine of Rs. 3 lacs (Rs. Three lacs) for the offence u/s. 306 IPC. In default of payment of fine, convict will further undergo simple imprisonment for one*

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year (1 year). Both these sentences shall run concurrently. Benefit of section 428 Cr. P.C. is extended to convict.
10. It stands proved on record that parents of deceased spent lot of money on the marriage of deceased and also paid Rs. 2 lacs to convict after marriage of deceased. Therefore, out of total fine of Rs. 3,50,000/-, a sum of Rs. 3 lacs be released to the parents of deceased Vineeta Katara."

11. Aggrieved by the aforesaid impugned judgment of conviction dated 28.01.2016 and the order on sentence dated 29.01.2016, the Appellant has preferred the present appeal before this Court.

Submissions on Behalf of the Appellant

12. Learned counsel for the appellant submits that the impugned judgment dated 28.01.2016 is contrary to the facts and circumstances of the present case and that the prosecution has failed to prove its case beyond reasonable doubt.

13. It is contended by learned counsel for the appellant that the learned Trial Court erred in convicting the appellant under Section 306 of the Indian Penal Code, 1860, as the essential ingredients of the offence of abetment of suicide have not been established. It is submitted that there is no evidence to show that the appellant instigated or provoked the deceased to commit suicide or performed any act that facilitated the commission of suicide.

14. Learned counsel for the appellant further submits that there is no direct or indirect evidence to establish that the appellant's alleged acts of cruelty or harassment instigated the deceased to commit suicide. It is

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contended that the learned Trial Court wrongly presumed that the alleged acts of cruelty or harassment by the appellant had led the deceased to commit suicide, despite the absence of any supporting evidence.

15. It is further contended by learned counsel for the appellant that, to establish an offence under Section 306 IPC, there must be clear evidence of instigation and a connection between such instigation and the commission of suicide. It is submitted that instigation means to goad, urge, provoke, incite or encourage a person to do an act. However, in the present case, there is no evidence to show that the appellant, through any act, omission or continuous course of conduct, created circumstances that left the deceased with no other option but to commit suicide.

16. Learned counsel for the appellant submits that the learned Trial Court incorrectly relied upon Section 113-A of the Indian Evidence Act, 1872, to draw a presumption of abetment of suicide. It is contended that the presumption under the said provision is discretionary and not mandatory and can be drawn only after considering all the circumstances of the case. It is further submitted that the prosecution has failed to establish a connection between the alleged cruelty and the suicide. The presumption under Section 113-A is also rebuttable and cannot, by itself, justify the appellant's conviction.

17. It is contended by learned counsel for the appellant that even if the entire prosecution case, including the testimonies of its witnesses and the documentary evidence, is accepted as true, no offence under Section 306 IPC is made out against the appellant, particularly in view of the settled law laid down by the Hon'ble Supreme Court.

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18. Learned counsel for the appellant submits that the testimonies of the material prosecution witnesses, namely, the mother of the deceased, Smt. Meera Sharma (PW-7), the father of the deceased, Sh. Krishan Hari Sharma @ Ashok Pathak (PW-19), and the brother-in-law of the deceased, Hemant Gautam (PW-25), contain material contradictions and inconsistencies. It is contended that their versions of the events of 24.05.2012 and 25.05.2012 differ, particularly regarding the timings and contents of the alleged telephone conversations with the deceased and the alleged cruelty committed by the appellant.

19. Learned counsel for the appellant further submits that the testimony of Smt. Meera Sharma (PW-7), the mother of the deceased, is unreliable. It is contended that her claim that the deceased had informed her that the appellant had thrown her out of the matrimonial home is contrary to the prosecution's own case, according to which the deceased entered and left the house several times on the day of the incident, including for the alleged purpose of making a telephone call from a PCO booth and lodging a complaint with the police.

20. It is further contended by learned counsel for the appellant that Smt. Meera Sharma (PW-7) improved upon her earlier statement while deposing before the Court, as several incriminating details stated in her testimony were absent from her earlier statement, exhibited as Ex. PW-7/DE. It is submitted that these improvements cast serious doubt on the credibility of her testimony.

