



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

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*Reserved on: 25th April 2025
Pronounced on: 07th August 2025*

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CRL.A. 909/2012

DEEPAK @ DEEPU

S/o Sh. Umesh Chand Gupta,
R/o H. No.76-A, Gali No.3, Sarojini Park,
Shastri Nagar, Delhi.

.....Appellant

Through: Mr. Harshit Jain, Adv. (DHCLSC),
Mr. Shubham, Mr. Rahul, Mr. Sajan,
Adv.

versus

THE STATE

Govt. of NCT of Delhi.

.....Respondent

Through: Mr. Utkarsh, APP with SI Arvind
Kumar Saini, PS: Geeta Colony.

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CRL.REV.P. 446/2013

SHOBHA

D/o. Shri Jaiprakash Bajpai
R/o H. No.207, Gali No.2,
Khureji Khas, Delhi.

.....Petitioner

Through: Petitioner in person.

versus

1. **STATE**
(NCT of Delhi)
2. **S.H.O.**
P.S.- Shakarpur, Delhi.
3. **The Commissioner of Police**
P.H.Q., I.P. Estate, Delhi Police



I.T.O., New Delhi.

4. **DEEPAK @ DEEPU**

S/o Sh. Umesh Chand Gupta,
R/o H. No.76-A, Gali No.3, Sarojini Park,
Shastri Nagar, Delhi.

.....Respondent

Through: Mr. Utkarsh, APP with SI Arvind
Kumar Saini, PS Geeta Colony.
Mr. Harshit Jain, Adv. (DHCLSC) for
R-2 with R-2 in person.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T

NEENA BANSAL KRISHNA, J.

1. This is another unfortunate incident, where a jilted Appellant frustrated by the persistent denial of his overtures and offer to marry the Victim, led him in his frustration and dejection, to throw acid in the Victim, resulting 15-18% superficial and deep burns on the Victim's body.

2. Criminal Appeal No. 909/2012 under Section 374 of the Code of Criminal Procedure, 1973 (*hereinafter referred to as Cr.P.C.*) has been preferred by the Appellant, Deepak @ Deepu, seeking setting aside of the Judgment dated 05.07.2012 and Order on Sentence dated 10.07.2012, passed by the Ld. A.S.J., Delhi, wherein the Appellant, Deepak @ Deepu was *convicted under Sections 341/326 of the Indian Penal Code, 1860 (hereinafter referred to as 'IPC')* and **sentenced to five years' Rigorous Imprisonment and a fine of Rs. 2,000/-**, in default whereof to undergo two months' Simple Imprisonment.



3. Criminal Revision Petition bearing ***CRL.R.P. 446/2013*** under ***Sections 397/401 read with Section 482 of the Cr.P.C.*** has been filed on behalf of the Petitioner/Victim Smt. Shobha, seeking enhancement of the sentence of imprisonment of five years awarded to the Appellant/Respondent No. 4 *vide* Order dated 10.07.2012.

4. The ***Case of the Prosecution*** is that on 26.08.2009 while the victim, PW-2, Ms. Shobha, aged about 16 years and was studying in Class Xth, was going towards her School. At about 07:45 AM, when she reached in front of 16/11, Geeta Colony, the Appellant, Deepak along with one Sanjay Bajaj, who were known to her along with one third associate, were present. On seeing them, she got scared and started walking briskly. Then the Appellant, Deepak stopped her and threw acid on her forehead from a steel glass. The acid trickled to her face and chest causing burning sensation and she started crying. The public gathered on the spot and her mother, Smt. Meera reached the spot and took her to the hospital.

5. The information was given by PW-4 Pooja *vide* DD No. 14A, Police Station Geeta Colony at about 09:43 AM that someone has thrown acid on her sister and she has been taken to Dr. Hedgewar Hospital. The investigations were taken up by PW-12, SI Suresh Rai, who reached the spot and noticed some liquid at two places on the road, which had a smell of acid. The Crime Team reached the spot and lifted earth control and also took the photographs of the spot.

