

ALSD INTRA TRIAL INDUNCTION ROUNDS, 2018

CASE STUDY

Mr. Rahul Dravid was the Editor-in-Chief of the magazine 'The Haunting Truth' and was in search of a suitable groom for his daughter Rekha, when he got in close terms with Mr. Siddhart Agarwal, a journalist who recently joined the magazine as a Junior Editor. The marriage was solemnized on 29th of December, 2011 observing all the customary rites. Mr. Rahul as a journalist with a reformatory stance was never in support of dowry and hence gave no gifts to her daughter on her marriage except some jewellery and a Rado watch to the son-in-law.

Siddhart though a sincere journalist was not a punctual person and was in habit of arriving late in the office, which when reported to Mr. Rahul resulted in serious humiliation for Mr. Siddhart and made a good office gossip for the day. At one such event on 9th January 2012 after being scolded by Mr. Rahul in front of the whole office staff, a livid Siddhart went to his father-in-law's chamber and in presence of his personal secretary Digvijay warned him that he is not ready to bear anymore such humiliations and if such a thing happens in future then Mr. Rahul must remember that his daughter is married to Siddhart and must be ready for his daughter to bear the after effects of it. When Mr. Siddhart reached home in the evening he was really upset and when he saw his wife he started shouting on her for not getting a car from her paternal home, after which a quarrel followed. For months to come this became a routine affair that the two would quarrel on her not bringing adequate dowry from her home, with Mr. Siddhart being occasionally joined by his mother, Sushmadevi and brother, Akshit. On 19th October, 2012 a distant relative called Sushmadevi and told her that they are getting a lot of cash and a car in dowry. While she was already busy on the phone and obviously pissed on her daughter-in-law for not bringing the amount of expected dowry, Rekha broke a glass, which was predictably followed by Sushma's anger and the anger crossed the limit of being just a verbal one when she slapped Rekha. This became a routine business which even the neighbors were privy to. On one occasion Mrs. Sharma who was a colony friend of Mrs.

ALSD INTRA TRIAL INDUNCTION ROUNDS, 2018

Sushma told her that the whole colony now knew the way they were torturing Rekha and also advised her to stop this and give her the due status in the family, which never proved to be fruitful. Rekha never told any of all this to her family members but she did talk of this to a close friend since college days, Yamini.

On 05th of July, 2017 all the family members went out of the station to attend a wedding leaving behind only Rekha and Siddhart, and were scheduled to return the next day. Siddhart along with his two other friends Mohan and Rohan came to house in the midnight and that too in a drunken condition, who even misbehaved with the apartment's security guard. For this he received serious scolding in front of his friends from Rekha who was infuriated at his recklessness. When one of his friends tried to interrupt in between she warned him not to interfere in her personal life. Now Siddhart was seriously willing to take revenge of this sort of humiliation. All three of them went to the guest room where they started drinking again. Now in such anger they all started talking that they would rape her tonight as she definitely needs a lesson. When Siddhart went to Rekha's room in the morning then he saw the gate was not closed and when he went inside he found Rekha lying unconscious on the floor and immediately took her to the nearest hospital, where after gaining back her consciousness she told the doctors that while she was in deep sleep around 3:00 AM some people covered her face using a piece of cloth and she was raped for three times, but she was not able to recognize the culprit. This was reported to the police and a criminal complaint was lodged.

In early morning, Rekha regained some consciousness and give a statement to Police officials regarding last night incident. Then at around 11 am, she again gave a statement to the police officials regarding the last night incident. Afterwards, Suhma and Akshit came to the hospital and as soon as they entered the ICU, they started abusing her by saying that her allegations against Siddhart and his friends are false and in that moment of anger Sushma kicked Rekha's stomach for a several times. In her statement given to the police officials at 12:35 PM in presence of a judicial magistrate 1st class Rekha told that she was raped thrice and she was not

ALSD INTRA TRIAL INDUNCTION ROUNDS, 2018

able to recognize the rapists and that even Sushma attacked her a few minutes ago and kicked her stomach. At 12:49 PM Rekha succumbed to her injuries. After that the police officials conducted an investigation in the matter and recorded several statements along with that of the doctor's who were looking after Rekha. On 30th March 2018 the police got hold of Mohan who accepted his role in rape and subsequently Siddhart and Rohan were also arrested. Now the case is listed before the Sessions Court, Pune.

Maharashtra State Police First Information Report

Registered u/s 154 CrPC on 6th July, 2017

1. **Police Station:** Faraskhana PoliceStation

2. **District:** Pune

3. **Circle:** ACP City Division

4. **Crime No:** 001/2017

5. **Charges:**

Mr. Siddhart: s. 322, S. 326, s. 506, s. 37 rw. S. 34, s. 354, s. 299, s. 302, s. 498A, s. 304-

B of Indian Penal Code rw. S. 113A of Indian Evidence Act

Mr. Mohan: s. 322, S. 326, s. 506, s. 37 rw. S. 34, s. 354, s. 299, s. 302

Mr. Rohan: s. 322, S. 326, s. 506, s. 37 rw. S. 34, s. 354, s. 299, s. 302

Mr.Sushma:S.323,s.498A,s.304-BofIndianPenalCoderw.S.113AofIndian
EvidenceAct

Mr. Akshit: s. 498A, s. 304-B of Indian Penal Code rw. S. 113A of Indian Evidence
Act

6. **Information Received by the PS in :**Written

7. **Complainant's Name:** Mr. RahulDavid

STATEMENT GIVEN BY Mrs. REKHA

DATE: 6th July, 2017

TIME: 6:25 AM

I don't remember exactly who all were there in the room but I was sexually assaulted and raped multiple times by the men present in the room.