21. Learned counsel for the appellant submits that the learned Trial Court incorrectly relied upon the alleged complaint made by the deceased at Police

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Station Mehrauli on 25.05.2012, exhibited as Ex. PW-12/B (DD No. 39B), despite the prosecution having failed to establish its authenticity and authorship. It is contended that the complaint does not bear the signatures of the deceased and mentions her address as Flat No. 3C, whereas she admittedly resided at Flat No. 4. It is further submitted that this discrepancy assumes significance because the deceased was a highly educated woman who had completed her Master's degree in Sociology.

22. It is further contended by learned counsel for the appellant that the prosecution did not produce any admitted specimen of the deceased's handwriting for comparison with the handwriting appearing on the alleged complaint, Ex. PW-12/B (DD No. 39B). It is submitted that the prosecution has, therefore, failed to establish that the complaint was written by the deceased, as required under Section 67 of the Indian Evidence Act, 1872, and that the learned Trial Court erred in relying upon the same without proper proof of its authorship.

23. Learned counsel for the appellant submits that the prosecution's case is further doubtful because the investigation records repeatedly mention Flat No. 3C as the place of the incident, whereas the deceased admittedly resided at Flat No. 4. It is contended that this material discrepancy casts serious doubt on the accuracy of the investigation and the proceedings relating to the present case.

24. It is contended by learned counsel for the appellant that the post-mortem report of the deceased, exhibited as Ex. PW-1/A and Ex. PW-1/B, and her MLC, exhibited as Ex. PW-5/A, do not record any injuries other than those attributable to the suicide. It is submitted that this circumstance

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supports the appellant's contention that the deceased had not been physically assaulted by him and also casts doubt on the claim of Smt. Meera Sharma (PW-7) that the deceased had informed her that the appellant had badly beaten her a day before the incident.

25. Learned counsel for the appellant further submits that the deceased had admittedly resided at her parental home in Rawat Bhata, District Chittorgarh, Rajasthan, for a continuous period of one month and four days and had returned to her matrimonial home only one day before the incident. It is contended that the prosecution has failed to establish any specific incident or circumstance arising after her return that could have led her to commit suicide. It is further submitted that the post-mortem report and the MLC do not record any other bodily injuries on the deceased.

26. Learned counsel for the appellant submits that, in his statement recorded under Section 313 of the Code of Criminal Procedure, 1973, the appellant provided an explanation regarding the circumstances preceding the death of the deceased. It is contended that, a few months before the incident, a suitcase belonging to the deceased had accidentally fallen, causing certain educational certificates to fall out. Upon examining the certificates, the appellant allegedly discovered that the names of the deceased, her father and her mother were recorded as Vineeta Pathak, Ashok Pathak and Meera Pathak, respectively, and that they belonged to Gwalior, Madhya Pradesh.

27. It is further contended by learned counsel for the appellant that, upon making inquiries in Madhya Pradesh, the appellant allegedly discovered that the father of the deceased had committed a murder, absconded and been declared a proclaimed offender by a court in Madhya Pradesh. It is

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submitted that, when the appellant sought an explanation from the deceased regarding these facts, she went to stay with her parents at Rawat Bhata, Rajasthan, for one month and four days.

28. Learned counsel for the appellant further submits that the deceased subsequently asked her father about these matters and that he admitted them to be true. It is contended that the deceased expressed concern about facing society because of her father's past conduct, to which her father allegedly responded that she should not show her face in public if she could not do so. It is submitted that these circumstances caused the deceased severe mental and emotional distress and that the learned Trial Court failed to consider this alternative explanation for the suicide.

29. Learned counsel for the appellant submits that the alleged complaint made by the deceased at Police Station Mehrauli on 25.05.2012, exhibited as Ex. PW-12/B (DD No. 39B), does not mention any intention on the part of the deceased to commit suicide or establish that the appellant had harassed or instigated her to do so. It is contended that the said complaint does not establish the essential ingredients of an offence under Section 306 IPC.

