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

Reserved on: 02.11.2026
Date of Decision: 27.11.2026
Uploaded on: 27.11.2026

\# **CNR No. DLHC011784492016**
\+ **CRL.A. 640/2016**

STATE (NCT OF DELHI) .....Appellant
Through: Mr. Digam Singh Dagar, APP with Mr. Rohit, Adv. for the State.
SI, Arvind Kumar, PS, Jafrabad, ASI, Ram Kumar, PS. Badarpur.

versus

DEEPAK CHAUDHARY .....Respondent
Through: Mr. Siddhant Nath, *Amicus Curiae* with *respondent in person.*

CORAM:
HON'BLE MS. JUSTICE MADHU JAIN

JUDGMENT

MADHU JAIN, J.

1. The present criminal appeal has been filed on behalf of the State (NCT of Delhi) under Section 378(1)(b) of the Code of Criminal Procedure, 1973 (hereinafter referred to as *'Cr.P.C.')* assailing the judgment dated 17.12.2014 passed by the learned Metropolitan Magistrate, Karkardooma Courts, Delhi, in ***FIR No. 188/2011,*** registered at P.S. Zafrabad under Section 325 of the Indian Penal Code, 1860 (hereinafter referred to as *'IPC')* whereby the respondent was acquitted of the offences for which he was charged with.

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

2. In brief, the case of the prosecution is that on 06.04.2011, at about 10:00 p.m., the complainant, Ramesh Kumar, was going to collect the outstanding amount of Rs. 300/- from the accused, Deepak, towards the sale of a mobile phone. When the complainant reached near Jal Board Park, Ghonda Chowk, the accused came from the opposite direction. Upon the complainant demanding the outstanding amount, the accused started quarrelling with him and assaulted him, as a result of which the complainant sustained injuries. Pursuant to *DD No. 27A* dated 07.04.2011, IO/HC Ram Kumar reached GTB Hospital and recorded the statement of the complainant. The said DD entry was kept pending awaiting the doctor's opinion on the nature of injuries. Subsequently, upon receipt of the MLC result, a case under Section 325 of IPC, was registered on 28.06.2011. During the course of investigation, the accused was arrested and subsequently released on police bail. Upon completion of the investigation, the IO filed the charge-sheet against the accused for the offence punishable under Section 325 IPC.

3. On 30.08.2012, a formal charge for the commission of offence U/s 325 IPC was framed against accused Deepak Chaudhary by the learned trial court. The accused pleaded not guilty and claimed trial.

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

*"**6. PW 1** is Complainant Ramesh Kumar. He*

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deposed inter-alia that accused Deepak Choudhar borrowed Rs. 300/- and one mobile phone for his personal used. Some altercation happened between him and accused Deepak Choudhary for the abovesaid sum Rs. 300/-. On the day of incident, accused Deepak Choudhary called him to come at Jal Board Park, Gonda Chowk to collect his abovesaid Rs. 300/-. Thereafter he reached there and accused started beating him. He sustained injuries on the right and left side of his face. Accused fled away from the spot. He alongwith his friend Naresh reached GTB hospital. He was medically treated. Doctor told him that he got fracture on his face. Thereafter, he got lodged FIR at PS Zafrabad. Police recorded his statement Ex. PW 1/A. He identified accused in the court. He was cross-examined by Ld. Counsel for the accused.

***PW 2 Ct. Lalit Kumar** is a formal witness. He deposed that on 07.04.2011, he alongwith IO HC Ram Kumar reached at GTB hospital. IO collected MLC of injured Ramesh. IO recorded statement of injured Ramesh and kept pending DD no. 27A. On 28.06.2011, as per direction of duty officer, he went to Gonda Chowk near Jal Board Park alongwith copy of FIR and original rukka and handed over the same to IO. IO arrested accused vide arrest memo Ex. PW2/A and conducted his personal search vide memo Ex. PW2/B. Accused Deepak was released on bail at the spot. He identified the accused in the court. He was cross examined by Ld. Counsel for the accused.*

***PW 3 SI** Ramji Lal deposed that on 28.06.2011, HC Ram Kumar handed over rukka to him. He made endorsement on rukka Ex.PW 3/A and registered*

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FIR in this case Ex. PW3/B. He was cross examined by Ld. Counsel for the accused.

