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

Reserved on: 02.11.2026
Date of Decision: 06.11.2026
Uploaded on: 06.11.2026

\# **CNR No. DLHC010290732025**
\+ **CRL.A. 647/2025**

SANJAY KUMAR .....Appellant
Through: Mr. Arjun Malik, Adv.

versus

STATE OF NCT OF DELHI .....Respondent
Through: Mr. Raghuvinder Verma, APP
SI Mohit Bamel, P.S. Begumpur

CORAM:
HON'BLE MS. JUSTICE MADHU JAIN

JUDGMENT

MADHU JAIN, J.

1. The present appeal has been preferred by the appellant, Sanjay Kumar, under Section 415(2) read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as the "BNSS"), challenging the judgment of conviction dated 16.01.2025 and order on sentence dated 01.03.2025 passed by the learned Additional Sessions Judge-03, North-West District, Rohini Courts, Delhi, in Sessions Case No. 655/2018, arising out of FIR No. 220/2013 registered at Police Station Begum Pur.

2. *Vide* the impugned judgment, the learned Trial Court convicted the appellant for the offence punishable under Section 304 Part II of the Indian

Signature Not Verified
Signed By:BHARTI
Signing Date:06.11.2026
18:22:41

Penal Code, 1860 (hereinafter referred to as the "IPC"). By the subsequent order on sentence dated 01.03.2025, the appellant was sentenced to undergo rigorous imprisonment for five years and to pay a fine of Rs.50,000/-, and in default of payment of fine, to undergo rigorous imprisonment for a further period of four months. The appellant was also granted the benefit of Section 428 of the Code of Criminal Procedure, 1973 (hereinafter referred to as the "Cr.P.C.").

BRIEF FACTS:

3. Briefly stated, the prosecution case is that on 02.07.2013, Arun Kumar (PW-1) admitted his brother, Varun Kumar Verma (hereinafter referred to as the "deceased"), to Hari Darshan De-addiction Centre, situated at Begum Vihar, Delhi, for treatment of his addiction. As per the testimony of PW-1, the appellant, Sanjay Kumar, was managing the said de-addiction centre, while co-accused Rajesh Kumar was working there as a caretaker. The monthly charges for the treatment were fixed at Rs.4,500/- out of which PW-1 paid Rs.1,000/- at the time of admission, with the balance amount of Rs.3,500/- to be paid subsequently.

4. It is alleged that on 07.07.2013, when PW-1 visited the de-addiction centre to meet his brother, the deceased started crying and informed him that he did not wish to remain admitted there, as he was being beaten by the staff. Upon hearing this, PW-1 expressed his intention to take the deceased home. However, the appellant and co-accused Rajesh Kumar allegedly refused to permit him to take his brother away without first paying the outstanding amount of Rs.3,500/-.

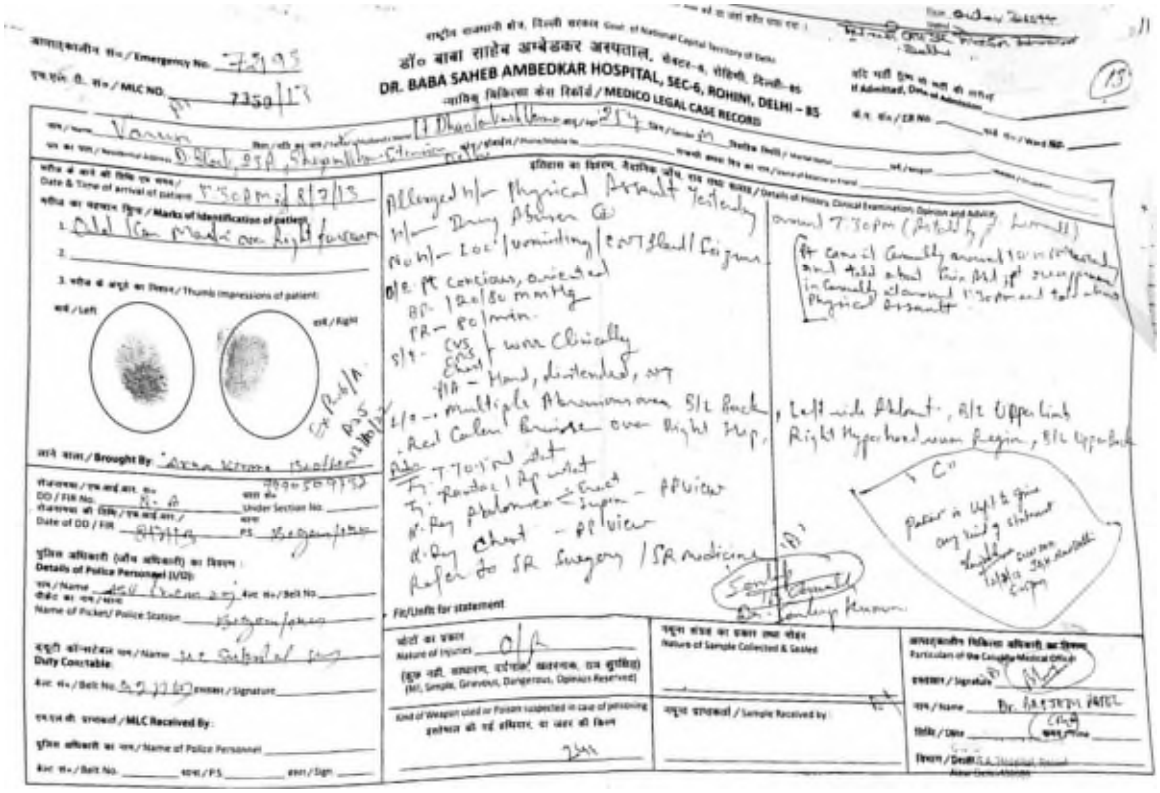
Signature Not Verified
Signed By:BHARTI
Signing Date:06.11.2026
18:22:41

5. As per the prosecution, an altercation thereafter took place, during which co-accused Rajesh Kumar caught hold of PW-1, while the appellant pulled the deceased inside the de-addiction centre. It is alleged that the appellant dragged the deceased into an adjoining room and repeatedly assaulted him with fist and kick blows, particularly on his abdomen. Thereafter, PW-1 took his brother home and subsequently brought him to Dr. Baba Saheb Ambedkar Hospital (hereinafter referred to as "BSA Hospital"), Rohini, for medical treatment.