STATEMENT GIVEN BY Mrs. REKHA

DATE: 6th July, 2017

TIME: 11:05 AM

Last night my husband along with his friends came to my room and raped me thrice during which I was injured badly by those men.

STATEMENT GIVEN BY MRS. REKHA

I was raped three times at around 3:00 AM while I was sleeping. The rapists covered my face using a thick piece of cloth. In the hospital when my mother-in-law came inside along with my brother-in-law, she kicked me on my stomach.

CIVIL HOSPITAL, PUNE

MEDICAL EXAMINATION U/S 164 A OF THE CODE OF CRIMINAL PROCEDURE

Dated 06th July, 2018

Victim's Name: Mrs. Rekha Agarwal

External examination:

- (1) All the clothes were bloodstained.
- (2) Nail wound on back and neck.

Internal Examination:

- (3) Habitual to sex.
- (4) No semen found.
- (5) No wounds on vagina lpart.

Cause of Death

Internal Bleeding

Hypovolemia

Dyspnea

Under the authority of Chief Medical Officer, Pune

STATEMENTS RECORDED UNDER SEC. 161 CR. PC

Prosecution Witness

Security Guard (PW1):

Mr. Siddhart who is a resident of the apartment came around midnight with two of his friends who were all drunk and when I stopped them from shouting they started abusing me. At around 4:00 AM in the morning I went to the washroom and when I came out of the washroom I saw two men were coming out of the apartment, and when I tried to stop them they started their car in hurry and left the apartment. I was not able to see the faces as it was dark out there.

Mr. Rahul Dravid (PW2):

The marriage ceremony of Mr. Siddhart and my daughter Rekha took place on 29th of December, 2011 observing all the customary rites. On 9th January 2012 when I scolded Mr. Siddhart for coming late to the office he warned me that if I continue to do that again then I should be ready for the consequences. But till 5th July 2017 I heard nothing about any kind of harassment against my daughter.

Mr. Digvijay (PW3):

Though I don't actually remember the exact date but sometime in 2012 Mr. Siddhart warned Mr. Rahul that if he continued strict behavior with him then he must be ready to face the consequences of it and also that he must remember that his daughter is married to Mr. Siddhart.

Ms. Yamini (PW4):

Whenever I used to call Rekha she was a little upset. When I tried to enquire about her marital life she started crying but was reluctant to admit anything. But once she told me that she was

being tortured for dowry and her in-laws want a car in dowry. She also admitted that she will never tell about all this to her father.

Mrs. Sharma(PW5):

When first Siddhart got married he used to love his wife a lot, and even Sushma told me that her daughter-in-law is a perfect housewife material. But after few years of marriage I used to hear quarrels between Sushma and Rekha. My son once told me that Siddhart now wants a car from Rekha's father and also that on several occasions he used to beat Rekha.

Defence Statements

Confession of Mohan:

In the mid night of July 6th I along with Siddhart and Rohan entered into the room of Rekha and tied her body and closed her mouth so that no noise can be created after that in order to take revenge Siddhart firstly raped her followed by me and Rohan during rape we also hit Rekha badly into her private body parts and other parts of body during all these the act of Siddhart was brutal after doing the act we all flew away from there.

Siddhart:

Though I talked about raping her but I never was engaged in such an act. In the night I slept after drinking as I was too drunk to even walk. And when I woke up in the morning Mohan and Rohan were nowhere to be seen and when I went to Rekha's room to apologize I found her lying unconscious on the floor and I took her to the hospital. Also, I never even touched Rekha with any bad intention forget about beating or hitting her. All the charges against me are fraudulent and I had no role in raping her. Though I went to Mr. Rahul and shouted on him but I never meant it as whatever I said was in the moment of anger.

Rohan:

I was not even present on the day of the incident. We went to a bar on Khadagvasla road from where I left for my home.

Sushmadevi:

We went to attend a family function out of station on 5th July, 2017 and when we returned we found out about the incident. I never even touched Rekha. True that we had some quarrels but all of them were verbal, nothing went physical. I loved Rekha as a daughter-in-law and the same I even told to Mrs. Sharma. We never demanded any kind of dowry, we were happy to have such a nice family member. All the quarrels that started were because of Rekha's bad character. I even heard her talking to someone on phone and telling that we torture her, and that is when I started hating her, but still I never harmed her physically.

Akshit:

Though some quarrels happened at home, but they were very general in nature. We never demanded any dowry from her. She was an important part of our family. There is no question of me harming her or beating her, as I liked her a lot and as the wife of my elder brother I even respected her a lot

ALSD INTRA TRIAL INDUCTION ROUNDS, 2018

