

Founder & Visionary



Late Sh. Rakesh Aggarwal
(22/09/1953 - 10/01/2012)

**RAKESH AGGARWAL MEMORIAL
NATIONAL TRIAL ADVOCACY COMPETITION,
2019**

under the aegis of

Internal Quality Assurance Cell, IIMT

organised by

School of Law

on

30th & 31st March 2019

(Saturday & Sunday)



IDEAL
ESTD. 1999
ISO 9001:2008 Certified Institution

Institute of Management and Technology

Accredited by NAAC

(Affiliated to GGSIP University, Delhi)

16 X, Karkardooma Institutional Area, Delhi - 110092

Website : <http://www.idealinstitute.edu.in>

Email Id : iimt.trialadvocacy@gmail.com

**Ideal Institute of Management
and Technology**

(Affiliated to G.G.S. Indraprastha University, Delhi)

Presents

**Rakesh Aggarwal Memorial National Trial
Advocacy Moot Court Competition**

30th March – 31st March 2019

RULES AND REGULATIONS

The participation in the National Trial Advocacy Competition (hereinafter referred to as “the said competition”) is restricted to 20 teams only. The first 20 teams that confirm and complete the registration formalities shall be entitled to participate in the said Competition.

CHAPTER I – TRIAL ADVOCACY

Article 1 – Team Composition:

1. Each team shall consist of a minimum of 2 and maximum of 3 members. This number cannot be modified under any circumstances.
2. There can be 2 Speakers and 1 Researcher designated for each team.
3. Each team will have a team code and individual speaker code. Teams should not disclose their identity or that of their institution or city, etc., under any circumstances and such disclosure shall invite penalties including disqualification from the Competition directly. The decision for the same shall be at the discretion of the Organizers.

Article 2 – Date and Venue:

1. The said competition shall be held from 30th March to 31st March, 2019 at the Ideal Institute of Management and Technology and School of Law College Campus, 16 X Karkardooma, New Delhi – 110092.

Article 3 – Dress Code:

1. Advocates attire (Black and white formals with tie) is compulsory. Participants are expected to make their own arrangements regarding the same. Not abiding by the said rule can lead to direct disqualification and the Organizing Committee will have complete discretion regarding the same.

Article 4 – Eligibility Criteria:

1. Students pursuing any three or five year courses of the LL.B degree from any recognized law school/college/university in India are eligible to participate.
2. Participant shall carry their college Identity card for the purpose of identification during the said competition.

Article 5 – Registration:

1. Registration fee for the said competition is Rs. 4000/- (Rupees Four Thousand Only) without accommodations payable by Demand Draft in favour of “**Ideal Institute of Management and Technology & School of Law**” payable at “Delhi”.
2. Or; NEFT Transaction or other online transaction(s)

Beneficiary Name: Ideal Institute of Management & Technology (School of Law)

Bank Name: Central Bank of India

Address: S.D. Sr. Sec. School, Shahadra, Delhi- 110032

Account No.: 3183291816

Account Type: Savings Account

IFSC Code: CBINO283323

(Receipt of online payment should be attached with the registration form)

3. Teams from each participating college are required to send a scanned copy of their duly filled-in registration form along with the demand draft for registration via email to iimt.trialadvocacy@gmail.com latest by 7th March 2019. Each college must ensure that the subject of the mail reads “Registration for 1st Rakesh Aggarwal National Memorial Trial Advocacy Moot Court Competition, 2019”. Forms received after the deadline shall not be considered.
4. Teams participating are required to send the hard copy of the Registration form and Demand Draft latest by 10th March 2019 at “Ideal Institute of Management and Technology and School of Law College Campus, 16 X Karkardooma, New Delhi – 110092”
5. Teams shall provisionally register with the host college by 5th March 2019 before sending the Registration Form and Demand Draft. Forms will only be accepted if the host has confirmed the Registration formalities.

{NOTE: - No pickup drop services will be provided by the host college. }

Article 6 – Language:

1. The said competition shall be in ENGLISH ONLY. Use of vernacular language by the participants during the said competition is prohibited.

Article 7 – Witnesses:

1. Organizers will provide the witnesses. The witnesses will be generally briefed and assigned by the Organizers. However, each team will have an opportunity to specially brief their witnesses. The witnesses to be briefed will be assigned to each team prior to the commencement of the respective rounds. All the participating teams will ensure that the witnesses depose only in English Language.
2. It is mandatory for the Prosecution and the Defence to examine ALL the witnesses and dropping a witness will result in loss of marks. However, the order in which witnesses are to be examined shall be determined by the concerned team taking examination in chief.
3. The team conducting examination in chief of their witnesses or the team cross-examining the witnesses will desist from arguing with the witnesses.

Article 8 – Anonymity:

1. Student Counsel may introduce himself/herself to the court in the usual manner and may also state their speaker code. However, the team's college name shall not be indicated to the judges at any time.
2. Further, all team members shall refrain from identifying a team's law school/college/university at any time and in any manner, including but not limited to wearing any identifying items (such as college clothing, ties, patches or pins) or carrying identifying material (such as books with a college logo or seal etc).

Article 9 – Scouting:

1. Teams will not be allowed to observe the orals of any other teams. Scouting is strictly prohibited. Scouting by any of the teams shall result in disqualification.
2. Any team can file a written complaint with the Organizers, reading a case of scouting. The Organizers decision shall be final.
3. The researchers will sit with the speakers at the time of orals and shall not attend the court sessions of any other team participating in the said competition.

Article 9A- Researcher's Test

The Researcher Test will take place on 31st March , 2019 in order to determine the best researcher. The test will be for 60 minutes from 9:15 AM – 10:15 AM comprise of questions both legal and factual, relating to the moot proposition.

Article 10 – Rounds:

1. Registration, Witness Preparation for the Preliminary Round will be held on 30th March 2019 and Draw of lots for other rounds shall be on the day of the round.
2. The Preliminary Rounds will be held on 30th March 2019 comprising of Two (2) Rounds for each Team.
3. In the Preliminary Round, each team shall conduct both prosecution and defence.
4. Eight teams shall qualify for the Quarter-finals.
5. The quarter final round will be held on 30th March 2019.
6. The semi-final round will be held on 31st March 2019.
7. The final round will be held on 31st March 2019.

Article 11 – Detailed Schedule:**DAY 1 (30th March 2019)**

S. NO	EVENT	TIME
1	Registration and Network Tea	8:30 AM – 9:30 AM
2	Draw of Lots and Allocation of Witnesses	9:30 AM- 10:00 AM
3	Witness Preparation (for P1 & P2)	10:00 AM – 11:00 AM
4	Prelims 1	11:00 AM – 12: 30 PM
5	Prelims 2	12:30 AM – 2:00 PM
6	Lunch	2:00 PM – 2:30 PM
7	Result and Witness Allocation for quarters	2:30 PM – 2:45 PM
8	Witness Preparation	2:45 PM – 3:45 PM
9	Quarter Final Rounds	3:45 PM - 5:15 PM
10	Result	5:30 PM
11	High Tea	

DAY 2 (31th March 2019)

S. No.	EVENTS	TIME
1.	Reporting and Network Tea	8:30 AM – 9:00 AM
2.	Group Photo	09:00 AM- 09:15 AM
3.	Researcher's Test	09:15 AM – 10:15 AM
4.	Witness Preparation for semis	10:15 AM – 11:00 AM
5.	Semi Finals	11:00 AM – 01:00 PM
6.	Semis Result and Witness Allocation for Finals	01:15 PM – 01: 30 PM
7.	Lunch	01:30 PM – 02:00 PM
8.	Witness Preparation	02:00 PM – 02:45 PM
9.	Finals	03:00 PM – 05:00 PM
10.	Valedictory	05:00 PM – 06:00 PM
11.	High Tea	

NOTE:. The host Institute holds no responsibility in case of delays. Kindly plan your travel accordingly.

Article 12 – Oral Rounds:

1. In the Preliminary and Quarter final round the time slot for each round shall be as follows:

- Opening Statement (i.e. submissions on charge) on behalf of the Prosecution: 3 minutes.
- Opening Statement (i.e. submissions on charge) on behalf of the Defence: 3 minutes.
- Examination- in- Chief on behalf of the Prosecution: 12 minutes for all witnesses.
- Cross Examination on behalf of the Defence: 20 minutes for all witnesses.
- Examination-in-chief on behalf of the Defence: 12 minutes for all witnesses.
- Cross examination on behalf of the Prosecution: 20minutes for all witnesses.
- Final Arguments on behalf of the Prosecution: 5 minutes.
- Final Arguments on behalf of the Defence: 5 minutes.