30. It is further contended by learned counsel for the appellant that the photographs marked as Mark PW-7/D1 to D12, which were shown to Smt. Meera Sharma (PW-7) and admitted by her to be photographs of the deceased with the appellant, indicate that the parties shared a cordial relationship. It is submitted that their relationship is further reflected in the fact that the flat in which they resided with their children had been purchased by the appellant in the name of the deceased.

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31. Learned counsel for the appellant submits that the prosecution has not produced any testimony from the neighbours of the appellant and the deceased to establish that the parties frequently quarrelled or that the appellant subjected the deceased to cruelty or harassment. It is contended that the watchman, Bhagirath (PW-11), categorically deposed that he had always seen the appellant and the deceased happy and had never heard any complaint of a quarrel between them. It is submitted that this testimony contradicts the prosecution's allegations of cruelty and harassment.

32. Learned counsel for the appellant further submits that the prosecution has failed to establish that it was the deceased who made a telephone call to her father's mobile phone from the PCO booth on 25.05.2012, as her name was not entered in the register maintained by the PCO booth owner, Shyam Lal (PW-18). It is contended that this circumstance casts doubt on the prosecution's version of the events preceding the incident.

33. It is contended by learned counsel for the appellant that the appellant and the deceased had admittedly been married and residing together for five years before the incident. During this period, neither the deceased nor any member of her family had made any complaint regarding alleged dowry demands, cruelty or harassment. It is submitted that the absence of any such complaint is a relevant circumstance that the learned Trial Court failed to consider while assessing the prosecution's allegations.

34. Learned counsel for the appellant submits that the prosecution has failed to produce any documentary evidence to substantiate the alleged dowry demands or harassment. It is contended that, in the absence of supporting evidence, the learned Trial Court erred in relying upon the

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uncorroborated testimony of the father of the deceased, Sh. Krishan Hari Sharma @ Ashok Pathak (PW-19), regarding the alleged demand of ₹3,00,000 by the appellant and the alleged payment of ₹2,50,000 by the father of the deceased to the appellant.

35. Learned counsel for the appellant further submits that the prosecution is required to establish the guilt of the accused beyond reasonable doubt. It is contended that the learned Trial Court convicted the appellant despite material contradictions, inconsistencies and gaps in the prosecution's evidence, which create serious doubt regarding the appellant's guilt.

36. It is lastly contended by learned counsel for the appellant that the impugned judgment is based on conjectures and surmises rather than reliable evidence establishing the essential ingredients of the alleged offence. It is, therefore, submitted that the conviction of the appellant is unsustainable in law and on facts.

37. Learned counsel for the appellant relies upon the judgments of the Hon'ble Supreme Court in ***Naresh Kumar v. State of Haryana*, 2024 INSC 149**, and ***Patel Babubhai Manohardas & Ors. v. State of Gujarat*, 2025 INSC 322**, in support of his submissions.

Submissions On Behalf of the Respondent-state

38. Learned APP submits that on 25.05.2012, information was received at Police Station Mehrauli vide DD No. 27A at about 4:05 PM from Hemant Gautam, brother-in-law of the deceased, Vineeta Katara, stating that she had called him around half an hour earlier and informed him that she was going

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to commit suicide. Thereafter, her phone became unreachable, following which he requested the police to visit her residence.

39. Learned APP further submits that the police officials reached the apartment and, upon receiving no response from inside the flat, broke open the door in the presence of public witnesses. Inside the flat, the deceased, Vineeta Katara, was found hanging from the ceiling fan, while her daughter, Harshita, was also found hanging in another room and her son, Harshit, was found lying dead on the bed with ligature marks on his neck. The police informed the senior officers, and the SDM, Hauz Khas, was also called to conduct the inquest proceedings.

40. It is further submitted by Learned APP that the husband of the deceased, Deepak Katara, was called to the spot, where he identified the deceased and their two children. On the basis of the circumstances, the condition of the bodies and the complaint allegedly made by the deceased at the police station shortly before the incident, an offence under Sections 302, 306 and 498A IPC was made out, and the case was registered accordingly.