6. PW-12 SI Suresh Rai then went to the Hospital and recorded the Statement of PW-4 Pooja, who while narrating the entire incident, also stated that the Appellant, Deepak had been stalking her for the last 7-9



months and was insisting to marry her. About 6-7 months prior to the incident, he had taken her to the Court by giving enticement and had made her signatures on some documents. She had declined to marry Deepak on account of which, he threw acid on her face to deface her.

7. FIR No. 212/2009 dated 26.08.2009 was lodged against the Appellant, Deepak and Sanjay Bajaj. On Completion of investigations, the ***Charge-Sheet under Section 341/326/506/34 IPC, was filed against both the accused persons.***

8. **The Charges under Section 341/326/506/34 IPC were framed on 05.07.2012 against the Appellant, Deepak and the co-Accused, Sanjay Bajaj.**

9. The Prosecution examined 12 witnesses in all. The most important witness is ***PW-2, Ms. Shobha, the Complainant***, whose testimony was corroborated by ***PW-4, Pooja her younger sister***, who was an eye witness and was accompanying the victim at the time of accident.

10. The testimony was further supported by ***PW-5, Ms. Meera, mother of the victim***, who was working as a sweeper at Dera Baba Karam Singh Gurudwara School Patparganj Road, Delhi, who corroborated that the Appellant used to stalk his daughter, Ms. Shobha and tease her and had been pressurizing her to marry him or else. He threatened that if she did not agree to the proposal, he would kill her siblings and would disfigure her face. She further deposed that while they were taking Ms. Shobha to the Hospital, her son, PW-6, Anuj made a call at Number 100 and the Police met them at the hospital. ***PW-6, Anuj, brother of the victim***, PW-2 Ms. Shobha also deposed on similar lines.



11. **PW-12, SI Suresh Pal**, the Investigating Officer deposed about the investigations carried out by him and filing of the Charge-Sheet on completion of investigations.

12. The **Statement of the Appellant, Deepak was recorded under Section 313 Cr.P.C.** where he denied all the incriminating evidence and claimed that he had been falsely implicated. He took a defence that PW-2 Ms. Shobha and her mother PW-5 Meera wanted to exploit them and demanded Rs.5,00,000/- from him. On his refusal, a false Complaint has been lodged against him. He asserted that he was sleeping at his home at the time of incident.

13. In support of his defence, he examined **DW-1, Mr. Deva**, who deposed that the victim was earlier residing in his house as a tenant, which he had got vacated due to her bad conduct. She was in love with him and wanted to marry him, but he refused. Then she shifted to C-4, Gali No. 1, Rashid Market, Geeta Colony, Delhi. On 26.08.2009, he had called Deepak but his mobile phone was switched off. He again called him at 9:00 AM when he was informed about the incident and also about the registration of FIR. PW-2, Shobha had demanded Rs.50,000/- from the Appellant, Deepak, to settle the matter.

14. **DW-2, Raj Kumar, a neighbour of Appellant**, Deepak stated that he came to know about the acid attack from Appellant Deepak, who told him that he was not involved in the incident.

15. **The Ld. Trial Court**, after evaluation of the evidence, acquitted the co-accused, Sanjay Bajaj **but Appellant Deepak was convicted**. It was held that the Prosecution had successfully proved that Appellant Deepak had



wrongfully confined the victim, PW 2 Ms. Shobha when she was on her way to School and had caused grievous injury by throwing acid on her face.

16. The Appellant Deepak vide Order dated 05.07.2012 and was accordingly convicted under Section 341 IPC and Section 326 IPC. Vide ***Order on sentence dated 10.07.2012***, for the offence punishable under ***Section 326 IPC***, he was sentenced to undergo five years RI and a fine of Rs.2,000/- in default SI for two months. For the offence punishable under ***Section 341 IPC***, the Appellant was sentenced to undergo RI for one month and a fine of Rs.500/-, in default to undergo SI for 15 days.