6. The medical record reveals that the deceased initially visited the casualty department of BSA Hospital on 07.07.2013, at approximately 10:00 PM, with a complaint of abdominal pain. At the time of this initial visit, no history of physical assault was recorded. The deceased again presented at the hospital at approximately 1:30 AM on 08.07.2013, when a history of physical assault on the previous evening was recorded. He was thereafter medically examined by Dr. Sandeep Kumar, Junior Resident, under the supervision of Dr. Brijesh Patel, CMO, *vide* MLC No. 7350/2013, exhibited as Ex. PW-6/A.

7. The MLC records multiple abrasions and bruises on the body of the deceased. Following the examination, the deceased was referred to the Senior Residents of the Surgery and Medicine Departments for further management. Upon examination by the Surgery Department, he was advised admission to the Emergency Surgery Ward. The relevant portion of the MLC bearing No. 7350/2013 is reproduced hereinbelow:

Signature Not Verified
Signed By:BHARTI
Signing Date:06.11.2026
18:22:41


डॉ० बाबा साहेब अम्बेडकर अस्पताल, सेक्टर-6, रोहिणी, दिल्ली-85
DR. BABA SAHEB AMBEDKAR HOSPITAL, SEC-6, ROHINI, DELHI – 85
मेडिको लिगल केस रिकॉर्ड / MEDICO LEGAL CASE RECORD
Emergency No. 7195
MLC NO. 7350/13
Varun
Date & Time of arrival of patient 7:30pm, 8/7/13
Marks of identification of patient
1. Old (Cm Mole over Right forearm
Brought By
DD / FIR No. 0080509793
Under Section No.
Date of DD / FIR 8/7/13
PS
Details of Police Personnel (I/O):
Name of Picket/ Police Station
Duty Constable
Belt No.
Signature
MLC Received By
Name of Police Personnel
Belt No.
PS
Sign
Allegedly H/o Physical Assault Yesterday around 7:30pm (Patient by himself)
H/o Drug Abuse (+)
H/o Loc / vomiting / ENT Bleed / Seizure
O/E Pt conscious, oriented
BP- 120/80 mmHg
PR- 80/min
S/E- CVS / RS WNL Clinically
Chest
P/A - Hard, distended, NT
L/O - Multiple Abrasions over B/L Back, left side Abdomen, B/L Upper Limb, Red Colour Bruise over Right Hip, Right Hypochondrium Region
Also
Tab. Tramadol stat
Tab. Pantop 40 OD
Tab. Ranitidine 150 BD
Inj. Pantop 40mg IV stat
Inj. Ray Abdomen - Erect - Supine - Advice
Inj. Ray Chest - Advice
Refer to SR Surgery / SR Medicine
Fit/Unfit for statement
Nature of Injuries
(Nil, Simple, Grievous, Dangerous, Opinion Reserved)
Kind of Weapon used or Poison suspected in case of poisoning
Nature of Sample Collected & Sealed
Sample Received by
Particulars of the Casualty Medical Officer
Name
Dr. RAKESH PATEL
Title / Date
Sign

Details of History, Clinical Examination, Opinion and Advice:

- *Alleged H/o Physical Assault yesterday around 7:30 PM (as told by pt. himself)*
- *H/o Drug Abuse (+)*
- *Non-LOC / vomiting / ENT bleed / Seizure*

O/E (On Examination):

- *Pt. conscious, oriented*
- *BP - 120/80 mmHg*
- *PR - 80/min*

XXX

L/O (Local Examination): *Multiple abrasions over B/L (bilateral) back, left side abdomen, B/L upper limb. Red*

Signature Not Verified
Signed By:BHARTI
Signing Date:06.11.2026
18:22:41

colon bruise over right hip, right hypochondriac region, B/L upper back.

Side Note / Box: *"Pt came to casualty around 10:00 [PM] yesterday and told about pain abd; pt reappeared in casualty at around 1:30 AM and told about physical assault.*

Advice & Management

- *Inj. T.T. 0.5 ml stat*
- *Inj. Ranilac 1 Amp stat*
- *X-Ray Abdomen - Supine - AP view*
- *X-Ray Chest - PA view*
- *Refer to SR Surgery / SR Medicine"*

8. On 08.07.2013, information was received at Police Station Begum Pur regarding the admission of an injured person at BSA Hospital following a quarrel at Hari Darshan De-addiction Centre. The information was recorded by HC Kalyan Sahai (PW-4) vide DD No. 8A, exhibited as Ex. PW-4/A1, and was assigned to SI Prem Raj (PW-9) for necessary action. Upon receiving the information, PW-9 visited BSA Hospital, where the deceased was found admitted. However, the deceased was declared unfit for recording his statement, and the matter was kept pending.

9. On the following day, PW-9 again visited BSA Hospital but did not find the deceased there. Subsequently, on 12.07.2013, the Investigating Officer came to know that the deceased had been shifted to Jaipur Golden Hospital, Rohini. Accordingly, PW-9, accompanied by Ct. Ran Singh (PW-3), visited the said hospital, where the deceased was undergoing treatment. However, the attending doctors again declared him unfit for recording his statement.

Signature Not Verified
Signed By:BHARTI
Signing Date:06.11.2026
18:22:41

10. During the course of investigation, PW-9 met Arun Kumar (PW-1), the brother of the deceased, at Jaipur Golden Hospital and recorded his statement, exhibited as Ex. PW-1/A. In the said statement, PW-1 narrated the circumstances in which his brother had been admitted to the de-addiction centre and alleged that the appellant had repeatedly assaulted the deceased with kick blows on his abdomen when PW-1 attempted to take him home on 07.07.2013. The relevant portion of the initial statement of PW-1 is reproduced hereinbelow:

> *"7-7-13 को समय करीब 7.30 बजे शाम में अपने भाई वरुण से मिलने गया तो मैंने वहाँ पर काम करने वाले राजेश के द्वारा अपने भाई को बाहर बुल- वाया, जो मेरा भाई वरुण कुमार मेरे को देखते ही कहने लगा कि भाई मेरे को यहाँ पर इलाज नहीं करवाना यहाँ पर आऐ दिन मेरी पिटाई करते है और मैं अपने भाई को लेकर चलने लगा तो राजेश व नशा मुक्ति के संचालक संजय ने मेरे को पकड़कर रोड़ पर घसीटने लगे तो मै अपने भाई को छुड़ाने लगा तो संजय ने गाली देते हुए मेरे भाई वरुण कुमार के पेट में कई लात व घूसे मारे और कहा कि पहले बाकी के पैसे दे, तब अपने भाई को ले जाना जब मेरे भाई की तबियत ज्यादा खराब होने लगी तो भाई को मैं अपने घर ले गया और घर सेअपनी मम्मी को साथ लेकर मैंने अपने भाई वरुण कुमार वर्मा को Dr. BSA अस्पताल में दाखिल करवाया और तब आप BSA अस्प- ताल आए तो मैं अरोड़ा Diagnostic center में इलाज के बारे में पता करने गया था और दिनांक 9-7-13 को मैंने अपने भाई का*