41. Learned APP submits that during the investigation, the crime scene was photographed and inspected by the crime team, relevant exhibits were collected, and a site plan was prepared. The post-mortem examinations of the deceased and her two children were conducted at AIIMS on 26.05.2012 in the presence of their relatives and the SDM, Hauz Khas.

42. Learned APP further submits that the father and mother of the deceased, Sh. Krishan Hari Sharma and Smt. Meera Sharma, stated during the inquest proceedings and in their statements recorded under Section 161 CrPC that the deceased was married to the appellant in 2007 and that her in-

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laws had subjected her to cruelty soon after the marriage. They further alleged that the appellant's brother, Dilip Sharma, had threatened that the deceased should be killed and that he would deal with the consequences. It was also alleged that the appellant had demanded ₹50,000 for purchasing a flat in Jaipur, despite the family having already paid ₹2,00,000 towards the purchase of a flat in Delhi. The mother of the deceased also alleged that the appellant's parents had misbehaved with her when she visited Kota to drop off the deceased.

43. It is contended by Learned APP that the appellant was arrested and interrogated during the investigation, during which he allegedly admitted to demanding dowry and subjecting the deceased to torture along with the other accused persons. It is further submitted that the appellant disclosed that, following a quarrel with the deceased on the morning of 25.05.2012, he had broken and thrown away one SIM card and kept both mobile phones with him to prevent the deceased from contacting her parents. Both mobile phones were subsequently recovered from his personal search.

44. Learned APP submits that, as per the post-mortem reports, the cause of death of the deceased, Vineeta Katara, was asphyxia due to antemortem hanging. The post-mortem reports of both children also recorded asphyxia due to antemortem hanging by ligature as the cause of death. The viscera of all three deceased persons were sent to the Forensic Science Laboratory, Rohini, for examination, and the report stated that no metallic poisons, alcohol, cyanide, phosphide, alkaloids, tranquilizers or pesticides were detected in the exhibits examined.

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45. Learned APP further submits that, during the investigation, subsequent medical opinions were obtained, and the father of the deceased also provided photographs, a DVD of the marriage ceremony of the deceased and the appellant, and other relevant material. Upon completion of the investigation, the chargesheet was filed before the learned Trial Court.

46. Learned APP submits that, vide judgment dated 28.01.2016, the learned Additional Sessions Judge, Saket Courts, New Delhi, acquitted the mother of the appellant of all charges but convicted the appellant under Sections 306 and 498A IPC. It is further submitted that the appellant's father was declared a proclaimed offender.

47. Learned APP further submits that, vide order on sentence dated 29.01.2016, the appellant was sentenced to seven years' simple imprisonment and a fine of ₹3,00,000 for the offence punishable under Section 306 IPC, and three years' simple imprisonment and a fine of ₹50,000 for the offence punishable under Section 498A IPC.

48. Learned APP, accordingly, relies upon the circumstances of the incident, the statements of the parents of the deceased, the alleged conduct of the appellant and the evidence collected during the investigation in support of the conviction recorded by the learned Trial Court.

Findings and Analysis

49. I have heard learned counsel for the appellant and the learned APP for the State and have carefully perused the record.

50. The principal question that arises for consideration is whether the learned Trial Court committed any error in convicting the appellant for the

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offences punishable under Sections 498-A and 306 of the Indian Penal Code, 1860.

51. It is undisputed that Vineeta Katara married the appellant on 20.05.2007 and died on 25.05.2012, within seven years of the marriage. The medical evidence establishes that Vineeta and her two children died due to asphyxia consequent upon antemortem hanging. The principal question is whether the evidence establishes the cruelty attributed to the appellant and, in turn, his liability for the offences of which he has been convicted.

Section 498-A IPC

52. PW-7, Meera Sharma, the mother of the deceased, deposed that monetary demands were made during the marriage and that certain demands were fulfilled by her husband, including the payment of ₹2 lakh in connection with the purchase of a flat. She further referred to an incident in October 2011 when Vineeta allegedly approached the police following harassment by the appellant.