17. ***Aggrieved by the conviction and the Sentence, the present Appeal has been preferred by the Appellant.***

18. The ***grounds*** of challenge are that the Impugned Judgment is based on conjectures and surmises. The contradictions in the Statements of the Prosecution witnesses, have not been considered in the right earnest. PW-2, Ms. Shobha had nowhere mentioned in her Complaint that PW-4, Pooja, her sister was accompanying her at the time of the incident. It is asserted that PW-4, Ms. Pooja has been introduced as a witness only to falsely implicate the Appellant.

19. It is further submitted that according to the testimony of PW-4, Pooja she was holding the hand of her sister, PW-2 Ms. Shobha at the time of the incident. Had this been the case, PW-4 Ms. Pooja would have also received injuries, which corroborates that she was never present at the spot.

20. Furthermore, she deposed that the persons who threw the acid, were wearing helmet at the time of the alleged incident, which indicates that she did not see the assailants and was not in a position to identify them. It is



claimed that the Appellant has been falsely implicated at the behest of her family members.

21. Further, PW-5, Meera had stated that she had taken the victim, PW-2 Ms. Shoba to her house in an Auto and then to the Hospital. However, the statement of Auto driver has not been recorded by the Investigating Officer, to corroborate the version of PW-5, Meera.

22. PW-2 Shobha has admitted in her statement that her brother, PW-6 Anuj is engaged in the manufacturing of nail polish in which some chemicals are used and that acid bottles remain present in the bathroom of their house for cleaning the toilet. It was suggested to her that in fact while she was trying to get the bottle of acid from the bathroom, it fell on her face causing the acid burns. It is claimed that it is not the Appellant, who had thrown the acid on the face of the Prosecutrix.

23. It is asserted that there are material contradictions in the Statement of PW-2, Ms. Shobha and PW-4, Ms. Pooja about the container in which the alleged acid was being carried. Furthermore, PW-2, Ms. Shobha and PW-4, Ms. Pooja nowhere stated that PW-2 Ms. Shobha was first taken to her house and then to the Hospital, as has been deposed by her mother, PW-5 Ms. Meera and brother, PW-6 Mr. Anuj.

24. Furthermore, none of the Prosecution witnesses deposed that PW-6 Anuj had made a call at the Number 100. However, it is only PW-5, Mother, who has so claimed, which again raises a doubt about the story of the Prosecution.

25. The place of incident was a public place and according to the Prosecution, public had gathered at the time of the incident. However, no



public witness has been examined. Even the statement of the Shopkeeper, who was present near the scene of incident, has not been recorded.

26. In the end, it is claimed that the testimony of DW-1 Deva, completely proves the defence of the Appellant that he has been implicated falsely in this case, but his testimony has been erroneously discarded by the learned Trial Court.

27. *The Prosecution has miserably failed to prove its case and the Appellant is entitled to acquittal.*

28. The ***State in its Status Report***, had submitted that as per the MLC, the victim, Shobha had ***suffered 15 to 18 % superficial deep burn injuries***. The testimony of the Prosecution witnesses has proved the case beyond reasonable doubt. It is asserted that PW-2 Ms. Shobha, was just 16 years old and the act of the Appellant Deepak has left her with a trauma and mental agony for the rest of her life.