Therefore, the Prosecution will get a total of 40 minutes and the Defence will get a total of 40 minutes in the preliminary round. Each speaker shall have to conduct Examination-in-Chief and Cross Examination of at least one witness in each round. This rule shall apply to the Two (2) rounds comprising the preliminary round. Each Speaker shall deliver either the opening statement or the final argument in each round.

2. In the Semi-final and Final round, the time slot shall be as follows-

- Opening statement on behalf of the Prosecution: 6 minutes.
- Opening statement on behalf of the Defence: 6 minutes.
- Examination-in chief on behalf of the Prosecution: 16 minutes for all witnesses.
- Cross Examination on behalf of the Defence: 25 minutes for all witness.
- Examination-in-chief on behalf of the Defence: 16 minutes for all witnesses.
- Cross Examination on behalf of the Prosecution: 25 minutes for all witnesses.

- Final Arguments on behalf of the Prosecution: 8 minutes
- Final Arguments on behalf of the Defence: 8 minutes

Therefore, prosecution shall get a total of 55 minutes and Defence shall get 55 minutes in the Semi-final and Final round. Each speaker shall have to conduct Examination-in-Chief and Cross Examination of at least one witness in each round.

Article 13 – Judging Criteria:

1. Parameters for judging are:
 - a) Knowledge of facts.
 - b) Logic & clarity in reasoning.
 - c) Persuasiveness and deference to court.
 - d) Proper, articulate and systematic analysis of the issues arising out of facts.
 - e) Understanding of the laws of evidence and procedure.
 - f) Ability to successfully conduct chief/cross examination within the allotted time.
 - g) Ability to elicit favourable facts from witnesses or deal with unreceptive, argumentative witnesses.
 - h) Ingenuity (ability to argue by analogy from related aspects of law) or knowledge of the relevant provisions relating to penal laws.

Note

- The FIR, Recovery/Seizure Report, Marriage Certificate of Hardik and Aditi, Death Certificate of Hardik, photographs of the crime scene shall be taken as proved. Both the teams must be aware of procedure for taking contradictions and omissions and proving & exhibiting documents (FIR and the Entry/Exit register). Marks shall be specially allocated for this purpose.
- The 8 teams that win both the preliminary rounds shall be selected for the quarter finals.
- In case no 8 teams win in both the preliminary rounds, the aggregate scores in both the rounds (i.e. an aggregate of marks given by all the judges) shall be considered and the top scorers shall be selected for quarters.
- In case more than 8 teams win in both the preliminary rounds then the teams with the highest aggregate scores in both the rounds (i.e. an aggregate of marks given by all the 4 judges) shall be selected for quarters.
- The teams with the highest aggregate marks by all the judges in their respective rounds shall qualify for semi finals. The same scheme shall apply for finals.

Article 14 – Awards:

1.	Winners	Rs 10,000/-
2.	1 st Runner's Up	Rs 5000/-
3.	Best Advocate	Rs 3000/-
4.	Best Researcher	Rs 3000/-

Article 15 – Certificates:

1. Certificates will be awarded only to the participants during the valedictory ceremony and under no circumstances will they be provided to any of the participants absent during the ceremony. In the event that the participants fail to collect their certificates, no mail will be sent by the host college acknowledging their participation.

Article 16 – Accommodation and meals:

1. Accommodation shall not be provided by the host Institution in any case.
2. For 30th March, network tea, lunch and high tea shall be provided.
3. For 31st March, network tea, lunch and high tea shall be provided.

Article 17 – Miscellaneous:

1. Case laws that the parties wish to rely on at the time of final arguments shall be submitted in three copies in form of a Compendium (one for the judges, one for the other side and one for itself). The source of Judgements should be from a verified database like SCC online, Manupatra etc.
2. Opening statement of the prosecution will require the prosecutor to address the judges on the charge it wishes the court to frame. It shall be necessary to point out the supporting material from the chargesheet herewith provided to sustain the charge. As far as the defence is concerned, the opening address shall require them to point out if there is any charge which the court ought not to frame as there is no material in the charge sheet provided herewith to support the same.
3. Judges are at liberty to ask questions to the Participants on relevant points of law which may arise from the problem or relevant provisions of Indian Penal Code, Code of Criminal

Procedure or Indian Evidence Act, arising during conducting the trial, in order to test the Participant's knowledge of the relevant provisions relating to penal laws.

4. All exhibits in the chargesheet are assumed to be exhibited in accordance with the Bharat Evidence Act, 1872 and the same shall be taken as being duly proved except as mentioned in Article 13 above.

5. In the event there is any contradiction between the evidence recorded in court and the Statements recorded under section 161 of the Code of Criminal Procedure, 1973, the participants must be aware as to the procedure to deal with such contradiction.

6. All participating teams must be conversant with the Indian Penal Code, 1860; Criminal Procedure Code, 1973; and Indian Evidence Act, 1872 whilst taking evidence and advancing final arguments for the prosecution and the defence.

7. Last date for seeking clarification with respect to the said competition is 13th March 2019.

Clarifications can only be sought via email on iimt.trialadvocacy@gmail.com. Answer to clarifications will be sought by 15th March 2019.

ADVISORY COMMITTEE

CHAIRPERSON CHIEF-PATRON

Mrs. Sudha Aggarwal
(Chairperson, IIMT)

Shri Vineet Aggarwal
(Secretary General, IIMT)

PATRONS

Prof Dr. Anil Parkash Sharma
(Director, IIMT)

Prof. T.P.S. Rathore
(Principal, School of Law, IIMT)

ORGANIZING COMMITTEE

TRIAL ADVOCACY CONVENERS

Dr. Arun Gupta
(Associate Prof. and Vice Principal)

Dr. Hemlata Sharma
(Associate Prof.)

TRIAL ADVOCACY CO-CONVENORS

Mr. Jasdeep Singh
(Sr Assistant Prof.)

Ms. Neha Nimesh
(Assistant Prof.)

TRIAL ADVOCACY CO-ORDINATORS

Dr. Roopa Sharma
(Associate Prof.)

Ms. Namita Sinha
(Assistant Prof.)

ORGANISING COMMITTEE MEMBERS

Ms. Perna Gulati
(Sr. Assistant Professor)
Dr. Sangeetha Abraham
(Sr. Assistant Professor)
Ms. Chandrika Sharma
(Assistant Professor)
Ms. Anukriti Gupta
(Assistant Professor)

Ms. Madhvi Chopra
(Assistant Professor)
Ms. Aastha Bhatnagar
(Assistant Professor)
Ms. Akanksha Takkar
(Assistant Professor)

For any further clarifications, kindly contact:

STUDENT ORGANIZING COMMITTEE MEMBERS

Mr. Anant Chaitanya Dutta

Mr. Ishjot Chawla
(9999283715)

Mr. Mokshit Jain
(9911618151)

Miss Ritika Bansal
(8527537259)

Miss Shruti Kakkar
(9971568132)

In the Court of the Principal Sessions Judge, Navi Dilli

State of Navi Dilli v. Ms. Aditi Kumar & Ors

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The case is posted for trial on 30th **March, 2019**

FIRST INFORMATION REPORT

(Under Sec. 154 of CrPC)

G.R. No. 1856/18

Ref No.: 103243

Police Station: Dharam Vihar
Colony

1. District: Dhincal

Year 2018

FIR No: 011/18

Date 17-08-2018

2. (i) Act- Bharat Penal Code,1860

Sections:302, 34, 120 B

3. (a) Occurrence of
offence:

Day: Friday

Date from 17-08-2018

Date to 17-08-2018

Time Period:

Time from: 6:30 P.M.

Time to: 09:00 P.M.

(b) Information received at P.S.: Date 17-08-2018 Time 9:15pm

(c) General Diary Reference: Entry

No.....

Time.....