53. According to PW-7, the father-in-law subsequently taunted Vineeta over her food consumption, spoke of divorce and the appellant's remarriage, and later took her to Kota, from where Vineeta allegedly complained that she was not being provided food.PW-7 further deposed that, on 24.05.2012, Vineeta telephoned her and stated that the appellant had beaten her the previous night and had not provided her food.

54. PW-19, Krishan Hari Sharma, father of the deceased, deposed that on the day preceding Vineeta's death, he spoke to her over the telephone and overheard the appellant abusing her over her failure to clean his mother's utensils and threatening to kill her. PW-19 also testified that, on 25.05.2012,

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his wife received a call from Vineeta, who stated that the appellant had severely beaten her during the previous night and that she intended to die. Relevant extract of the statements reproduced hereinbelow:

Examination-in-Chief of PW-7 (Mother of the Deceased)	Examination-in-Chief of PW-19 (Father of the Deceased)
In October 2011, my daughter-Vineeta had gone to police station to make a complaint against Deepak and his family, when she was turned out of her house by Deepak. Police got the matter sorted out by counseling Deepak. However, he again gave beatings to my daughter, after reaching home, as to why she had gone to police station. *Even his father telephoned us that Vineeta eats 2 Kg fruits and 2 Kg milk, and they want divorce, and they will get Deepak re-married elsewhere. We talked with our daughter, and she gave us consolation that she will manage.* *After a few days, Kedar Nath, father of Deepak, took my daughter with him to Kota. From Kota, my daughter telephoned me that she is not being given even food and she asked me to take her to our house. My son-Ankit went to Kota and brought her to our house at Rawat Bhata on 17.04.2012.* *My daughter telephoned me on*	*Prior to one day of death of my daughter, I had made a call to my daughter as I wanted to talk my daughter's children, and at that time, my daughter had two children — one son aged about 2 years and one daughter aged 3½ years. The phone call was picked up by Deepak Katara and he told that 'tumhari ladki deidh mahine tumhare yahan rahi, tumne usko koi lakshan nahi sikhaye?'. But, I asked him to get me talked with my daughter and I talked with my daughter and also made her understand to adjust herself.* *At that time, I was overhearing the voice of Deepak Katara on phone as he was abusing with my daughter and was also saying that she had not cleaned the utensils of his mother and he will kill her, and thereafter, I disconnected the phone call. The said incident occurred on the day of Thursday.* *On the next day i.e. on Friday, my*

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24.05.2012 that she was beaten on that night, after I had left her at Kota, and she was not even given food and that she was hungry since then. *On 25.05.2012, at about 11.30 AM-12.00 Noon, Vineeta telephoned me and told that she has been turned out of the house by Deepak, and her father-in-law is telling him to kill her and they will see the consequences. She had telephoned me from PCO, as her mobile phone was damaged by Deepak. I tried to contact her on her mobile phone, but I could not connect the call to her.* *Thereafter, I talked with Mewa Ram Katara (Tau of Deepak), and he also assured me to talk with them. Then, I talked with Kedar Nath, and asked him to give the telephone number of the Guard, as my daughter was being threatened to be killed by Deepak, but Kedar Nath replied that he has no concern if my daughter was being killed, and if she is killed, he will cremate her.* *I could also hear the voice of Harpati Devi also on telephone with Kedar Nath's voice, and she was also supporting Kedar Nath. My daughter was harassed and tortured a lot by Deepak and his parents since her marriage. Thereafter, I could never talk with my daughter.*	*wife received a telephone call of my daughter on her mobile number-8432581164 at about 11-11.30 AM and she told that she had given key of Godrej almirah in the house of Kota to Deepa and in that almirah, my daughter had kept all her jewellery articles and she is going to die, as her husband had severely beaten her in the night.* ***<u>Cross-Examination</u>*** *It is correct that on 25.05.2012, my daughter Vinita had called at about 10-11.00 AM from mobile number-9540915877 to our mobile phone number-9875196070 and had talked with my wife. It is wrong to suggest that Vinita also talked with me on telephone at that time and had requested me to come to Delhi and talk with her in-laws, or that we told our daughter that she can do whatever she likes and if she wants to die, she can die.*