29. *It is thus, submitted that the Appellant has been rightly convicted and sentenced and there is no merit in the present Appeal.*

CRL. R. P. 446/2013 (Revision Petition on behalf of the Petitioner/Victim seeking enhancement of punishment awarded to the Appellant in CRL. A. 909/2009)

30. The ***victim, Shobha*** in her Revision Petition under Section 397/401 read with Section 482 Cr.PC, has sought enhancement of the punishment awarded to the Appellant/Respondent No.4 Deepak in FIR No. 21/2009. It is submitted that after the present Appeal was preferred before this Court, the sentence was suspended and he was released on Bail *vide* Order dated 05.10.2012. However, soon after he was enlarged on Bail, on 02.11.2012



while victim, Shobha was going to her sister's House at Gali No. 5, Krishna Kunj, Delhi at about 01:15 PM, the Appellant, Deepak had stopped the Rickshaw near Bank Enclave, near DDA Market, Laxmi Nagar, Delhi and attacked her with a surgical blade resulting in grievous injuries on her left cheek, left wrist and right foot and thereafter, he ran away from the spot. She was taken to a local Nursing Home by the rickshaw puller from where she called her mother, who then called the PCR at Number 100. She was taken to Lok Narayan Jaiprakash Hospital, New Delhi in the PCR van and was admitted in the Hospital. She was given treatment and her MLC was prepared.

31. The victim/Shobha then made an Application for cancellation of Bail of the Appellant, who was arrested and another FIR No. 808/2012 dated 02.11.2012 under Section 326/341 IPC, was registered at Police Station Shakarpur.

32. The victim, Ms. Shobha has sought the enhancement of sentence on the **ground** that the Appellant, Deepak took advantage of liberty granted *vide* Bail Order dated 05.10.2012 and committed another offence whereof grievous injuries was caused to her, which reflects his intention, motive and revengeful attitude, which does not warrant any sympathy. His conduct has grossly shocked the conscience of the public. He has displayed actions indicating that he is totally unfit to be brought back into the mainstream society and is incapable of being reformed. He is a constant threat to her life and liberty and deserves the harshest punishment prescribed under the law.

33. It is further submitted that the Appellant, Deepak despite having spent two and a half years in jail for the offence he committed, has not shown any



remorse and regret. She was a 16-year-old school going girl while the Appellant, Deepak is 27 years old. The act of the Appellant, Deepak has led to disfigurement of parts of a body, simply because she refused to marry him. The fact that the Appellant has committed a fresh crime while he was on Bail, after being convicted in the present FIR, makes him liable for enhanced punishment of life imprisonment.

34. Reliance has been placed on Mangal Singh vs. Kishan Singh, (2009) 17 SCC 303 wherein the Apex Court observed that offence of Section 326 may actually be more serious than the offence under Section 307 IPC. The offence of acid attack on a young unmarried girl would, though fall under Section 326, but it is far more serious than a firearm shot that misses the victim.

35. Further, reliance has been placed on Vishwambhar Narayan Jadhav vs. Mallappa Sangramappa Mallipalil & Anr., (2007) 15 SCC 600 and Bengai Mondal @ Begai Mandal vs. State of Bihar, (2010) 2 SCC 91.

36. A prayer is, therefore, made that the sentence of the Appellant, Deepak be enhanced to rigorous imprisonment for life.

37. **Appellant, Deepak in his response to the Revision Petition**, has asserted that the Revision Petition is not maintainable and has been filed with the sole intent of wasting the time of the Court and to harass and humiliate the Appellant, Deepak. She has not approached the Court with clean hands and the Revision Petition is only intended to divert the attention of the Court from the facts. He further claimed that he has been falsely implicated in FIR No. 808/2012 with the sole motive of extorting money from him. He was not present at the spot, but was at his work place at



Gandhi Nagar, Delhi. He had moved an Application under Section 91 Cr.P.C. before the learned Metropolitan Magistrate for calling the *Location Chart* and *Call Detail Records* of his mobile phone, to prove his *alibi*, which has been allowed to the extent that the concerned authorities have been directed to preserve the requisite data.

38. *Written Submissions have been filed by him in support of his case. It is submitted that the present Petition is liable to be dismissed.*

39. *Status Report has been filed on behalf of the Revision Petition* wherein the entire details of the investigations and filing of Charge-Sheet in FIR No. 808/2012 has been given and further stated that the Appellant has been convicted in this case *vide* Judgment dated 10.04.2012.