4. Type of Information: ~~Written~~ / Oral :

5. Place of Occurrence: (a) Direction and distance from P.S. 0.5 K.M. approx towards the south-east.

6. Complainant /Informant: (a) Name: Mr. Vasudev Kumar

(b) Father's/Husband's Name: Late Mr. Suresh Kumar

(c) Date/Year of Birth: 29.03.1951

(d) Nationality: Bharatiye

(e) Occupation: Accountant

(f) Address: 76/B, D.V. Colony, Dhincal

7. Details of known/suspected/unknown accused with full particulars: (Attach separate sheet, if necessary)

i. Ms. Aditi Kumar, Wife of the Deceased

ii. Mr. Suraj Bishnoi, Brother-in-Law of the Deceased

8. Reasons for delay in reporting by the complainant / informant: NA

9. Inquest Report/ U.D. case No. / If any:

On the morning of 17th August 2018, Aditi shouted at me and my wife and wrongly blamed Hardik for physically abusing her. On that day, Suraj called me to discuss the fate of Hardik's

and Aditi's marriage and sounded angry. Since I and my wife had to go to the *satsang*, I asked him to come for dinner at 9 PM to which he agreed. Later on that day Aditi came back from her work around 2:30. When I asked her the reason for her early return, she angrily replied saying said that she had to settle some scores with Hardik and had shut herself in the room. I and my wife left for *satsang* at around 4:30 PM without disturbing Mrs. Aditi Kumar and when we came back around 8:30 PM, we saw Suraj sitting in the dining room. Later around 9:00 PM when my wife went to Hardik's room to call for dinner, I heard the loudest shriek I had ever heard. When I ran to Hardik's room, I saw my son hanging from the ceiling fan of the room.

FIR was recorded subsequently and the area was sealed for further investigation.

(Facts above are to be considered as Fard Bayan of Mr. Vasudev Kumar given to the Officer-incharge)

A copy of FIR was then handed over to Mr. Vasudev Kumar free of cost.

(AFTER RECORDING F.I.R., SUB-INSPECTOR SURENDER JATAV WAS APPOINTED AS INVESTIGATING OFFICER IN THE CASE)

S/d

Vasudev Kumar

S/d

(Office-in-Charge)

CHARGESHEET
(Under Section 173 Cr. P.C, 1973)
G.R. NO. 1856/19
FINAL FORM REPORT
In the court of Principal Sessions Judge

1. Dist. Dhincal P.S. Dharam Vihar Colony, Year: 2018, FIR NO. 011/18,

Date of FIR: 17-08-2018

2. Charge sheet No. 937402

3. Case Reported At: 17/08/2018 (21:15 hours)

Investigation Commenced At: 17/08/2018 (21:45 hours)

Investigation Closed At: 17/02/2019 (13:00 hours)

4. Act: Bharat Penal Code, Ss.302, 34, 120 B

5. Type of Final Form: Charge sheet

6. If F.R. Un-occurred: X

7. If charge-sheet: Original

8. Name of the I.O.: Mr. Surender Jatav (Sub-Inspector)

9. Name of Complainant / Informant: Mr. Vasudev Kumar

10. Details of property seized:

✓ A Kitchen knife on the floor

✓ Mobile Phone of the deceased

✓ A paper with bloated ink with a fallen glass of water lying over it

✓ A pair of slippers

✓ Broken Violin

✓ Red dupatta from which Hardik was hanging

✓ Box of anti-depressant tablets

11. No. of accused persons: 2 (two)

12. No. of accused persons charge-sheeted: 2 (two)

13. Facts of the case:

On 17th August 2018, at around 9:15 P.M., Mr. Vasudev Kumar (Complainant) came rushing to Dharam Vihar Police Station to inform about the murder of Mr. Hardik S/O Mr. Vasudev Kumar R/O 76/B, D.V. Colony, Dhincal District, Navi Dilli. The police reached the crime scene at around 9:45 PM along with 2 constables. Upon reaching the crime scene Suraj (Accused – 2) emerged from the kitchen and guided the police to the crime scene which was adjacent to the kitchen. The police found the body hanging from the ceiling fan through a red dupatta in deceased's room. A forensics' team followed which took the dead body to Indigenous Institute of Medical Sciences, Dhincal for post-mortem, after completing the formalities. The crime scene was sealed and everyone was asked to move out of the place of crime.

On investigating deceased's bedroom, the red dupatta through which the deceased was hanging, was recovered and seized. A pair of slippers which later turned out to be Suraj's footwear was recovered; a sheet of paper which had its contents washed away by water as an empty water glass was lying on it was also recovered and seized. A broken violin lying on the table, a mobile phone on the bed were also recovered and seized. Strange circular marks on the wall which are an unusual site in any house without children were also noticed. The bedroom was haphazard. Everything was haywire. Nothing seemed to be at its place. This suggests some scuffle in the bedroom which adds to the possibility of murder.

On examining Mr. Vasudev Kumar (PW-1) we found that on the morning of 17th August 2018

Aditi (Accused – 1) shouted very badly on deceased's parents and wrongly blamed the deceased for physically abusing her. On that day, Suraj called deceased's parents to discuss the fate of deceased's and Aditi's marriage and was agitated. Since deceased's parents had to attend a *satsang*, they asked him to come for dinner at 9 PM to which he agreed. Later on that day Aditi came back from her work around 2:30. When deceased's father asked her the reason for her early return, she angrily replied saying said that she had to settle some scores with the deceased and had shut herself in the room. The deceased's parents left for the *satsang* at around 4:30 PM without disturbing her and when they came back around 8:30, they saw Suraj sitting in the dining room. He stated that on coming back when his wife tried entering the room of the deceased, Accused-1 tried to stop her from entering the room and insisted on letting the deceased rest.

On examining Mrs. Lakshmi Kumar (PW-2) we found that Aditi was furious. She was rude and gave cold remarks not only to Hardik but to his parents too. On interrogating further PW-2 stated that on 17th August, when Hardik's parents came back from *satsang* around 8:30 PM Aditi opened the door smiling and seemed very happy. Later when she went to call Hardik for dinner at around 9 PM, she saw her son hanging from the ceiling fan. On interrogating Aditi Kumar (Accused-1) we found that on 16th August 2018, the deceased came very late from his work. He was very irritated and depressed and tried to force himself upon Accused-1. When she tried to resist, he tried to rape her and assaulted her physically. On 17th August 2018 Accused - 1 came back early from office at 2:30 PM as she was very disturbed and had to do preparations for dinner. When she reached home, she went straight to her room to get some rest. When she woke up she realized that her

in-laws had gone somewhere without informing her. On further interrogating Accused-1, we found that around 5:00 PM Accused-2 arrived. The deceased came back at around 6:30 and started shouting on Accused - 1. When the deceased saw Accused - 2 standing in the kitchen the deceased went straight to his room and started playing violin.

On examining Suraj Bishnoi (Accused -2) we found that the deceased was all alone in the room since the deceased's parents (Mr. Vasudev Kumar and Ms. Lakshmi Kumar) had gone out for *satsang* and Accused - 2 was busy talking to his sister in the kitchen while she cooked dinner. Accused - 2 came from his office to Aditi's house at around 5:00 P.M. for discussion with Aditi and her family when Aditi was alone in the house. At around 6:30 P.M. the deceased came home and immediately started shouting at Accused - 1. Then the deceased went straight to his room and both the accused heard voices of the deceased playing violin but never saw him during that time. They got to know about his death only when Ms. Lakshmi shouted after seeing her dead son.

DW-3, the Guard of D.V. Colony, stated that he saw the deceased in an agitated mood and saw him shouting at Accused-1, showing that the argument which took place between them was the final nail in the coffin and led to the deceased person's murder.

On recording the statements of Dr. Shweta Karanwal, DW-4, the psychiatrist of the deceased, she told the police that she completely talked the deceased out of committing suicide when he was contemplating it. Therefore ruling out the possibility of death to be suicide.

After considering all these circumstances on the basis of the presence of both the accused during the death of the deceased, I arrested Mrs. Aditi Kumar (Accused No-1) from her residence and Mr. Suraj Bishnoi (Accused No-2) from his office on 20th September 2018. I have charged them under Section 302, 34, 120 B of the Bharat Penal Code, 1860.

14. LIST OF WITNESSES

1. Mr. Vasudev Kumar, *Father of the deceased (informant)*, PW- 1
2. Ms. Lakshmi Kumar, *Mother of the deceased*, PW- 2
3. Mr. Surender Jatav, *Investigating Officer*, PW- 3
4. Dr. Tarun Agnihotri, *Medical Expert*, PW- 4
5. Ms. Aditi Kumar, *Accused No.1*, DW - 1
6. Mr. Suraj Bishnoi, *Accused No. 2*, DW - 2
7. Mr. Bansi Prasad, *Society Guard*, DW- 3
8. Dr Shweta Karanwal, *Hardik's Psychiatrist*, DW-4

Submitted by-

Sd/-
(Surender Jatav)
Sub-Inspector

Dharam Vihar P.S

ANNEXURES TO THE CHARGESHEET

(Statements under section 161 Cr PC)

PW- 1: MR. VASUDEV KUMAR (INFORMANT) –FATHER OF THE DECEASED

Sex: *Male*

Age: *62 years*

Occupation: Accountant

Statement: I am Vasudev Kumar, S/o Late. Sh. Suresh Kumar, residing at 76/B, D.V. Colony, Dhincal District, Navi Dilli. I work as an accountant in a private firm. I got married in the year 1988 to Lakshmi and in the year 1990 Hardik came into our lives. He was a wonderful boy and being the only child in the entire family he was much pampered and loved by all.