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55. The complaint, Ex. PW-12/B, attributed to Vineeta and received at Police Station Mehrauli on 25.05.2012, is also material. In it, she stated that her husband subjected her to physical assault and mental and bodily harassment, and that the cruelty inflicted by her husband and in-laws had increased after he secured government employment. She further stated that she had remained silent for the sake of her children but was constrained to approach the police because her husband's cruel behaviour had worsened. The defence challenged the genuineness of the complaint on the ground that it did not bear the deceased's signature. The learned Trial Court considered the testimony of PW-12, who deposed to receiving the complaint from Vineeta, along with the evidence of PW-26 and PW-11 concerning the subsequent transmission of its stamped copy. This Court finds the reasoning adopted by the learned Trial Court on this aspect cogent and reasonable and concurs with its finding. The relevant extract of the complaint reproduced hereinbelow:

> *"मैं नाम विनीता कटारा अपने पति दीपक कटारा के सा*
> *थ फ्लैट क्रमांक 3C, डीलक्स अपार्टमेंट, पॉकेट नंबर 6,*
> *महरौली में रहती हूँ। मेरे पति मेरे साथ मारपीट करते हैं*
> *और मुझे मानसिक एवं शारीरिक तौर पर परेशान करते*
> *हैं औरमेरे साथ ससुर, जेठ-*
> *जिठानी, ननद, नंदोई द्वारा भी समय-*
> *समय पर प्रताड़ित किया जाता रहता है।*
>
> *जब से मेरे पति की गवर्नमेंट नौकरी लगी है, तब से मेरे प*
> *ति व ससुराल वाले मुझे ज्यादा प्रताड़ित करते हैं और मेरे*
> *ससुर मेरे साथ गाली-*
> *गलौच करते हैं, बिना कपड़ों के घर से बाहर निकाल देते*

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हैं। मेरे नंदोई जी पेशे से वकील हैं। वोकहते हैं कि इसे मार डालो, मैं बचा लूँगा।

अभी तक मैं अपने बच्चों की वजह से चुप रही, परंतु अब मेरे पति द्वारा मेरे साथ व्यवहार बहुत बढ़ता जा रहा है। इ सकारण मैं रिपोर्ट करना चाह रही हूँ।"

56. The testimonies of PW-7 and PW-19, read alongside the complaint dated 25.05.2012, establish that the deceased was subjected to persistent physical and mental cruelty by the appellant. The allegations of beatings, deprivation of food, humiliation, and threats of violence, particularly in the days immediately preceding her death, demonstrate a continuing course of wilful conduct falling within the ambit of "cruelty" under Section 498-A IPC. Accordingly, this Court finds no reason to interfere with the learned Trial Court's finding on this count.

Acquittal under Section 304-B IPC

57. This Court has also examined the reasoning adopted by the learned Trial Court in acquitting the appellant of the charge under Section 304-B IPC and finds no ground to interfere with that finding. Although the evidence refers to earlier monetary demands, including ₹2 lakh in connection with the purchase of a flat and a subsequent demand of ₹50,000, the material concerning the period immediately preceding Vineeta's death does not establish that the cruelty then being inflicted upon her was for, or in connection with, a demand for dowry. Neither the conversations recounted by her parents on the day preceding her death, nor the complaint attributed to Vineeta and submitted to the police on 25.05.2012, contains a specific allegation connecting the contemporaneous cruelty with a dowry demand.

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58. The distinction is material. The evidence of earlier monetary demands and the evidence of cruelty shortly before Vineeta's death must not be conflated. In the absence of sufficient evidence establishing the requisite connection between dowry-related cruelty and the period soon before death, an essential ingredient of Section 304-B IPC remains unproved. Consequently, the statutory presumption under Section 113-B of the Indian Evidence Act does not arise, and this Court concurs with the learned Trial Court's decision to acquit the appellant of the charge under Section 304-B IPC.