40. It is further detailed that while the Appellant had been released on Bail during the Appeal, he had again attacked the victim on 02.11.2012 with a surgical blade for which another **FIR No. 808/2012 got registered**. The Appellant, Deepak has been convicted in the said FIR *vide* Judgment dated 09.01.2017 and *has been sentenced to seven years imprisonment*, which is about to be completed by March, 2020.

41. It is further submitted that by way of the present Criminal Revision Petition, the victim has sought enhancement of sentence awarded to the Appellant.

Submissions heard and the record perused.

42. Attacking a victim with acid out of frustration over refusal to marry is one of the most heinous crimes against women and is a blatant violation of human dignity. Therefore, such cases must be dealt with utmost seriousness and sensitivity. Acid attack victims leave lifelong trauma and unfortunately,



the victim is forced to live with both the physical pain and emotional scars for the lifetime.

43. The Apex Court in *Parivartan Kendra vs Union of India* (2016) 3 SCC 571 encapsulated the gravity and *the plight of the victim* and impact of such crime *and* observed that *the likeliness of the victim getting a job which involves physical exertion of energy is very low. The social stigma and the pain that she has to go through for not being accepted by the society cannot be neglected. Furthermore, the general reaction of loathing which she would have to encounter and the humiliation that she would have to face throughout her life cannot be compensated in terms of money. As a result of the physical injury, the victim will not be able to lead a normal life and cannot dream of marriage prospects. Since her skin is fragile due to the acid attack, she would have to take care of it for the rest of her life. Therefore, the aftercare and rehabilitation cost that has to be incurred, will have huge financial implications on her and her family.*

44. There is no doubt that cases of this nature constitute a direct attack on human rights, particularly the victim's right to life and dignity. The victims of such heinous crimes are burdened with lifelong trauma and suffering.

45. ***Charges under section 341/326/506/34 IPC*** were framed against the Appellant, Deepak and the co-accused, Sanjay Bajaj on 19.11.2009, to which they pleaded not guilty. The Charges against the Appellant, Deepak were of having thrown acid on the face of victim and thereby having caused acid burns resulting in grievous injury punishment under Section 326 IPC. Thereafter, the Prosecutrix, Shobha and her mother were examined by the Ld. Metropolitan Magistrate.



46. However, in view of the Notification dated 04.08.2010 issued by Delhi Commission for Protection of Child Rights (DCPCR), that all the proceedings which were pending in the Court of Ld. Metropolitan Magistrate, be transferred to the Children's Court, the matter was *committed* to the Court of Ld. ASJ (Notified Children's Court) *vide* Order dated 27.01.2011.

47. The main prosecution witness is *PW-2 Shobha, the Complainant*, who has narrated the entire incident, as it happened with her on 26.08.2009. She explained that she was studying in Class X in Bal Hans PT College, Geeta Colony, Delhi (Open School). On that day at about 07:45 AM, she along with her younger sister Pooja, PW-4 was going towards school, when she saw accused Appellant, Deepak and Sanjay standing along with one other person. Appellant, Deepak was holding a steel glass in his hand and he came near her and threw acid upon her from that steel glass, which fell on her forehead. Thereafter, all of them fled away on motor bike. She felt the burning of acid on her forehead, neck and left hand. She raised a hue and cry, and people of the locality gathered on the spot. Her younger sister, who saw the incident from a distance, informed their mother, who also reached the spot and she took her to the Hospital. Her statement Ex.PW-2/A was recorded, on which the FIR was registered.

48. She further explained that the Appellant, Deepak was known to her for about 06-07 months prior to the incident as he used to stalk her and was coercing her for marriage. He also used to threaten her that he would throw acid upon her. He had also taken her to the Court after enticement and obtained her signatures on some documents. She had been persistently



denying the offer of marriage. On her refusal, Appellant, Deepak had also threatened to kill her brothers and sisters. She further narrated that the Appellant, Deepak threw acid upon her since she refused to marry him.