He was not a very studious child, but he had a sharp mind and was a quick learner. He was a cheerful boy and was very close to me and he used to share everything with us. I remember the very first thing he used to do after coming back home was to tell us about his day in school.

During his final year of college, he set up a small business. After some time, his business picked up a steady pace and it prospered eventually. It was very much the kind of life every parent dream for their child. We decided that it was the right time for him to settle down in life. He got married to Aditi on 6th December 2014, who we had selected after viewing her profile on JodiNumber1.com (a matrimonial site). She came from a humble family background and was pursuing her Post Graduation from University of Navi Dilli. Soon after she finished her post-graduation they got married. Aditi had lost both her parents at a very young age and hence she was brought up by her brother, Suraj. Stating this problem, Suraj requested us for low budget marriage, in the Temple of her Kull Devta, situated in her native town. Even though Hardik was the only child of the family, we were considerate enough not to create a fuss for a Grand Wedding. All we wanted was a well settled matrimonial life for our son and so we compromised on showbiz in order to get a perfect wife for him.

Even though it was against the family custom to let the daughter-in-law work but for the sake of her happiness, we agreed. She worked as an Assistant Professor in the Department of Chemistry, University of Navi Dilli.

Both of them were very understanding and took care of each other's needs. Their marriage was going on very smoothly in the initial year. It seemed like a perfect match and we could not be happier. Compromise is the hallmark of a successful marriage and it should happen from both sides. We tried making her comfortable in any and every way possible. She also tried to adjust initially. But as time passed, she seemed to be more and more adamant.

When our maid left her job due to her personal problems, Aditi accused us of getting rid of the maid and putting additional burden on her. We tried to explain the situation to her in an amicable way but she was not ready to listen to anyone. She was very reluctant to help in the household work. My wife often told me about the kind of incompetence she showed in doing all household work. I was utterly surprised to hear this as I assumed that she, being an orphan, must be used to doing all this work by herself. Even Hardik was not happy with her attitude and this was the main reason they became party to a lot of heated arguments.

One day, Hardik informed us that Aditi was not willing to conceive. We were taken aback after hearing this because it is a wife's duty to bear children for her husband and she had no right to refuse his demand. Having children is the main reason why a man marries a woman. We needed a legal heir to further our family line. After hearing Aditi's ignorant decision, my wife and I tried to convince her to change her mind, but she was adamant and used to say only one thing that, "I am not mentally prepared to conceive a child" It is hard to believe this new generation. They say whatever comes to their mind. The family decided to sit together and resolve the problem and citing our old age, we tried convincing her to change her mind, but she refused to listen. This led

to more whatever comes to their mind. The family decided to sit together and resolve the problem and citing our old age, we tried convincing her to change her mind, but she refused to listen. This led to more arguments between Hardik and Aditi. The conversations between the two became louder and louder, we could sense anger in their voices.

Subsequently Hardik started suffering heavy losses in his business to the extent that his business was on the verge of shutting down, due to which he was in great stress and tension. During the marriage ceremony the husband and wife swear to be beside each other during thick and thin. To the contrary, Aditi would never comfort Hardik and used to act aloof towards her husband's perils. Hardik was fighting all his life's problems alone, and this made him very depressed. He did not talk much to anybody, not even us. Our poor boy was fighting all the demons of his life alone, his ruined marriage because of his wife's casual approach towards his family, his inability to convince Aditi to conceive and the losses of his business. But he was a man of a strong character, a man of will and perseverance. He was desperately trying to get his family life and his business back on track. He was constantly looking for lenders in the market who could lend him money to revive his business, and at the same time made it a point to try not to express his agony in the house. Hardik also tried talking to Aditi to settle their problems but she was neither ready to understand nor was she in the favour of finding a solution. Coming home late from work, reluctantly helping in the household work, disrespecting me and my wife, having no respect for our family values and customs, not bearing children, being aloof towards her husband's problems and not supporting him during a tormenting phase in his life, is the only thing she has done since her marriage. She was never in the favour of finding a solution to any of the problems. Rather, she thwarted all attempts made either by Hardik or by us to peacefully resolve the problems, and would always end up shouting.

On 17/08/2018 morning, Aditi shouted very badly at me and my wife as if we had done something terrible to her. She wrongly blamed Hardik of physically abusing her. Our son could not have done anything of this sort as he was a man of principles. But her behavior that day prompted us to think about talking to her brother. Surprisingly, Suraj called me asking for a suitable time to discuss the fate of this marriage. He seemed really angry on the phone. As we were supposed to go to a *satsang* that day, we told him to visit us for dinner at 9 P.M. to which he agreed.

We were surprised to see Aditi back from her work at around 2:30 P.M. She used to take her job very seriously and had never done this before, so I asked her the reason for coming back early to which she angrily replied that she had to settle scores with Hardik and shut herself in her room. As she was very angry, we decided to leave for *satsang* at around 4:30 P.M. without disturbing her. We reached back home at 8:30 P.M. To our surprise, Suraj was already sitting in the dining room. I asked Aditi whether Hardik had reached home to which she replied, "*Hardik araam se soo raha hai.*"

At round 9:00 P.M. when dinner was about to be served, my wife tried to enter Hardik's room to call him for dinner but Aditi protested saying he was in a bad mood and asked not to be disturbed. However my wife brushed her off and opened the door; then I heard the loudest shriek I had ever heard in my entire life. I got very scared and ran to his room. I could not believe my eyes after what I saw in that room. My son was hanging from the ceiling fan of the room. My body was gushed with immense feelings and I trembled for a minute. After that I could not think of anything else and went shaking up to the nearby police station to report the murder of my son. After reaching the police station, I told the officer about what had happened. The officer visited my home and began investigating. After seizing all the evidence that he deemed fit, he called us

to record our statement. He finally made the correct arrests in the case and we started our journey towards getting justice for our son.

PW-2: Lakshmi Kumar (Hardik's mother)

Sex: Female

Age: 60

Occupation: Homemaker

Statement: I am Lakshmi Kumar w/o Vasudev Kumar. I am a resident of 76/B, D.V. Colony, Dhinal. I stay with my husband. I got married at a very early age and hence did not pressurise my son for the same. Hardik was our only child. I had devoted all my life and time to my son. He was always a very bright and friendly person. He used to maintain good relations with everyone around him, be it in school, or college, or at his work. From the very start, he used to value relationships and could never hurt anyone around him. He was a very intelligent and smart student at school and college alike. Understanding and loving as he was, he had the capability to deal with the biggest problems, be it emotional or physical. He never complained about anything and used to tackle things on his own. He was the apple of my eye and everyone in our relations, we had very high expectations from him. As he grew up, he settled his business by the virtue of his own caliber. He set up his own standards of excellence and always made us proud.

It was the time for him to get married, probably one of the most important decisions of a person's life. We were very particular about this one since he surely deserved the best. We made an account on an online matchmaking portal Jodnumber1.com, where we searched and met a number of girls. We did not really like anyone very much until we met Aditi. Hardik liked her a lot and wanted to marry her. Such an understanding and adjusting person as Hardik was, he decided to accept Aditi, despite her personal background. He decided to marry Aditi with our consent, which turned out to be the worst decision. Every mother has some aspirations for her son's marriage, but we decided to keep all that aside since our son's happiness was of utmost importance to us. We met Aditi and her brother and made it very clear that we did not want any gifts or a lavish marriage. Her brother agreed and it was a mutual agreement between both the families.

Initially everything was good; Hardik and Aditi were enjoying their married life. But eventually, we observed significant change in Aditi's behavior. We had always known Aditi as a person having high regards for family and relations. But somehow, things did not turn out to be that well with her. I don't know if it was excessive amount of workload in the office, or inability to manage work and home, that pestered her. In fact she was very rude to us too, leave alone her husband. She returned very late with very less time to spend with all of us. We had to face a number of cold remarks from her, but we always ignored them, understanding that her schedule was hectic. There were times when Hardik was upset and wanted to share his problems with Aditi, but she was not willing to do so. And there were occasions when he wanted to go out with her. But Aditi was not really able to maintain a healthy balance between her office and home. This was also taking a serious toll on her health. Concerned by all this, we advised Aditi to leave the job, since we preferred a happy family over money. As for the maid, she left the job abruptly and we did not ask her to leave. After that, there was a lot of household work which I used to manage, since Aditi was already too worked up with other things. Aditi did all the household work very reluctantly.