Signature Not Verified
Signed By:BHARTI
Signing Date:06.11.2026
18:22:41

इलाज के लिए SPINDALES Hospital Prashant Vihar में दाखिल करवाया वहाँ पर इलाज ठीक प्रकार से नहीं होने के कारण दिनांक 10-7- 13 को जयपुर गोल्डन अस्पताल में इलाज के लिए दाखिल करवाया है।"

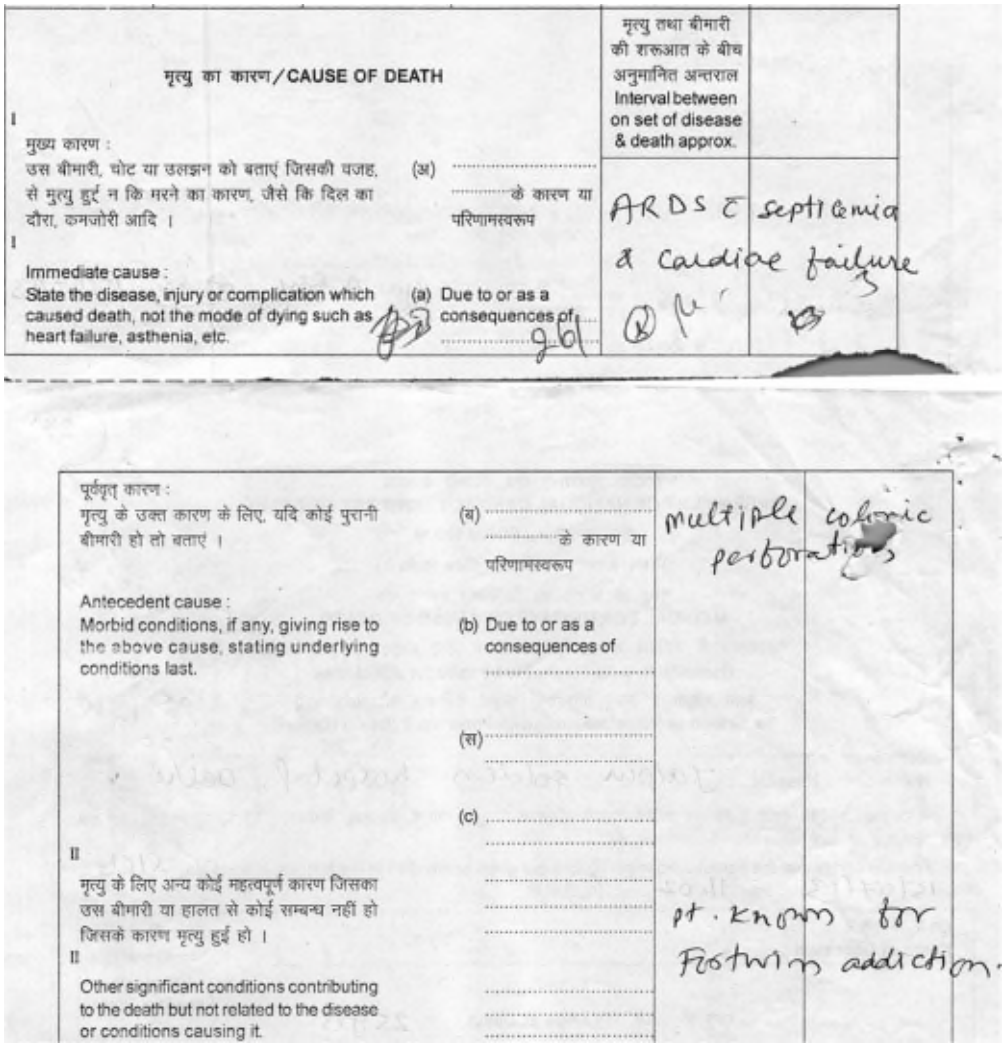
11. On the basis of the aforesaid statement, PW-9 prepared the rukka, which was handed over to Ct. Ran Singh (PW-3) for registration of the FIR. Consequently, FIR No. 220/2013 was registered at Police Station Begum Pur under Sections 323, 341 and 34 IPC on 12.07.2013. The Investigation Officer arrested the appellant and co-accused Rajesh Kumar. Since the offences initially invoked were bailable, both accused persons were released on bail.

12. Insofar as the subsequent medical treatment of the deceased is concerned, PW-1 deposed that his brother continued to experience severe abdominal pain and that an ultrasound examination revealed the presence of fluid in his abdomen. As his condition did not improve, he was taken to Springdale Hospital, where surgical intervention was advised. The deceased was thereafter shifted to Jaipur Golden Hospital, where he underwent abdominal surgery for intestinal perforation.

13. Despite receiving medical treatment, the condition of the deceased subsequently deteriorated, and he expired on 15.07.2013 at Jaipur Golden Hospital. Information regarding his death was conveyed to Police Station Begum Pur *vide* DD No. 21A, exhibited as Ex. PW-9/B. Upon receiving the information, PW-9 visited the hospital, where the body of the deceased was identified by his brothers, Arun Kumar (PW-1) and Saurabh Kumar Verma (PW-2). The death report and medical certificate of cause of death

Signature Not Verified
Signed By:BHARTI
Signing Date:06.11.2026
18:22:41

were subsequently proved as Ex. PW-8/A and Ex. PW-8/B, respectively. The cause of death as mentioned in the Ex. PW-9/B- medical certificate of cause of death in reproduced as under:



मृत्यु का कारण/CAUSE OF DEATH		मृत्यु तथा बीमारी की शरूआत के बीच अनुमानित अन्तराल Interval between on set of disease & death approx.
I मुख्य कारण : उस बीमारी, चोट या उलझन को बताएं जिसकी वजह से मृत्यु हुई न कि मरने का कारण, जैसे कि दिल का दौरा, कनजोरी आदि ।	(अ) ....के कारण या परिणामस्वरूप	ARDS & septicemia
I Immediate cause : State the disease, injury or complication which caused death, not the mode of dying such as heart failure, asthenia, etc.	(a) Due to or as a consequences of	& cardiac failure
पूर्ववृत्त कारण : मृत्यु के उक्त कारण के लिए, यदि कोई पुरानी बीमारी हो तो बताएं ।	(ब) ....के कारण या परिणामस्वरूप	multiple colonic perforations
Antecedent cause : Morbid conditions, if any, giving rise to the above cause, stating underlying conditions last.	(b) Due to or as a consequences of	
	(स)	
	(c)	
II मृत्यु के लिए अन्य कोई महत्वपूर्ण कारण जिसका उस बीमारी या हालत से कोई सम्बन्ध नहीं हो जिसके कारण मृत्यु हुई हो ।	.....	pt. known for Fentanyl addiction.
II Other significant conditions contributing to the death but not related to the disease or conditions causing it.	.....	

14. On 16.07.2013, the post-mortem examination of the deceased was conducted by Dr. Manoj Dhingra at Sanjay Gandhi Memorial Hospital, Delhi, *vide* Post-Mortem Report No. 690/2013, exhibited as Ex. PW-7/A. The post-mortem examination recorded the external and internal injuries found on the body of the deceased. As per the opinion recorded in the

Signature Not Verified
Signed By:BHARTI
Signing Date:06.11.2026
18:22:41

report, the cause of death was septicemic shock associated with damage to the abdominal structures consequent to blunt-force impact. The relevant portion of the Post-Mortem Report is reproduced hereinbelow:

INTERNAL EXAMINATION

Neck Structures: Intact. No injury seen to any muscles & cartilages. Mucosa is congested.

Chest:

- Collar Bone / Sternum / Ribs: intact
- Pleural Cavity: 400 ml of pale white colored fluid seen on both sides.
- Lung Right / Left: hypostatic consolidation seen in both lower lobes with severe gross edema & congestion. No other pathology observed.
- Heart:
  Pericardium: intact.
  Myocardium: congested
  Coronaries: Patent.
  Others: NAD.

Abdomen

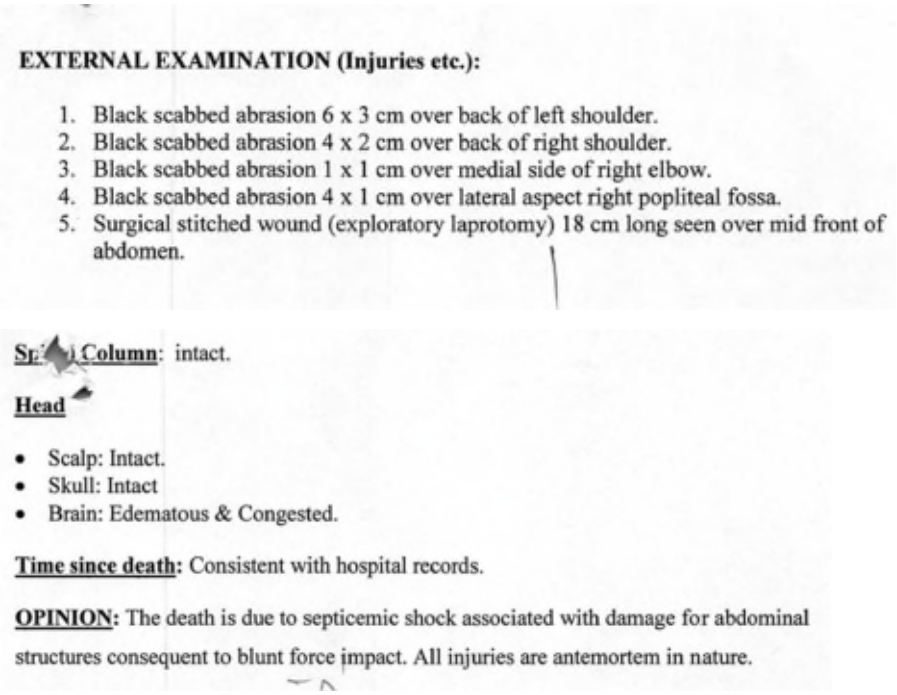
- Peritoneum, Peritoneal Cavity: 670 ml of hemorrhagic fluid collection seen with multiple adhesio around surgery site.
- Stomach and its contents: 50 ml of yellowish fluid seen with no obvious smell. Walls: congested
- Intestines: findings of surgery (Right hemicolectomy & ileo transverse anastomosis & proximal ileostomy) confirmed in situ.
- Liver: severely congested
- Spleen: congested & enlarged.
- Kidneys Right /left: congested with increased corticomedullary ratio.

Pelvis

- Pelvic cavity: 300 ml of hemorrhagic fluid collection seen.
- Pelvic bones: intact.
- Bladder: Mucosa congested
- Uterus, Ovaries, Fallopian Tubes: Not applicable

1617

Signature Not Verified
Signed By:BHARTI
Signing Date:06.11.2026
18:22:41



EXTERNAL EXAMINATION (Injuries etc.):

1. Black scabbed abrasion 6 x 3 cm over back of left shoulder.
2. Black scabbed abrasion 4 x 2 cm over back of right shoulder.
3. Black scabbed abrasion 1 x 1 cm over medial side of right elbow.
4. Black scabbed abrasion 4 x 1 cm over lateral aspect right popliteal fossa.
5. Surgical stitched wound (exploratory laprotomy) 18 cm long seen over mid front of abdomen.

Spinal Column: intact.

Head

- Scalp: Intact.
- Skull: Intact
- Brain: Edematous & Congested.

Time since death: Consistent with hospital records.

OPINION: The death is due to septicemic shock associated with damage for abdominal structures consequent to blunt force impact. All injuries are antemortem in nature.

15. During the further course of investigation, the Investigating Officer also sought a subsequent medical opinion concerning the nature of the injuries and the cause of death. The medical material obtained from Jaipur Golden Hospital, including the certificate exhibited as Ex. PW-8/D, referred to the abdominal surgery undergone by the deceased and the presence of multiple traumatic intestinal perforations. The said certificate attributed the death to septicemia arising from traumatic intestinal perforations.