Section 306 IPC

59. The appellant stands convicted for the offence punishable under Section 306 IPC. Before adverting to the circumstances preceding the death of Vineeta Katara, it is necessary to examine the statutory provision governing the offence and the principles governing its application.

60. Section 306 IPC reads as follows:

> *"**306. Abetment of suicide.—** If any person commits suicide, whoever abets the commission of such suicide, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine."*

61. The expression "abetment" is defined under Section 107 IPC and encompasses instigation to do a thing, engagement in a conspiracy for its doing in the circumstances specified therein, or intentional aid by an act or illegal omission. Accordingly, to sustain a conviction under Section 306 IPC, the prosecution must establish not merely that the deceased died by

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suicide or was subjected to cruelty, but that the accused abetted the commission of suicide within the meaning of Section 107 IPC.

62. Section 113-A of the Indian Evidence Act, 1872, provides that where a married woman commits suicide within seven years of her marriage and it is shown that her husband or a relative of her husband had subjected her to cruelty, the Court may, having regard to all the other circumstances of the case, presume that such suicide had been abetted by her husband or such relative. The Explanation to the provision adopts the meaning of "cruelty" as defined under Section 498-A IPC. Such cruelty includes wilful conduct of a nature likely to drive a woman to commit suicide or cause grave injury or danger to her life, limb or mental or physical health, as well as harassment connected with an unlawful demand for property or valuable security.

63. In ***Shakuntla Devi v. State of Uttar Pradesh, 2025 SCC OnLine SC 952***, the Supreme Court reiterated that conviction under Section 306 IPC requires proof of an active act or omission, accompanied by the requisite intention, which led the deceased to commit suicide. Applying this principle to the facts before it, the Court observed that the persistent torture and abuse meted out to the deceased, followed by further abuses on the day of the incident, constituted the circumstances that ultimately led her to take the extreme step. The decision underscores that the conduct of the accused must be assessed cumulatively, including the acts immediately preceding the suicide, rather than in isolation. Relevant extract of the reproduced hereinbelow:

> *"The jurisprudence regarding the offence of abetment to suicide under Section 306 of the IPC is*

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> *settled that the offence requires an active act or omission which led the deceased to commit suicide, and this act or omission must have been intended to push the deceased into committing suicide. The facts of the case make it abundantly clear that the deceased was repeatedly tortured and abused by the accused on account of dowry demand to the extent that the deceased had to return to her parental home seeking refuge. It was only on the assurance of her parents that the deceased went back to her matrimonial home hoping that the events would take an upturn once her parents have returned from the wedding and settle the matter of dowry with the appellant-accused. However, the abuses hurled at the deceased by the appellant on the day of the incident, i.e. 04.05.1998, unfortunately acted as a straw that broke the camel's back and led her to committing suicide. Therefore, given the factual matrix, the guilt of the appellant under Section 306 of the IPC has been proved beyond reasonable doubt."*

64. Similarly, in ***Siddaling v. State*, (2018*) 9 SCC 621***, the Supreme Court observed that abetment involves a mental process of instigating a person or aiding that person in doing a particular act, and that the Court must carefully assess the facts of each case to determine whether the cruelty meted out to the deceased induced her to commit suicide. The Court upheld the conviction under Sections 498-A and 306 IPC, taking into account the proved circumstances of the appellant's continued relationship with another woman, which had caused the deceased mental agony. The decision thus emphasises the need to examine the nature, continuity and effect of the

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accused's conduct in the factual context of each case. Relevant extract of the reproduced hereinbelow:

> *"The appellant, accused husband, has been convicted under Sections 498-A and 306 IPC and sentenced to undergo rigorous imprisonment for two years and five years, respectively. Marriage of the appellant Siddaling was solemnised with the deceased Kavitha on 6-5-2002. Within four months of the marriage, on 17-9-2002, Kavitha committed suicide by jumping into a well of the village. Reason for such extreme step, taken by Kavitha, is stated to be the harassment due to the alleged dowry demand and also cruelty meted out to the deceased Kavitha, as the appellant was having illicit relationship with one woman.*
> ***7.*** *As held in Randhir Singh v. State of Punjab [Randhir Singh v. State of Punjab, (2004) 13 SCC 129 : 2005 SCC (Cri) 56] vide para 12, abetment involves a mental process of instigating a person or in any manner aiding that person in doing of the thing. Courts should carefully assess the facts of each case before deciding whether the cruelty meted out to the victim which induces her to commit suicide.*
> ***8.*** *In the case in hand, the witnesses — PW 1, PW 6, PW 10 and PW 22 have clearly in their statement stated that the appellant continued his relation with another woman. The appellant's illicit relation with another woman would have definitely created the psychological imbalance to the deceased which led her to take the extreme step of committing suicide. It cannot be said that the appellant's act of having illicit relationship with another woman would not have affected to negate the ingredients of Section 306 IPC."*

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65. In the present case, the testimonies of PW-7 Meera Sharma, the mother of the deceased, and PW-19 Krishan Hari Sharma, her father, when read alongside the complaint dated 25.05.2012, bring forth a consistent account of the deceased being subjected to physical and mental cruelty by the appellant. PW-7 deposed that the deceased was taunted over her food consumption, was allegedly deprived of food, and was subjected to repeated harassment. She further stated that, on 24.05.2012, the deceased informed her that the appellant had beaten her the previous night and had not provided her food, and that on 25.05.2012, she received a call from the deceased stating that the appellant had turned her out of the matrimonial home.

66. These allegations, considered alongside the complaint received by the police shortly before the incident, indicate that the cruelty was not merely a matter of past matrimonial discord but was alleged to have continued and intensified immediately before the deceased's death. The evidence concerning earlier police intervention, as deposed to by PW-7, further suggests that the discord had persisted despite attempts at intervention. Viewed cumulatively, and subject to the assessment of the omissions and inconsistencies elicited in cross-examination, these circumstances support the conclusion that the deceased was subjected to sustained cruelty of a grave nature, which bears directly on whether the appellant's conduct abetted her suicide within the meaning of Section 306 IPC.

67. The deceased died by suicide within seven years of her marriage, and this Court has found the prosecution evidence sufficient to establish cruelty within the meaning of Section 498-A IPC. The foundational conditions for consideration of the presumption under Section 113-A of the Evidence Act

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are, therefore, satisfied. Having regard to the nature of the cruelty alleged, the threats attributed to the appellant, the proximity of the incidents to the death, and the complaint made on the very day of the incident, this Court finds that the circumstances, taken together, justify drawing the discretionary presumption that the appellant abetted the deceased's suicide.

68. The learned counsel for the appellant has relied upon ***Naresh Kumar v. State of Haryana, 2024 INSC 149,*** and ***Patel Babubhai Manohardas v. State of Gujarat,*** **2025 INSC 322**. While both decisions reiterate that mere harassment is insufficient to sustain a conviction under Section 306 IPC and that the presumption under Section 113-A of the Evidence Act is discretionary, they are distinguishable on facts. In the present case, the prosecution relies upon the alleged physical assault and threats immediately preceding Vineeta's death, as well as the complaint attributed to her and received by the police on the day of the incident. These circumstances, unlike the evidence found insufficient in the aforesaid decisions, warrant a cumulative assessment to determine whether the appellant's conduct constituted abetment within the meaning of Sections 107 and 306 IPC. Accordingly, the aforesaid judgments do not, by themselves, warrant interference with the appellant's conviction.

CONCLUSION

69. Accordingly, upon an overall assessment of the evidence and the circumstances of the case, this Court finds no ground to interfere with the learned Trial Court's conviction of the appellant.

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70. The appellant's sentence was suspended by this Court *vide* order dated 27.04.2016. The appellant is directed to surrender before the learned Trial Court within one month of this judgment, to serve the remaining sentence.

71. A copy of this order be forwarded to the learned Trial Court and concerned Jail Superintendent for information and necessary compliance.

72. Accordingly, the appeal is disposed of. Pending applications, if any, also stand disposed of.

MADHU JAIN
(JUDGE)

OCTOBER 28, 2026/RM

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