Then, finally things became very ugly on 17th August, when Aditi's brother called up and we invited him for the dinner at 9 pm. Her brother agreed to come for dinner. We thought it was important to discuss these issues in detail, since they were interfering with the married life of Hardik and Aditi. We had already tried our best to find a solution, but we felt that her brother might deal with her better.

Around 4:30 pm me and my husband, we left the house to attend a *satsang*, intending to return home by dinner. When we came back at around 8:30 pm, Aditi opened the door smiling and she seemed very happy. At first, we were very surprised to see this because it had been a long time

since we had seen her so happy. Her brother was also sitting in the dining area. He came before time and we were more than happy to welcome him. While Aditi was serving food at around 9 pm, I went inside to call Hardik for dinner. But as I entered to my utter shock I saw something that I cannot express in words.

I saw Hardik, my dearest son, my world, my everything hanging from the ceiling fan. I was so traumatised at the sight that I didn't know how to react or how to feel. Everything felt so numb, as if the world around me had stopped functioning. I couldn't come to terms with the fact that my loving son was no more. Seeing this, I was about to faint when Aditi's brother held me and asked me to sit. I was not able to walk or talk or do anything. Drowned in a state of remorse, I could not talk properly for a few hours, while my husband called the police. After sometime, once I regained my senses, I gave my statement to the police. I was one hundred percent sure that my son could do anything but not this. He just could not kill himself. It was definitely Aditi and her brother Suraj who killed my innocent son. That was the worst day of my life.

PW – 4 : DR. TARUN AGNIHOTRI, MEDICALEXPERT

Sex: *Male* **Age:** *52 years* **Occupation:** *Surgeon*

Statement: I am Dr Tarun Agnihotri (M.B.B.S), (M.D.) s/o Dr. Ashish Agnihotri, residing at 22, Bing Road, Navi Dilli. I am practicing at the Indigenous Institute of Medical Sciences, as a Chief Surgeon for the past 18 years.

I was heading the post mortem examination of Mr. Hardik Kumar. The body was brought in at around 10:40 pm on 17th August, 2018 and was declared dead on arrival. The autopsy was conducted the next day, i.e.18th August, 2018. It began at 1:15 pm and continued till 2:59 pm. At the time of Post Mortem, there were bruises on the left shoulder of the body signifying that the deceased brushed against the wall. There was a ligature mark around the neck, presence of abrasions, ecchymosis and redness around the ligature mark indicating that the deceased had hung by that red dupatta. There was ecchymosis of the larynx or epiglottis, rupture of the intima of the carotid signifying that the main cause of death is suffocation due to hanging.

An important observation was that there were no injuries, neither offensive nor defensive. But there were scratches on the right shoulder bone and cheeks. The nature of the scratches was similar to the ones caused by fingernails, signifying some sort of struggle before the knot was put around the neck. The blood diagnosis shows overdose of XYZ anti- depression and anti-anxiety tablets in 10 mm of blood sample of the deceased. We have sufficient ground to believe that the tablets were consumed 45 minutes before the time of death.

My opinion on the aforesaid cause of death has been duly reasoned and supplemented by an Autopsy Report. The Autopsy Report has been submitted in two parts (brief and descriptive) and must be read as supplementary to another.

The report has been prepared carefully following the standard procedure and protocol in medico legal practice. The said report has been duly submitted to the proper authorities.

DW-1 Ms. Aditi Kumar – Accused No. 1

Sex: Female

Age: 28 years

Occupation: Teacher

Statement: I am Aditi Kumar d/o Late Shri Ravinder Bishnoi. I reside at 76/B, D.V. Colony, Dhincal with my husband and my in-laws. I have completed my graduation from Shri Sita College of Commerce, Navi Dilli and have pursued my masters in the same subject. Being an orphan, it was majorly my brother who supported me in life decisions and constituted my family. I was very close to my brother and used to tell him everything about my life. Me and my brother constantly encouraged each other to work hard and to secure admission in reputed government colleges. We worked day and night to save every penny possible, in order to pay the college fees and to be able to meet our daily needs. We used to run small errands which provided us a source of sustenance.

After completing my education in late 2013, my brother suggested that I should get married and got me registered on an online match-making portal Jodnumber1.com. Through this portal, I met Hardik and his family for the very first time. I had never known Hardik before that. From the very first moment I knew that he was the one. Hardik was very caring and broad minded. He knew our financial conditions and status but was ready to accept me with open arms. He appreciated my academic qualifications and was very saddened to know about my tough childhood days. He assured me that all those days were over and from then on, there would be no hard days and we were going to live happily ever after just like the way it happens in movies. I was really happy that a person whom I had met for the very first time understood me so well and how he accepted me the way I am. I still remember how Hardik complimented me for my beautiful eyes. That was the best day of my life. My brother was very happy for me. He was also assured that this was the right house for his sister. Hardik was a small businessman and was the

only child of his parents. He had a loving family and everyone in the family was really happy that he had decided to get married.

It was somewhere in mid-2014, when we got a call from Hardik's parents, approving of the marriage. My brother tried to make things clear at the very outset. He told them that we could not afford a grand wedding and would not be able to give anything in dowry. Also, we had made it very clear that I should be allowed to continue my job, and must not be forced to quit and sit at home. Eventually everyone agreed. I was on cloud nine and knew that it definitely would have been Hardik who would have convinced his parents to accept this.

Later in 2014, we got married in a temple and got our marriage registered. Initially everything was going great. After we returned from our honeymoon, I found that the attitude of my mother-in-law had changed significantly. I was taken aback, but gradually accepted it as my fate. I was still continuing my job as it was a very high paying job. I even used to contribute my share towards the housing expenses. My in-laws used to over burden me with a lot of work and I never complained. After eight months, my in-laws got rid of the maid and expected me to handle all the household work. When I talked about this to my husband, he said that "There is no longer need for her". Since childhood I was used to doing all the work by myself. In order to avoid any further complications and save my marriage, I agreed to adjust. After getting back home from my job, it was my duty to clean the utensils and mop the floor and to cook food. Nobody ever used to help me out. But I never complained about this to anyone.

With a little hardships and joy, we proceeded to our first marriage anniversary in 2015. As if the cold attitude of my mother-in-law was not enough; all of a sudden something happened to Hardik and there was a complete change in his attitude. He started forcing himself on me, taunt me and he even verbally abused me at family functions. My mother-in-law started taunting me

that I did not match Hardik's standard and that he deserved a grand wedding which we were not able to deliver. And she even used to publicly insult me by saying that I did not get any gifts for her or for her relatives. With days passing by, Hardik became physically violent and daily fights and abuses began. I thought it was just a bad phase and my love and understanding would change everything for the good. I tried my best to adjust with the changing situations. With all this 2015 came to an end.

As 2016 began, my in-laws started pressurizing me to have a child, for which I was not ready. Suffering huge losses in business and not being able to keep up with them, Hardik started losing his mental balance. He was suffering from severe depression and would pick up a fight even over the pettiest of the issues. At that point of time he wanted a child, but I denied, becoming a victim of further mental torture. He could not accept the fact that I had a greater contribution in managing the expenses of the house. The situation became worse and intolerable for me as things really got out of hand and I could not control them.

With the start of 2018, I hoped that things would change; they did but for the worse. I supported Hardik through every thick and thin and could not leave him because I loved him unconditionally. I knew that the love was mutual; he was behaving inappropriately under the pressure of his parents. My in-laws became more abusive and would frequently pick up fights while Hardik was not at home. It was just another night when Hardik came very late from his work, very irritated and depressed. And something happened which I could never even imagine. That night, Hardik tried to force himself upon me and when I resisted, he tried to rape me and assaulted me physically. My whole world was shattered. When I tried to discuss all this with my in-laws in the morning, their lackadaisical attitude was a clear indicator of the fact that they already knew about all this. It seemed as if everything was pre planned. When I could not bear it

anymore and wanted to vent out my emotions, I finally called up my brother and explained the entire situation to him. He called up my in-laws, but they showed no interest in addressing the issue.