16. Upon completion of the investigation, a charge-sheet was filed against the appellant and co-accused Rajesh Kumar for the offences punishable under Section 304 read with Section 34 IPC. The matter was thereafter committed to the Court of Sessions and registered as Sessions Case No. 655/2018. *Vide* order dated 12.10.2018, charges under Section 304 read with Section 34 IPC were framed against both accused persons, to

Signature Not Verified
Signed By:BHARTI
Signing Date:06.11.2026
18:22:41

which they pleaded not guilty and claimed trial.

17. In order to establish its case, the prosecution examined nine witnesses. The material witnesses included Arun Kumar (PW-1), brother of the deceased and an alleged eyewitness to the occurrence; Saurabh Kumar Verma (PW-2), who identified the body of the deceased; Dr. Kumar Akhilesh (PW-6), who proved the MLC; Dr. Munish Wadhawan (PW-7), who proved the post-mortem report; Manmohan Sharma (PW-8), who proved the relevant medical records of Jaipur Golden Hospital; and SI Prem Raj (PW-9), the Investigating Officer.

18. Upon conclusion of the prosecution evidence, the statements of both accused persons were recorded under Section 313 Cr.P.C., wherein they denied the incriminating circumstances appearing against them. The appellant claimed false implication and stated that the deceased had been discharged from the de-addiction centre in a normal condition. He further alleged that a property dispute existed between PW-1 and the deceased, and that he had been falsely implicated owing to previous enmity with PW-1. Co-accused Rajesh Kumar, on the other hand, claimed that he was himself undergoing treatment at the de-addiction centre and had merely intervened during the altercation.

19. The learned Trial Court, *vide* judgment dated 16.01.2025, acquitted co-accused Rajesh Kumar of the charges under Section 304 read with Section 34 IPC, holding that the prosecution had failed to establish that he shared a common intention with the appellant to assault the deceased.

20. However, insofar as the present appellant is concerned, the learned Trial Court held that the prosecution had established that he had repeatedly

Signature Not Verified
Signed By:BHARTI
Signing Date:06.11.2026
18:22:41

assaulted the deceased with kick blows on his abdomen, resulting in intestinal injuries which ultimately caused his death. The learned Trial Court further held that although the appellant did not possess the intention to cause death, the circumstances were sufficient to attribute to him the knowledge contemplated under Section 304 Part II IPC. Accordingly, the appellant was convicted under the said provision.

21. Consequently, *vide* order on sentence dated 01.03.2025, the appellant was sentenced to undergo rigorous imprisonment for five years and to pay a fine of Rs.50,000/-, and in default of payment of fine, to undergo rigorous imprisonment for four months. The benefit of Section 428 Cr.P.C. was also granted to the appellant.

22. Aggrieved by the aforesaid judgment of conviction and order on sentence, the appellant has preferred the present appeal before this Court, seeking setting aside of his conviction and sentence.

SUBMISSIONS ON BEHALF OF THE APPELLANT

23. Learned counsel appearing on behalf of the appellant submits that the learned Trial Court has erred in convicting the appellant under Section 304 Part II IPC without properly appreciating the material contradictions in the prosecution evidence, particularly the medical records and the testimony of the complainant, Arun Kumar (PW-1). It is contended that the prosecution has failed to establish beyond reasonable doubt that the appellant assaulted the deceased or that the injuries allegedly inflicted by him resulted in the death of Varun Kumar Verma.

24. Learned counsel places considerable reliance upon the MLC of the

Signature Not Verified
Signed By:BHARTI
Signing Date:06.11.2026
18:22:41

deceased, exhibited as Ex. PW-6/A, and the testimony of PW-6, Dr. Kumar Akhilesh. It is submitted that when the deceased was first taken to BSA Hospital on 07.07.2013, at approximately 10:00 PM, he complained only of abdominal pain, and no history of physical assault was disclosed either by the deceased or by his brother, PW-1, who was accompanying him. It is pointed out that the allegation of physical assault surfaced only when the deceased was brought to the same hospital again at approximately 1:30 AM on 08.07.2013. According to learned counsel, the subsequent disclosure of assault, despite the absence of any such allegation during the initial hospital visit, raises serious doubt regarding the prosecution version.

25. Learned counsel further submits that the deceased was initially taken to BSA Hospital and was thereafter shifted to Springdale Hospital and subsequently to Jaipur Golden Hospital. It is contended that these repeated changes of hospitals were made without informing the Investigating Officer and that the deceased ultimately expired on 15.07.2013, approximately eight days after the alleged occurrence. Learned counsel argues that the intervening period, the successive hospital admissions and the course of medical treatment assume significance in determining whether the death could be directly attributed to the alleged assault. It is submitted that the prosecution has failed to satisfactorily establish an unbroken causal connection between the alleged incident dated 07.07.2013 and the subsequent death of the deceased.

26. It is further contended that the prosecution case rests substantially upon the testimony of PW-1, who is the brother of the deceased and the sole witness examined to establish the alleged assault. Learned counsel submits

Signature Not Verified
Signed By:BHARTI
Signing Date:06.11.2026
18:22:41

that approximately thirty to forty persons were present at the de-addiction centre at the relevant time; however, none of the inmates or other persons allegedly present there was examined by the prosecution. It is also pointed out that although PW-1 stated that he had taken the deceased home after leaving the de-addiction centre and that their mother accompanied them to the hospital, she was not examined as a prosecution witness.

27. Learned counsel also disputes the reliability of the testimony of PW-1 and submits that the possibility of false implication cannot be ruled out. It is contended that an altercation had admittedly taken place between PW-1 and the appellant over the discharge of the deceased from the de-addiction centre and the payment of outstanding charges. Learned counsel further refers to the defence taken by the appellant in his statement recorded under Section 313 Cr.P.C., wherein he alleged that there was previous enmity between him and PW-1 on account of an earlier scuffle. The appellant also alleged that a property dispute existed between PW-1 and the deceased and that the deceased had been assaulted after being taken home by his brother.

28. Learned counsel further draws attention to the medical history of the deceased and submits that he had been admitted to the de-addiction centre on 02.07.2013 for treatment of addiction. It is argued that the deceased was reportedly addicted to a pain-relieving medication and that his initial complaint at BSA Hospital was confined to abdominal pain. In this regard, learned counsel contends that the medical history and the circumstances preceding the subsequent hospital admissions ought to have been examined more carefully before attributing the fatal abdominal injuries to the appellant.