49. In her cross-examination, she explained that did not have the Certificate for Class IX and was therefore, she was doing her Class X from Open Schooling. It has further emerged in cross-examination of PW-2, the victim that at the time when those documents were signed by the Victim, Shobha they were printed and not blank. She further explained that they went to Dr. Hedgewar Hospital in a TSR and there at about at about 08:30 AM. She further clarified that she had not complained about the conduct of the Appellant, Deepak for chasing and forcing her for marriage, though she volunteered that her mother had tried to make him understand. She further explained that the Appellant and co-accused were standing at the motorcycle but she was not aware of the motorcycle number. On seeing her coming, they started moving motorcycle and had thrown acid on her while she was walking on the right side of the road.

50. Her testimony is corroborated *by PW-4 Pooja, her younger sister*, who was about 11 years old. She also corroborated that on 26.08.2009 at about 07:30 AM, when along with her sister PW-2 Shobha was going to School, the Appellant Deepak threw something from a plastic glass on the face of her sister, who starting crying loudly, while the Appellant Deepak along with other co-accused fled on the motorcycle. Cross-examination was done in detail, wherein she stated that she did not sustain any injury during this incident.'



51. The *third material witness was PW-5 Meera*, mother of the victim, who deposed that she was working as a Sweeper at Dera Baba Karam Singh Gurudwara School, Patparganj Road, Delhi and used to leave her house at about 07:30 AM. Her daughter PW 2 Shobha was studying in Bai Hans School, Rashid Market near their house, in 10th Class. She used to complain to her that the Appellant, Deepak used to stop and tease her. The Appellant, Deepak was known to her, as he used to visit their street and kept standing in front of their house. Appellant, Deepak was accompanied by co-accused Sanjay. She was also informed by her daughter that the Appellant, Deepak used to pressurize her get married with him or else he would kill her younger brothers and sisters. He also had threatened that in case, she did not agree with his proposal, he would disfigure her face. She further corroborated that at about 07:45 AM, her younger daughter came from the school weeping that the Appellant has thrown acid on Shobha. Some persons who had known her, brought PW-2 Shobha to the School and she saw some people putting water on her at the gate of Gurudwara/School. She took her in an Auto and reached her home, where she woke up her son and then they went to the Hospital near Karkardooma. The right-side face, neck and other portion of PW-2 Shobha's body was found burnt. Her son PW-6 Anuj made a call at No.100 to the Police, who arrived in the Hospital and recorded the statement of the Victim. She was extensively cross-examined, but nothing material could be elicited.

52. The *fourth material witness was PW-6 Anuj, brother of the Victim*, who also corroborated that the Appellant, Deepak used to tease his sister Shobha and was pressurizing her to get married with him. On 25.08.2009,



i.e. one day prior to the incident, the Appellant, Deepak and the co-accused Sanjay had met him at Shiv Puri, where he had asked them to not stalk or harass his sister. On this, the Appellant, Deepak threatened him that he would throw acid on the face of his sister and also threatened to kill his brothers and sisters. On 26.08.2009 at about 07:45/08:00 AM, while he was sleeping in the house, his younger sister Bittoo came crying and told him that the Appellant, Deepak had thrown acid on PW-2 Shobha. Their mother, PW-5 Meera also came there and they took PW-2 Shobha to the Hospital. Again, though he was cross-examined extensively, no material contradiction could be elicited.

53. The testimony of PW-2 Shobha is fully corroborated by that of her younger sister Pooja, PW-4 who was an eyewitness and was with her at the time occurring of incident. Furthermore, the testimony of PW-2, 4, 5 and 6 have been consistent that the Appellant, Deepak used to stalk and tease the Victim. They all consistently stated that not only was he exerting her to get married with him but was also extending threat to kill her younger brothers and sisters and also disfigure her face. It is therefore, proven that because the Appellant, Deepak was intending to marry PW-2, Shobha to which she and her family members were not agreeable, he persistently stalked and teased and even enticed her to the Court and made her sign some documents.