It was on 17th August 2018, when my in-laws and brother decided to sit for dinner together and to finally discuss the future of our marriage. The house seemed like a cage to me; I wanted to go out as soon as possible. I rushed to my work, where I was constantly pestered by the flashbacks of the last night. I was in constant touch with my brother all this time. I was not feeling very well. I was very disturbed and decided to take a half day, and to get back home and start the preparations for the dinner. I reached home by 2:30 pm and went straight to my room in order to have some rest. When I woke up, I found that my in-laws had gone somewhere, without informing me anything about it. I was very worried as I was alone in the house and did not know as to when they would return. Around 5:00 pm, the doorbell rang, and it was my brother. I was very emotional to see him and all my feelings turned into tears as I hugged him. I was getting late for the dinner preparations; so I took him to the kitchen where we could talk while I worked. At around 6:30 pm, I heard the doorbell ring and I rushed to open the door. It was Hardik. As usual, he started shouting on me and abusing me: "And today, you come back early from your useless job. Why? Is your brother so...". He noticed my brother standing in the kitchen and went straight to his room. I went to the kitchen and resumed my work, as I heard my husband playing his violin, which he usually did when he was sad and depressed. By 8:30 pm or so, my mother-in-law and father-in-law were back and they sat down in the dining area along with my brother. While I was serving food at around 9:00 pm, my mother-in-law went inside my room to call Hardik for the meal. All of a sudden, we heard a loud shrieking noise coming from the room. My mother-in-law was shouting and weeping. I rushed towards the room and became numb.

That was the most dreadful day of my life and I became cold and pale not knowing how to react. I was taken aback, I saw the love of my life my dear husband hanging from the fan and his pills were lying on the ground. The setup of the whole room was disturbed and my love was hanging from the ceiling fan. The police had come to our house and they started investigating the entire matter. By then I had sunk into deep pain and could not come to pace with things happening around me. Then after some time, the police called an ambulance which took away my beloved Hardik. We all stayed back, still traumatized about losing the happiness of our house, our Hardik.

DW- 2: Shri. Suraj Bishnoi (ACCUSED NO.2)

Sex: *Male*

Age: *26-year*

Occupation: *Bank Employee*

Statement: I am Suraj Bishnoi, s/o Late Shri. Ravindar Bishnoi. I am residing at 435 - A Raman Vihar, Dastang. I am a bank employee working in ETPL Bank. I have a regular office job and my working hours are from 9:00 A.M. to 4:30 P.M. I live alone at my ancestral home after the death of both my parents and after the marriage of my sister, Aditi Kumar. Our parents died when we were both very young. I, being the elder brother, suffered many hardships in order for me and my sister to be well educated. Being parentless children, we could not afford to dream. Both of us worked really hard to get into the most premiere government education institutions in our respective field of interests. The reputed jobs that we have today are a result of the hard work done by us in our childhood.

She has always been a very considerate person who is ever ready to understand the other person's perspective and accommodate his wishes even if it meant compromising on her own. Even after going through enormous difficulties as a child, she grew up to be a magnanimous human being. After seeing the face of all that she had gone through and not having a normal childhood because we were alone to fend for ourselves, we finally thought that she would now be able to lead a normal and happy life after she had a well-paying job and a loving husband. But reality is a harsh thing. We uploaded her profile on the match-finding website, Jodnumber1.com, and expected to find a perfect guy for her. She already had a well-paying job prior to her marriage. It is through this portal that we finally met Hardik after rejecting some guys. Hardik seemed to be the perfect groom for my sister. His family seemed to be very open-minded and welcoming of a new guest in their family. At the outset we made it clear to Hardik's

family that my sister would not leave her job and be forced to sit at home. They seemed very liberal in all of the matters that we discussed. But that family turned out to be like Elephant's teeth: different for eating and showing.

After my sister was wedded in that house on 28/04/2014, things went on smoothly for about eight months before they started showing their true colors. The Kumar family made their long serving maid leave after eight months of marriage and forced my sister to do all the household work. When Aditi asked Hardik as to why did they make their maid leave, Hardik replied, "There is no longer need for her". Even then she endured this with grace. She managed her job as well as all the household work really efficiently as she was used to doing it since childhood. But her mother-in law, Smt. Lakshmi Kumar, used to find unnecessary faults in her work. Instead of helping her working daughter-in-law, Mrs. Kumar intentionally found faults in her work and forced her to leave her job as she was not happy with the long working hours. Mrs. Lakshmi totally failed to acknowledge the fact that my sister was doing all the work despite those long working hours.

Aditi was repeatedly told by her in-laws and her husband to leave her job. They could not bear the fact that the female member of their family was earning a major chunk of the total family income. They thought that she could use this fact to satisfy her whims and fancies against the wishes of her family members. The truth is that my sister is such a respectful person that she almost never opposed the decisions of her in-laws. Aditi reminded them that their marriage was solemnized at the condition that she would not be asked to leave her job.

She was also forced to conceive a child and give a heir to the family. This is a very big step especially for a woman. My sister was not mentally prepared to take that step. She made her reluctance quite visible but all the family members conveniently chose to ignore it.

On 16/08/2018, Hardik even tried to rape her. When my sister resisted, she was physically assaulted by him. This gave my sister both physical and mental scars which are going to be there forever. When she narrated this incident to me over phone the next day, she was devastated. She told me that when she told her in-laws about what their son had done to her, they seemed to know about it in advance. Both her in-laws were insensitive towards her feelings and they again commented on her stubbornness to not give them an heir and that she should mend her ways.

After receiving a call from her, I immediately called up her in-laws and demanded them to meet and finally discuss the fate of this marriage. Even then they showed no urgency to talk and told me they would be able to meet only at night at dinner after coming back from a *satsang*. I kept my cool and decided to wait for them to discuss the issue.

As my sister could not bear to be in that house after all that she had endured, she decided to go to work and divert her attention to other things. Even as she was in her office, she could not concentrate on her work as her bruises were still fresh. She called me a several times from work that day. She was very upset and wanted things to get alright. After seeing her condition, I suggested that we meet at her house and she should take a half day from work to which she readily agreed. Both of us went directly from our offices to her house. She had to take a half day from work and reached home by 2:30 PM. When I reached there at around 5 P.M., no one except her was home, as her inlaws had gone for *satsang* and her husband had not returned from office. I was utterly shocked and immensely angry when I saw bruises all over my sister's body; this was done by Hardik the last night She calmed me down and told me that Hardik was disturbed and he did not mean to do it. I was convinced after a few minutes but decided to finally talk to the Kumar family about the fate of this marriage. We discussed her problems and I tried to console my sister that everything will turn out to be just fine. She was very disturbed all

throughout the discussion. Yet in order to maintain the peace of the house, she asked me to move to the kitchen and talk so that she could cook dinner for the decided meeting. There I saw the kind of sacrifice my sister was making in order for things to work out. Even in such a disturbed state of mind, she was thinking of her family and her marriage. As my sister is the only family member I have since childhood, I love her immensely and can't see her suffer and this is the reason why I always told her to resolve all her differences with her husband amicably. At around 6:30 P.M., when Hardik returned from office and my sister opened the door for him, he shouted at the top of his voice, "And today you come back early from your useless job. Why? Is your brother so...." On seeing me, he stopped in between and went straight to his bedroom and closed the door. This is when I got a taste of what my sister was actually going through in that house. We both went back to kitchen to finding a way out.

Mr. Vasudev Kumar and Mrs. Lakshmi Kumar returned home at around 8:30 P.M. and after making due preparations and starting to discuss the matter, Mrs. Lakshmi went to call Mr. Hardik in his room at around 9:00 P.M. only to find him hanging. We never saw him after his entering the house as none of us entered that room and he never came out of it. We just heard voices of him playing his violin and when I asked my sister about it, she said that Hardik played it when he was very sad and depressed. We got to know about Hardik's death only when we heard a very loud shriek from Mrs. Kumar and rushed to Hardik's bedroom.

Mrs. Kumar was initially uncontrollable after which she finally sat on the ground against the wall with her eyes all filled with tears. Mr. Kumar became very furious and aggressive. He shouted several things and went straight out of the door to the police station. My sister started crying as she saw her husband dead. Both Mr. & Mrs. Kumar blamed us for murdering Mr. Hardik. They called the police and registered an F.I.R. against us.

DW-3 – Banshi Prasad, Society Guard

Sex: Male

Age: 54

Occupation: Guard

Statement: I am Banshi Prasad s/o Harilal Prasad, resident of Bispur. I work as a security guard at D.V. Colony, Dhincal. I have been working there for the past 20 years. I maintain a register to mark the in-and-out time of the commuters of the colony. Everyone, except the residents of the colony are required to make an entry before getting inside the colony. I have submitted a copy of the register to the police.