Signature Not Verified
Signed By:BHARTI
Signing Date:06.11.2026
18:22:41

29. Learned counsel also questions the reliance placed by the learned Trial Court upon the post-mortem report, exhibited as Ex. PW-7/A, and the subsequent medical opinion concerning the cause of death. It is submitted that although the post-mortem findings referred to septicemic shock associated with damage to the abdominal structures, the subsequent medical opinion describing the intestinal perforations as traumatic does not, by itself, establish that the injuries were inflicted by the appellant.

30. Learned counsel specifically draws attention to the use of the expression "traumatic intestinal perforation" in the subsequent medical record and questions the manner in which the said opinion was recorded. It is contended that the medical evidence was required to be appreciated in light of the initial absence of any reported assault, the deceased's medical condition, the subsequent treatment and the interval between the alleged occurrence and death.

31. Learned counsel lastly points out that co-accused Rajesh Kumar, who was also charged under Section 304 read with Section 34 IPC in connection with the same occurrence, has been acquitted by the learned Trial Court.

SUBMISSIONS ON BEHALF OF THE RESPONDENT

32. *Per contra*, learned Additional Public Prosecutor (hereinafter referred to as the "APP") appearing on behalf of the respondent–State supports the impugned judgment of conviction and submits that the learned Trial Court has correctly appreciated the oral and medical evidence on record. It is contended that the prosecution has established that the appellant assaulted the deceased, Varun Kumar Verma, by repeatedly inflicting kick

Signature Not Verified
Signed By:BHARTI
Signing Date:06.11.2026
18:22:41

blows upon his abdomen, resulting in serious internal injuries which ultimately caused his death.

33. Learned APP places particular reliance upon the MLC exhibited as Ex. PW-6/A, wherein the history of physical assault on the previous evening was specifically recorded. It is submitted that the medical examination revealed multiple abrasions over the back and reddish bruises over the right hip and abdominal region of the deceased. According to learned APP, the presence of multiple injuries on the body of the deceased lends corroboration to the prosecution version that he was subjected to physical assault. It is further submitted that the injuries recorded in the MLC are consistent with the testimony of Arun Kumar (PW-1), who was an eyewitness to the occurrence.

34. Learned APP further submits that PW-1, being the brother of the deceased, had categorically deposed that on 07.07.2013, when he visited Hari Darshan De-addiction Centre, the deceased informed him that he did not wish to remain admitted there as he was being beaten by the staff. It is contended that when PW-1 attempted to take his brother home, the appellant and co-accused Rajesh Kumar prevented him from doing so without payment of the outstanding amount of Rs.3,500/-. Thereafter, co-accused Rajesh Kumar allegedly caught hold of PW-1, while the appellant dragged the deceased inside the de-addiction centre and repeatedly inflicted kick blows upon his abdomen. Learned APP submits that the testimony of PW-1 clearly establishes the role attributed to the appellant and is corroborated by the medical evidence.

35. Learned APP also places reliance upon the post-mortem report,

Signature Not Verified
Signed By:BHARTI
Signing Date:06.11.2026
18:22:41

exhibited as Ex. PW-7/A, wherein the cause of death was opined to be septicemic shock associated with damage to the abdominal structures consequent to blunt-force impact. It is further submitted that the subsequent medical opinion and the certificate exhibited as Ex. PW-8/D establish that the deceased had undergone abdominal surgery on account of multiple intestinal perforations and subsequently died due to septicemia resulting from traumatic intestinal perforations.

36. Learned APP further submits that incidents of physical beating of inmates are not uncommon in de-addiction centres, particularly where persons undergoing treatment exhibit withdrawal symptoms and become difficult to control. It is contended that such practices are prevalent in certain de-addiction centres, including those functioning without proper recognition or authorisation. Learned APP relies upon this submission to emphasise the circumstances in which the deceased was allegedly assaulted at Hari Darshan De-addiction Centre.

37. Learned APP accordingly submits that the eyewitness account of PW-1, the injuries recorded in the MLC, the post-mortem findings and the subsequent medical opinion, when appreciated together, sufficiently establish the prosecution case against the appellant. It is, therefore, contended that the learned Trial Court rightly convicted the appellant under Section 304 Part II IPC and that no ground for interference with the impugned judgment of conviction dated 16.01.2025 and order on sentence dated 01.03.2025 is made out.

38. Learned APP further draws attention to the existence of another FIR stated to have been registered against the appellant in connection with the

Signature Not Verified
Signed By:BHARTI
Signing Date:06.11.2026
18:22:41

same de-addiction centre. It is submitted that the said circumstance is also relevant to the prosecution's case concerning the functioning of the de-addiction centre.

FINDINGS AND ANALYSIS

39. This Court has heard learned counsel for both the parties and perused the material on record.

40. The controversy in the present appeal is twofold. First, whether the injuries sustained by Varun Kumar Verma can be attributed to the appellant and secondly, whether the circumstances in which those injuries were inflicted establish the knowledge necessary to sustain a conviction under Section 304 Part II IPC.

41. The prosecution has principally relied upon the testimony of PW-1 Arun Kumar, who is the brother of the deceased and the only eyewitness examined in respect of the alleged assault. PW-1 has specifically attributed the act of inflicting fist and kick blows upon the deceased to the appellant. According to him, the occurrence took place when he sought to take his brother away from the de-addiction centre and a dispute arose over payment of the outstanding charges. The relevant portion of his testimony is reproduced hereunder:

WITNESSES	***STATEMENT IN EXAMINATION-IN-CHIEF***	***STATEMENT IN CROSS-EXAMINATION***
PW- 1 ARUN KUMAR	*On seeing me, my brother Varun Kumar Verma started crying and told me that he does not want to reside there as he is beaten-up there. On that, I told*	*I had not given any document to IO qua admission of my brother Varun Kumar Verma in the de-addiction centre of*