54. All this prosecution evidence consistently establishes the motive of the Appellant, Deepak intending to marry the Victim, Shobha to which she was not agreed and thus, he threatened to disfigure her face and kill her brothers and sisters.



55. The testimony of the prosecution witnesses was sought to be impeached on the ground of there are material contradictions in the testimony of Prosecution Witnesses. According to the victim, as per her deposition, Appellant, Deepak came on a motorcycle and threw acid while sitting on the motorcycle and escaped thereafter. However, the Prosecutrix has explained in her testimony that they were standing on the motorcycle and on seeing her coming they started moving and threw acid on her face, while she was walking on the right side of the road. She was categorical in stating that they were not wearing helmet.

56. Though, PW-4 Pooja has deposed that they were wearing helmets, but it has also been explained that PW-4 Pooja was little far from the Victim, Shobha. Whether, she was able to see them throwing acid or not, the testimony of PW-2 Shobha has been consistent and she has named the Appellant, Deepak. There is nothing brought on record to discredit the testimony of the Prosecutrix. It may also be mentioned that the Appellant, Deepak was known to the Prosecutrix for the last 06-07 months and he was not a stranger, whom she had seen for the first time. She was categorical in her testimony about acid being thrown by the Appellant, Deepak, as he had been threatening her from the past. The identity of the Appellant, Deepak and the incident of throwing acid upon her stands proven beyond reasonable doubts.

57. The defence counsel had also sought to claim that there were contradiction in the statement of PW-5 Meera, mother of the Victim, Shobha as to how she came to know about happening of the incident. However, her testimony is consistent in stating that she was present in the Gurudwara/



School and was informed by her younger daughter about the incident with the elder daughter. She saw public persons throwing water on the face of her daughter, just outside her school. She has also stated that she has put her daughter in an Auto and went home and after taking her son, they all went to Hospital. Similar is the testimony of PW-6 Anuj, brother of Victim. There is absolutely no contradiction in this regard.

58. The testimony of these four witnesses, was fully corroborated by DD No.14A, Ex.PW-1/A recorded at 09:43 AM, wherein it was recorded that brother of the Victim has given information about acid being thrown on his sister near Rasid Market, Gurudwara and they were taking her to the Hospital. The DD entry also fully corroborates the testimony of the Prosecution witnesses.

59. The other material document is the MLC (Ex.PW-10/A), which clearly states that the Victim had burns to the extent of 15-18% due to acid attack. It has also been proved by PW-10 Dr. Abhishek Biswas, who examined the Victim when brought to the Hospital and found the burn injuries.

60. PW-3 Dr. Rajesh Kumar, SR Surgery, Dr. Hedgewar Hospital, Karkardooma, who proved the MLC dated 26.08.2009 of the Victim that was prepared by Dr. Vishal K. Gajwaiyya. The opinion on the MLC is Ex.PW-3/A, according to which the injuries suffered by the Victim *were grievous in nature*.

61. The investigations were carried out by PW-12 SI Suresh Pal, who deposed that on receipt of DD No.14A Ex.PW-1/A, he along with HC Pramod Kumar had reached the spot and had inspected the site and called



the Crime Team, which took the photographs Ex.PW-8/A1 to A8. He further deposed that there were acid spots and the concrete/earth with acid, were lifted from the spot. They then went to the Hospital where he obtained the MLC of the Victim Shobha and also recorded her statement Ex.PW-2/A and got the FIR registered.

62. Much had argued on behalf of the Appellant, Deepak that there was material contradiction in the testimony of PW-2, Shobha who claimed that it was a steel glass in which the Appellant, Deepak was carrying the acid, while PW-4 had asserted it to be a plastic glass. Whether it was a plastic glass of steel glass, is of no consequence considering the consistent testimony of the victim, which stands fully corroborated by the MLC which mentioned the acid burns on the victim and also from the testimony of PW-10 Dr. Abhishek Biswas.