On 17th August, Hardik *Bhaiya* came back around 6:00 PM - 6:30 PM, when he passed by me it seemed that he was in a very sullen mood, even his eyes were red. I tried to stop him to ask if he was okay but he didn't hear me. When I looked at his car, I saw that the driver's window was down, I went there to check and noticed that the car keys were inside and the engine of the car was still on. I turned off the ignition, locked the car and went to Hardik *Bhaiya's* house to return the keys. When I reached there, the door was open and Hardik *Bhaiya* was shouting at Bhabhi, who was crying uncontrollably. Suraj *Bhaiya* was trying to console her. I didn't think it was appropriate to intrude so I left the keys near the door and went back.

DW-4: Dr Shweta Karanwal, (Hardik's Psychiatrist)

Sex: Female

Age: 35 years Occupation: Psychiatrist

I am a MBBS graduate from Lady Harding Medical College, Navi Dilli. Then I went on to pursue MD in Psychiatry from Columbia University, New York and PhD in Mental Health and psychotherapy from Harvard Medical School, Boston.

Mr. Hardik was a regular patient of mine from past 1 year. He was suffering from acute depression and was brought in by his father the first time. We had regular, twice a week, therapy sessions where we discussed in depth the problems he found himself in and the solutions for those problems. I also prescribed XYZ antidepressant medicine to be taken once a day.

The major problem he suffered through was the dying love and intimacy with his wife who he loved and the fear of a failed marriage. He felt cornered, helpless and conflicted by the love and respect he had for his parents and the love he had for his wife as the two didn't get along and even had huge fights at time. And in times such as, he didn't know who to side with because irrespective of who he would side with, he would disappoint the other party which he could not.

Then the topic of his wife not being ready to have a child, I did try to work through that one with him by making him understand the right of a woman on her body and sexual health, the amount of changes a woman's body go through a pregnancy. So, if a woman is not mentally ready for that process, the physical changes will be bad for her mental health and therefore for the child as well. But I believe due to the environment he has been brought up in and the teaching he had got while growing up played a massive hindrance in opening up his mindset. Or maybe the environment he lives in is to be blamed. To add icing on the cake, his business started to crash and it was then he told me that he has been contemplating suicide but I talked him out of that very effectively but psychiatry is a very complex science, like brain itself. It isn't mathematics, if

it contemplates any thought once, it can do it again.

In the later days of the therapy, he became very bitter towards his wife to the extent that he pondered on the thought of physically striking her to "get her in line" to which I first counseled him and then I told him if that incident took place, I'll be forced to inform the police authorities as my duty towards the society, this fumed him up pretty instantly and he walked out and never came back for another session.

RECOVERY MEMO/SEIZURE REPORT

1. Date & Time of Seizure: 17.08.2018
2. Place of Seizure: Mr. Vasudev Kumar's House (76/B D.V. Colony, Dhincal)
3. From Whom Seized: NA
4. Name & Address of Witnesses:
Witness No 1: Mr. Mrinal Kamzohi Address: 72B DK Puram, Dhincal-293829
Witness No 2: Mr. Sahitya Batra Address: 74C DK Puram, Dhincal - 293828
5. Details of property seized/ Recovered:
 - a. Red dupatta from which Hardik was hanging
 - b. Broken violin
 - c. A pair of slippers
 - d. Kitchen Knife
 - e. Box of anti-depressant tablets
 - f. Spilled Water Glass
 - g. Note lying on the side table
 - h. Hardik's (Deceased) Mobile Phone

S/d

S/d

Witness No 1: Mr. Mrinal Kamzohi

Witness No 2: Mr. Sahitya Batra

Post Mortem Report

- (a) Body was received at **-10:40 pm on 17th August, 2018** Distt.- Dhincal P.S.-Dharam Vihar Colony
 (b) P.M. Commenced at **1:15 pm on 18th February, 2018**
 (c) Name of observer/ if any: NA

A- General					B-External appearance
Name (Apparent age, religion sex, strength, weight & residence if known with partial address)	Village/ town/ Mohalla from where brought	Name of Constable/ Chaukidars/ Dafadar's relatives Accompanying Corps The identified the deceased	Special Identifying features Including complexion, hair color of eyes etc	Clothes and articles sent with the corpse	Condition of subject including physique and nutrition, congenital/acquired peculiarity, P.M Lividity, obstruction of natural orifices, if any and in case of new infant, mention condition of umbilical cord
1	2	3	4	5	6
Hardik Kumar, 31 years, Hindu, Male, Well Nourished, 70 kgs , 76/B, D.V. Colony, Dhincal	76/B, D.V. Colony, Dhincal	Ambulance Driver- Jiten Tomar and Father of the deceased- Vasudev Kumar	Wheatish complexioned, black hair and brown eyes, black mole just beneath the left eyebrow and on the right ear lobe and a birth mark on the left side of the waist	Blue T-shirt with black border, blue and navy blue jeans, Black undergarments	Well developed and nourished male, body is normal and consistent with the age. Dry tongue protruding out of mouth, dry saliva. Congested face. Neck is elongated. Developed lividity on the extremities . 31 natural teeth found. Rigor mortis fully developed.
C – Cranium and Spinal Canal Note - The Spinal Canal Need Not be Examined unless any indication of disease or injury exists					
Neck		Vertebra	Membrane	Brain and spinal cord	
7		8	9	10	
Elongated neck. Tearing of neuro vascular bundles, sternocleidomastoid and other muscles. Fracture of		Cervical vertebrae fractured.	Damaged	Haemorrhage	

posterior horn of thyroid cartilage			
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D- THORAX						
Walls, Ribs, Cartilages	Pleura	Larynx and Trachea	Lungs	Pericardiuro	Heart	Large
11	12	13	14	15	16	17
Unremarkable	Haemorrhage	Laryngotracheal separation	Pulmor	Unremarkable	Decompensated	Swallow

E- ABDOMEN										
Walls	Peritonum	Mouth/Oesophagus and condition of teeth	Stomach and its contents	Small Intestine and its contents	Large Intestine and its contents	Liver	Spleen	Kidneys (Right and Left)	Bladder	Organs of Generation (Internal and external)
18	19	20	21	22	23	24	25	26	27	28
Unremarkable	Unremarkable	Dry	Overdose of antidepressants	Pasty material	Unremarkable	Unremarkable	Unremarkable	Unremarkable	Unremarkable	Unremarkable

F- MUSCLES AND BONES			
Injury	Disease/ Deformity	Fractures	Dislocation
29	30	31	32
Abrasions over bony prominences - Left Shoulder	None	Fractured Vertebral Column	None

There were abrasions over bony prominences (Left Shoulder, and left elbow). The vertebral was fractured and there were bruises on arms probably caused due to pushing. There were signs for Asphyxiation. Ligature marks above the level of thyroid cartilage between chin and larynx.

34 - OPINION OF MEDICAL OFFICER AS TO CAUSE OF DEATH, TIME SINCE DEATH; AND ANY ADDITIONAL RELEVANT INFORMATION.

The cause of death is violent Asphyxiation due to hanging. The time since death is 18-21 hours.

Mention items or viscera or other items preserved and preservative used.

Place of examination: Indigenous Institute of Medical Sciences, Dhinal

Sd/-

Dr. Tarun Agnihotri (M.B.B.S) Head Surgeon
(FMT)

Date-

18/08/2018 Designation: Head Surgeon

Signature (Full Name and qualification)

35.1 Remarks by Head of Forensic Medicine and Toxicology Department

Autopsy Report: Explained

Autopsy Report No: 2018/051

Ref No.30075/A

Autopsy Authorized by: *Dharam Vihar Colony PS*

Date and hour of receipt of body: 10:40 pm on 17th August, 2018

The hour of starting autopsy: 01:15 pm on 18th August, 2018

Hour of concluding autopsy: 2:59 pm on 18th August, 2018

Body brought and identified by: Mr. Jiten Tomar (Ambulance Driver) and identified by Mr.

Vasudev Kumar

Age: 31

Height: 176cm

Sex: Male

Weight: 70kgs

Hair: Black

Built: Medium

Eyes: Brown

CLOTHING:

A Blue T-Shirt with black stripes, black pajama, and black undergarments.

SCHEDULE OF OBSERVATIONS

A- GENERAL

Name: Mr. Hardik Kumar

Special Identification Features: The deceased had a black mole just beneath the left eyebrow and on the right ear lobe. There was also a birth mark on the left side of the waist.