Signature Not Verified
Signed By:BHARTI
Signing Date:06.11.2026
18:22:41

	aforesaid Sanjay and Rajesh that I do not want to keep my brother Varun Kumar Verma anymore there and I am taking my brother alon with me. However they told me that I cannot take him unless I pay the balance amount of Rs. 3,500/- to them. Rajesh caught hold of me and Sanjay pulled my brother Varun Kumar Verma inside the said de-addiction centre. Sanjay dragged him in the adjoining room while beating him. Sanjay gave kicks and fists blows to him. Sanjay also kicked him in his stomach. Then Rajesh told Sanjay to leave Varun Kumar Verma and let him go. Again Sanjay gave kick blows in the stomach of Varun Kumar Verma. Thereafter I took my brother Varun Kumar Verma, reached home and after taking my mother along with me, I took my brother Varun Kumar Verma to Baba Saheb Ambedkar Hospital in Rohini for treatment. I told the doctors there the entire incident.	*both the accused. Vol. I am having the slip issued by the accused persons but the same was never asked for by the IO. It is wrong to suggest that my brother Varun Kumar Verma habitually used to drink liquor everyday or that he was having serious medical complications due to heavy drinking or that because of the same, he did not use to do any work or was not x-ray technician at the aforesaid hospital.* *XXX* *On 07/07/2013, besides both the accused, myself and my brother Varun Kumar, one other person (perhaps working there), had brought my brother to ground floor, but had left immediately thereafter. It is wrong to suggest that I have falsely implicated both the accused persons as I had a scuffle earlier with accused Sanjay or that there was*

Signature Not Verified
Signed By:BHARTI
Signing Date:06.11.2026
18:22:41

		previous enmity with him or that is why I have also roped in his associate accused Rajesh

42. The testimony of PW-1 finds support in the medical record to the extent that the deceased had sustained physical injuries. The MLC, Ex. PW-6/A, records multiple abrasions and bruises, including injuries over the abdominal region. However, an aspect which requires consideration is that the deceased initially visited BSA Hospital at approximately 10:00 PM on 07.07.2013 with a complaint of abdominal pain alone. It was during his subsequent visit at approximately 1:30 AM on 08.07.2013 that a history of physical assault was recorded. PW-6 Dr. Kumar Akhilesh, who proved the MLC, acknowledged the same during cross-examination. The relevant testimony of PW- 6 is reproduced hereinbelow:

WITNESSES	***STATEMENT IN EXAMINATION-IN-CHIEF***	***STATEMENT IN CROSS-EXAMINATION***
PW- 6 Dr. Kumar Akhilesh	*I have gone through the MLC No.7350/13 dt. 08.07.13 of patient Varun, Male, aged 25 years. Patient initially came to the Casualty around 10.00 PM yesterday (07.07.13) and told about pain abdomen; patient re-appear in casualty at around 01.30 am (08.07.13) and told about physical assault. The*	***It is correct that when the patient initially came at Casualty around 10.00 pm on 07.07.13, as per MLC record patient told only about pain abdomen.***

Signature Not Verified
Signed By:BHARTI
Signing Date:06.11.2026
18:22:41

	patient was brought to the hospital at about 01.30 am (night) on 08.07.13 with the alleged history of physical assault yesterday (07.07.13) at around 07.30 pm as told by patient himself. The injured was medically examined by Dr. Sandeep Kumar, JR Casualty under the supervision of Dr. Brijesh Patel, CMO and found injuries details mentioned in the MLC now Ex-PW6/A.	

43. The learned Trial Court, while considering this discrepancy, observed that PW-1 might have informed the attending doctors about the assault during the initial visit, but that the doctors might not have recorded the same as the incident appeared to be trivial. In the considered view of this Court, such an explanation cannot be presumed in the absence of supporting evidence. The contemporaneous record must ordinarily be read for what it contains and an omission cannot be supplied by assuming what might have transpired during the medical examination.

44. At the same time, the absence of a recorded history of assault during the first visit does not necessarily establish that no assault had taken place. The deceased himself subsequently furnished a history of physical assault, and the medical examination disclosed physical injuries. The discrepancy,

Signature Not Verified
Signed By:BHARTI
Signing Date:06.11.2026
18:22:41

therefore, calls for caution in appreciating PW-1's testimony, but does not justify rejecting his entire account.

45. Another relevant circumstance emerges from the cross-examination of PW-9 SI Prem Raj, the Investigating Officer. PW-9 admitted that he had not recorded the statement of any inmate, employee or other person present at the de-addiction centre. He also acknowledged that he did not independently verify the whereabouts of the deceased after his discharge from the centre. The discharge register, Ex. PW-9/PX1, recorded the time of discharge as 9:30 PM, whereas PW-1 had stated that he first took the deceased home and thereafter proceeded to BSA Hospital along with his mother. No independent verification of this intervening movement was undertaken.

WITNESSES	***STATEMENT IN EXAMINATION-IN-CHIEF***	***STATEMENT IN CROSS-EXAMINATION***
PW- 9 SI PREM RAJ		*On 08.07.2013, I reached at the hospital at about 2:15 am (midnight) at BSA hospital where patient Varun was under treatment. No family member of the injured Varun met me in the hospital. The doctor initially stated that there is no visible injury and ultrasound examination would be required.* *XXX* ***I did not independently verify the statement of Arun regarding the whereabouts of the deceased during this time.***

Signature Not Verified
Signed By:BHARTI
Signing Date:06.11.2026
18:22:41

		I did not check any CCTV footage of any place in this regard. *Vol., there was no CCTV camera in the nasha mukti kendra.* ***It is correct that I did not record the statement of any person or official or other inmate of nasha mukti kendra. I lodged the case on the version given by Arun****."*

46. These omissions assume significance because the prosecution case rests substantially upon the testimony of PW-1. Nevertheless, defective investigation, by itself, is not sufficient to absolve an accused where the available evidence otherwise establishes the occurrence. Upon considering the testimony of PW-1 alongside the injuries recorded in Ex. PW-6/A and the history of physical assault furnished by the deceased, this Court finds sufficient evidence to establish that the appellant inflicted bodily injuries upon the deceased during the altercation at the de-addiction centre. The contention that the entire occurrence was fabricated has not been substantiated by any convincing material.

47. The next question concerns the nature of the offence made out from the aforesaid act. The post-mortem report, Ex. PW-7/A, attributes the death of the deceased to septicemic shock associated with damage to the abdominal structures consequent to blunt-force impact. The subsequent medical opinion, Ex. PW-8/D, also refers to multiple traumatic intestinal perforations. There is therefore medical evidence connecting the death with traumatic abdominal injuries. The fact that the deceased underwent

Signature Not Verified
Signed By:BHARTI
Signing Date:06.11.2026
18:22:41

treatment at different hospitals and expired approximately eight days after the occurrence does not, by itself, interrupt the causal connection. Explanation 2 to Section 299 IPC expressly recognises that a person causing bodily injury may remain responsible for the resulting death notwithstanding that proper treatment might have prevented it.