63. The Appellant, Deepak had tried to give a suggestion that there was acid stored in the house of Victim as her brother PW-6 Anuj was working in a nail polish factory and that while removing the acid bottle from a height it had fallen on the Victim, Shobha. First and foremost, there is no evidence whatsoever to prove that acid fell on her accidentally at her residence, especially in the light of consistent testimony of not only the Victim, Shobha but also her sister, mother and brother. Rather, from this suggestion given to PW-2 Shobha/Victim, it is in fact an admission on the part of the Appellant, Deepak that the Victim had in fact, suffered acid burns.

64. The Appellant had examined defence witness DW-1 Deva S/o. Sh. Ram Singh, landlord in the house of whom the Victim, Shobha and her family, were tenant. According to him, he got vacated the premises on



account of activities of PW-2 Shobha, who used to tell him that she loved him and wanted to marry him. Victim, Shobha and her family then shifted to Rashid Market, Geeta Colony. He, on the date of incident, i.e. 26.08.2009, had made a call to the Appellant, Deepak, but his phone was switched off. He further deposed that thereafter, at around 10:00 AM when he made a call to the Appellant, Deepak, he told him about the incident of acid attack on PW-2 Shobha. He also deposed that after the FIR was registered, PW-2 Shobha made a demand of Rs.50,000/- from Appellant, Deepak to settle the dispute. His testimony in fact corroborates about the incident of throwing of acid on Victim. Nothing more has emerged from his testimony.

65. DW-2 Raj Kumar has also deposed that he came to know about the incident of throwing acid on Shobha by the Appellant, Deepak. He further stated that the Appellant had told him that he was not involved in the incident as he was sleeping in his house. However, his statement is essentially based on hearsay and does not help him in any manner. He also claimed that the Appellant, Deepak had told him that she was demanding money to withdraw the case, but again, this suggestion also does not prove any defence of the Appellant, Deepak.

66. Ld. ASJ has correctly appreciated the entire evidence to conclude that the prosecution has proved its case beyond reasonable doubt and ***has also rightly convicted and sentenced the Appellant, Deepak under Section 341/326 IPC.***

67. Needless to say that the Victim is entitled to compensation as per Delhi Victims Compensation Scheme, 2018.



68. There is no merit in present Appeal, which is hereby dismissed. Pending Application, if any, also stands disposed of.

69. A copy of this Judgment be sent to the Ld. Trial Court for necessary compliance. Appellant to surrender before the Ld. Trial Court within 10 days.

CRL.REV.P. 446/2013:

70. *Cross-Appeal has been filed on behalf of the Prosecutrix, Shobha whereby, she has sought enhancement of the punishment* granted to the Convict Deepak @ Deepu on the **ground** that after the filing of Appeal, when his sentence was suspended and he was released on bail, after which he attacked the her with surgical blade and inflicted injuries and thereby looking at his conduct enhance sentence must be imposed.

71. While the conduct of the Appellant, Deepak is absolutely reprehensible, in so much as his act was not only willful but also repetitive, but it cannot be overlooked that for his subsequent act/crime another FIR was registered, in which he was sentenced to imprisonment for seven years.

72. He already having been sentenced for the subsequent offence, this cannot be taken as a ground for enhancement of sentence.

73. There is no merit in present Petition, which is hereby dismissed. Pending Application, if any, also stands disposed of.

Conclusion

74. The Criminal Appeal bearing no. CRL.A. 909/2012 filed by the Appellant is dismissed.

75. The Criminal Revision bearing no. CRL. REV P. 446/2013 filed by the Victim is dismissed.

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**(NEENA BANSAL KRISHNA)
JUDGE**

AUGUST 07, 2025/RS/R