External Appearance: The body was well developed and well nourished. The deceased was a wheatish complexioned male, about 31 years of age. The body was normal and consistent with the age. Dry tongue protruding out of mouth, dry saliva. The total number of teeth present were 31 all of which were natural. Rigor Mortis fully developed.

Injuries:

Head: None

Shoulder: Bruised Left Shoulder

Thorax: Unremarkable

Abdomen: Swollen

Legs: Unremarkable

B. HEAD AND NECK

1. Skull, brain, meninges and cerebral vessels: Haemorrhage and tearing of vessels
2. Orbital, Nasal and oral cavities: Damage
3. Mouth, tongue: Dry mouth. Dry tongue protruding out of mouth.
4. Neck, larynx, thyroid and other neck structures: Broken neck, fractured vertebral column, Laryngotracheal separation, Elongated neck. Tearing of neuro vascular bundles, Sternocleidomastoid and other muscles. Fracture of posterior horn of thyroid cartilage.

C. CHEST (THORAX)

1. Ribs and Chest Wall: Unremarkable

2. Diaphragm: Unremarkable
3. Oesophagus: Unremarkable
4. Trachea and Bronchi: Constricted
5. Pleural Cavities: Unremarkable
6. Lungs: Pulmonary edema
7. Heart and Pericardial sac: The heart weighs 360 grams and was decompensated.
8. Large blood Vessels: Ruptured, near left shoulder region.

D. ABDOMEN

1. Abdominal wall: Unremarkable
2. Peritoneal cavity: Unremarkable
3. Stomach and content: Overdose of anti-depressant
4. Small Intestine: Pasty material was collected
5. Large intestine, vermiform appendix, mesentery and pancreas: Unremarkable
6. Liver, gall bladder, biliary passages: Liver weighs 1500 grams and is otherwise unremarkable.
The gall bladder contains 11cc of bile.
7. Spleen: Unremarkable
8. Kidney, renal pelvis, ureters: Unremarkable
9. Pelvic wall: Unremarkable
10. Urinary bladder and urethra: Unremarkable
11. Genital organs: Unremarkable

E. SPINAL COLUMN

1. Spinal column and spinal cord: Fractured

F- ADDITIONAL REMARKS

11. Presence of damage in the following areas: Bruise in the left shoulder, lumber region and other bruises on the arms and legs. Abrasions over bony prominences- Left shoulder, knee and both mandibles

G. SPECIMEN COLLECTED FOR TOXICOLOGICAL ANALYSIS

Nature of specimen Preserved

1. Stomach with contents: Overdose of anti-depressant
2. Small intestine and contents: Pasty material
3. Sample of Liver: The liver weighs 1600 grams.
4. Kidneys: -NA-
5. Spleen: -NA-

Sample of Blood: Blood group: (AB-), Sugar: 72 mg/dL, WBC Count: 6,500 cells mcL.

ENTRY- EXIT REGISTER OF THE SOCIETY ON 17.08.2018

NAME	HOUSE NUMBER	TIME - IN	TIME - OUT	PURPOSE	SIGNATURE
1. Pranav Sudhara	324-A	8:30am	8:50am	Delivery	
2. Pramitha	266-B	9:00am	9:15AM	Newspaper	
3. Ram Bhargava	252	9:15AM	-	Meeting	
4. Kuntal	420	9:50 AM	10:00am	Landings	

Page 1

NAME	HOUSE NO.	TIME IN	TIME OUT	PURPOSE	SIGNATURE
5. Satya	124-L	12:35PM	3:00 PM	Meeting	
7. Kashish	894-A	2:00		Hangout	
8. Tara	555	4:55	5:55	S.S.	
9. Sruya	761B	5:00			
10. Saugan	81	5:40	-	Dinner	

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FORM 'II'

(See sub-section (2) of section II and sub-rule (5) and (6) of rule 4)



GOVERNMENT OF NAVI DILLI

Certificate of Registration of Marriage

(Under—the Navi Dilli Registration of Marriage Act, 2006)

No. – 9987

This is to certify that **Shri Hardik Kumar**, Son of Shri Vasudev Kumar, residing at 76/B, D.V. Colony, Dhincal and **Smt. Aditi Bishnoi**, Daughter of Late Shri Ravinder Bishnoi, residing at 435 - A Raman Vihar, Dastang have furnished the particulars in the Memorandum declaring that their marriage has been solemnized on **28th April ,2014** at **Dhincal** and that the same has been registered on this day **28th April ,2014** at **Serial No 9987** of volume 19 of Register of Marriage maintained under the Navi Dilli Registration of Marriage Act 2006. (Real. 16 of 2006)

Place: <u>Dhincal</u>	Signature: Sd/-
Date: 28/04/ 2014	Sanjay Puran
	(Registrar of Marriage)
	Navi Dilli

EXHIBIT 6

**FORM NO. 13
DEATH CERTIFICATE OF THE DECEASED**

(Issued under section 13 of the Registration of Births and Deaths Act, 1955)

This is to certify that the following information has been taken from the original record of death which is the register for (Local area/Local body) Municipality Corporation of Tehsil Block – 76/B, D.V Colony, Dhincal of State/ Union Territory of Navi Dilli.

- Name : Late Hardik Kumar
- Sex : Male
- Age : 27 years
- Date of death : 17.08.2018
- Place of Death : 76/B, D.V. Colony, Dhincal
- Name of Father : Mr Vasudev Kumar
- Name of Mother : Ms Lakshmi Kumar

OTHER RELEVANT INFORMATION

- Address of the Deceased : 76/B, D.V Colony, Dhincal
- Information received by : Mr Vasudev Kumar
- Informant's Address : 76/B, D.V. Colony, Dhincal
- Registration No : 1562/17
- Date of Registration : 25.08.2018
- Date of Issue : 26.08.2018

.....

Sd/-
Mr. Samparam Singh
REGISTRAR, Navi Dilli

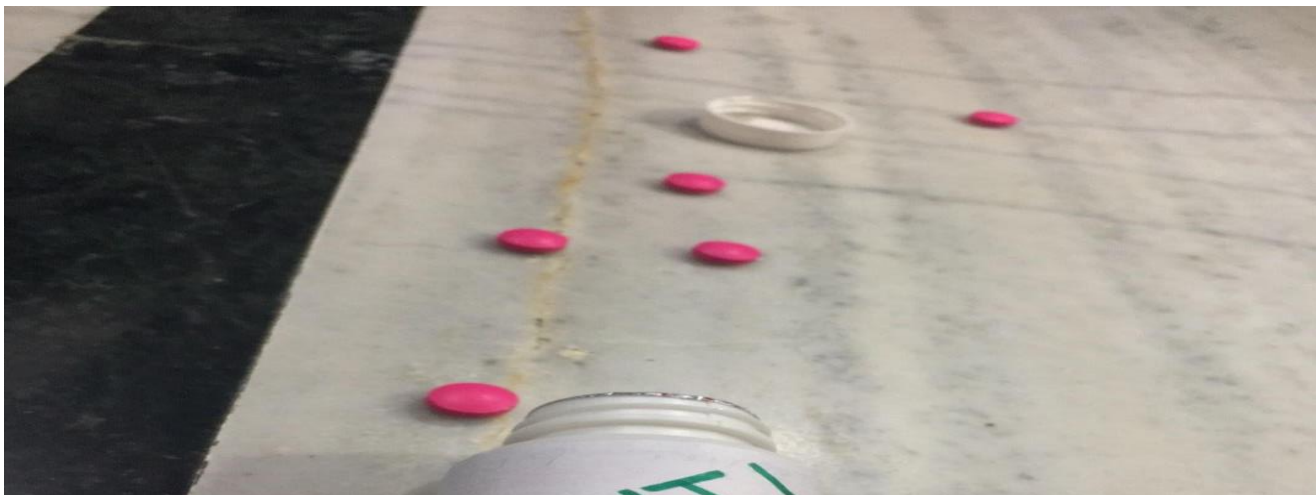
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EXHIBIT 7

PHOTOGRAPHS OF THE CRIME SCENE

Anti –Depressant pills lying on the floor



A Broken Violin





Hardik's phone

Suraj's Footwear





Dotted wall



Graphical representation to show Hardik hanging and stool used for hanging



Kitchen Knife



A glass of water emptied on a sheet of paper washing away its contents



EXHIBIT

planned

business

Growth

The washed up Note



The red dupatta from which Hardik was hanging

*(It's for both the parties to adhere that both the accused persons have given consent to be presented in the court as witnesses in the present matter under section 313 of CrPC, 1973.)
The laws of Bharat are pari-materia with the laws of India*