48. What nevertheless requires independent consideration is the mental element accompanying the appellant's act. Section 304 Part II IPC does not punish every act of assault which subsequently results in death. For the said provision to apply, it must be established that the accused committed the act with the knowledge that it was likely to cause death. Such knowledge may be inferred from the manner of assault, the nature of the injuries intended, the part of the body targeted and the surrounding circumstances. It cannot, however, be inferred solely from the fact that the injured person subsequently succumbed to the injuries.

49. In ***Jayaraj v. State of Tamil Nadu, (1976) 2 SCC 788***, the Hon'ble Supreme Court explained that the intention and knowledge contemplated under Section 299 IPC constitute distinct mental elements, and that knowledge refers to awareness of the likelihood of death resulting from the act. The relevant observations are reproduced hereunder:

> *"33. As was pointed out by this Court in Anda v. State of Rajasthan "intent" and "knowledge" in the ingredients of Section 299 postulate the existence of positive mental attitude and this mental condition is the special mens rea necessary for the offence. The guilty intention in the first two conditions contemplates the intended death of the person harmed or the intentional causing of an injury likely to cause his death. The knowledge in the third*

Signature Not Verified
Signed By:BHARTI
Signing Date:06.11.2026
18:22:41

condition contemplates knowledge of the likelihood of the death of the person."

50. In the present case, the learned Trial Court accepted that the occurrence arose during an altercation concerning payment of the outstanding charges and that there was neither any premeditation nor an intention to cause death. It nevertheless attributed knowledge to the appellant on the ground that the deceased was undergoing treatment at a de-addiction centre and that the appellant ought to have been aware of his health condition.

51. Having examined the aforesaid reasoning, this Court is unable to agree with the inference drawn by the learned Trial Court. The mere fact that the deceased was receiving treatment for addiction cannot, without more, establish that the appellant knew that the injuries likely to result from the altercation could cause his death. No material has been brought on record to establish that the appellant was aware of any specific medical condition of the deceased which rendered him particularly vulnerable to a fatal injury.

52. It is true that PW-1 attributed repeated kick blows upon the abdomen to the appellant. Such an assault cannot be regarded as harmless, particularly when directed at a sensitive part of the body. However, the evidence does not furnish any detailed account of the degree of force employed nor was any weapon used during the occurrence. The incident arose suddenly over a dispute concerning the discharge of the deceased. These circumstances do not exclude the appellant's responsibility for the

Signature Not Verified
Signed By:BHARTI
Signing Date:06.11.2026
18:22:41

bodily injuries, but they are relevant while determining whether he knew that his act was likely to cause death.

53. Knowledge of the precise internal injuries is not an essential requirement of Section 304 Part II IPC. The relevant enquiry is whether the accused knew that death was a likely consequence of his act. In the circumstances of the present case, although the assault resulted in serious injuries, this Court is not satisfied that the prosecution has established the requisite knowledge beyond reasonable doubt. The finding of the learned Trial Court on this aspect rests substantially upon the deceased's health condition rather than upon circumstances demonstrating the appellant's awareness of the likelihood of death.

54. However, the evidence does establish that the appellant intentionally inflicted bodily injuries upon the deceased. Having regard to the repeated blows directed at the abdominal region and the serious injuries which resulted therefrom, this Court finds that the appellant's act attracts the offence of voluntarily causing grievous hurt punishable under Section 325 IPC. The prosecution has established the intentional infliction of bodily harm and the resulting grievous injuries, although the higher degree of knowledge necessary to sustain a conviction under Section 304 Part II IPC has not been proved.

55. In the present case also, although the medical evidence establishes that the deceased sustained grievous abdominal injuries which ultimately proved fatal, the circumstances do not establish beyond reasonable doubt that the appellant inflicted those injuries with knowledge of the likelihood of death. The learned Trial Court was, therefore, not justified in sustaining

Signature Not Verified
Signed By:BHARTI
Signing Date:06.11.2026
18:22:41

the conviction under Section 304 Part II IPC. The conviction deserves to be altered to one under Section 325 IPC.

56. Coming to the question of sentence, the incident pertains to the year 2013. The appellant has faced criminal proceedings for a considerable period, and the occurrence was not premeditated. The learned Trial Court also noticed the appellant's family circumstances while considering the question of sentence. Having regard to these circumstances, the nature of the offence now found established and the period of incarceration undergone by the appellant, this Court considers it appropriate to limit the custodial sentence to the period already undergone, subject to verification of his updated nominal roll.

CONCLUSION

57. In view of the foregoing discussion, the present appeal is **partly allowed**. The judgment of conviction dated 16.01.2025 and order on sentence dated 01.03.2025 passed by the learned Additional Sessions Judge-03, North-West District, Rohini Courts, Delhi, in Sessions Case No. 655/2018, arising out of FIR No. 220/2013 registered at Police Station Begum Pur, are modified to the extent that the conviction of the appellant under Section 304 Part II IPC is set aside and is substituted with conviction under Section 325 IPC.

58. It is pertinent to note that *vide* order dated 26.02.2026, passed in ***CRL.M.(BAIL) 1042/2025***, this Court had suspended the sentence of the appellant during the pendency of the present appeal, while recording that he had already undergone approximately one year of imprisonment out of the sentence of five years imposed upon him.

Signature Not Verified
Signed By:BHARTI
Signing Date:06.11.2026
18:22:41

59. Accordingly, for the offence punishable under Section 325 IPC, the substantive sentence of imprisonment is **reduced to the period already undergone by the appellant**. The fine of Rs. 50,000/- imposed by the learned Trial Court, along with the default sentence of four months' rigorous imprisonment, is upheld.

60. Subject to the aforesaid directions regarding payment of fine, the appellant shall not be required to undergo any further substantive imprisonment in the present case. He shall be released forthwith, if in custody, provided he is not required in any other case. The existing bail bonds and surety bonds shall stand discharged, subject to compliance with Section 437A Cr.P.C., as applicable.

61. The appeal, along with pending applications, if any, stands disposed of in the aforesaid terms.

62. A copy of this judgment be communicated to the concerned Jail Superintendent and to the learned Trial Court for information and necessary compliance.

MADHU JAIN
(JUDGE)

NOVEMBER 6, 2026/b/*PSB*

Signature Not Verified
Signed By:BHARTI
Signing Date:06.11.2026
18:22:41