***PW 4 Dr. Shikhar** deposed that on 20.04.2011, he gave opinion on the MLC of injured Ramesh. The nature of injury was grievous. His report in this regard is Ex. PW 4/A. He was not cross examined by Ld. Counsel for the accused despite opportunity being given.*

***PW 5 HC Ram Kumar** is investigating officer. He deposed that on 07.04.2011, on receipt of DD no. 27A, he alongwith Ct. Lalit reached at GTB hospital. He collected MLC of injured Ramesh Kumar. He recorded statement of injured Ramesh Kumar Ex. PW 1/A. He kept DD no. 27A pending as final result regarding nature of injury was kept under observation. On 28.06.2011, he obtained result regarding nature of injury on the MLC of injured Ramesh Kumar. He prepared rukka Ex. PW 5/A. He got registration FIR. He reached at the spot and prepared site plan Ex. PW. 5/B at the instance of complainant. He arrested accused Deepak Chaudhary."*

5. On the completion of prosecution evidence, the examination of accused U/s 313 Cr.P.C. was conducted on 11.12.2013; during his examination, he denied all the allegations levelled against him and claimed his innocence by stating that he has been falsely implicated in the present case. The accused opted to lead defence evidence & examined DW-1 Deen Mohd in his defence.

6. The learned Trial Court, *vide* the impugned judgment dated 17th December 2014, acquitted the respondent and held as under:

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> ***"14.*** *In view of the foregoing reasons, I hold that the prosecution has failed to prove the charge against the accused persons, beyond reasonable doubt. The benefit of any lacunae, left in the investigation, has to be given to the accused. For the foregoing reasons, accused is entitled to acquittal. Accused Deepak Chaudhary is therefore acquitted for the offence U/s 325 IPC. After due compliance, file be consigned to record room."*

7. Aggrieved by the aforesaid impugned judgment the appellant-State has challenged it before this Court.

Submissions of the learned APP for the state

8. Learned APP for the State submitted that the impugned judgment passed by the learned Metropolitan Magistrate suffers from material errors in the appreciation of evidence and is liable to be set aside. It was contended that the learned Trial Court failed to properly appreciate the evidence which surfaced during the course of trial and arrived at a finding of acquittal on the basis of conjectures, surmises and imaginary doubts, rather than the factual matrix of the case.

9. Learned APP further submitted that the learned Trial Court failed to appreciate the testimony of PW-1, Ramesh Kumar, who was the complainant as well as the sole eyewitness to the incident. It was contended that the testimony of PW-1 was wrongly discarded on account of minor contradictions and improvements, which were bound to occur, particularly when his evidence was recorded after a considerable lapse of time of two years from the date of the alleged incident.

10. It was further submitted by learned APP that the learned Trial Court

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also failed to properly appreciate the testimonies of the other material prosecution witnesses, namely, PW-4, Dr. Shikhar, who had given his opinion on the MLC, and PW-5, HC Ram Kumar, the Investigating Officer.

11. Learned APP further emphasised that the MLC (Ex. PW-4/A) records the nature of injuries sustained by the complainant as grievous and opined that the injuries may have been caused by a blunt weapon. It was, therefore, contended that the medical evidence corroborates the prosecution's version regarding the assault.

12. Learned APP for the State further submitted that the learned Trial Court erred in drawing an adverse inference from the fact that the complainant had not disclosed the name of the accused to the doctor at the time of preparation of the MLC.

13. Learned APP further submitted that the finding of acquittal recorded by the learned Trial Court completely overlooks the incriminating evidence that surfaced on record and reflects a failure to properly appreciate the material evidence and the circumstances of the case. It was also submitted that the complainant had correctly identified the accused during the course of trial.

14. It was, therefore, contended on behalf of state that a proper appreciation of the evidence on record would have led to the conviction of the accused. Accordingly, the learned APP prayed that the impugned judgment of acquittal be set aside and the accused be convicted for the offence he was charged with.

Submissions on behalf of the Respondent

15. Learned Amicus Curiae appearing on behalf of the respondent

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submitted that the impugned judgment of acquittal does not suffer from any illegality, perversity or material irregularity warranting interference by this Court. It was submitted that the learned Trial Court, upon due appreciation of the evidence on record, rightly extended the benefit of doubt to the respondent, as the prosecution had failed to establish his guilt beyond reasonable doubt.

16. It was further submitted by learned Amicus Curiae that the prosecution case, insofar as the identity and involvement of the respondent are concerned, rests substantially upon the testimony of PW-1, namely Ramesh Kumar, who is the complainant and the alleged eyewitness to the incident. It was further contended by learned Amicus Curiae that the testimony of PW-1 suffers from material contradictions and improvements. It was further submitted that PW-1 introduced the factum of the respondent having called him to Jal Board Park, Ghonda Chowk, to collect the alleged balance amount of Rs. 300/-, which finds no mention in his original complaint

17. Learned Amicus Curiae further submitted that PW-1, during his cross-examination, could neither disclose the respondent's mobile number nor the time of the alleged telephone call. He was also unable to recall the exact date of the incident and expressed uncertainty even when confronted with the suggested date and time of 06.04.2011 at about 10:00 PM. It was contended that these were material discrepancies concerning the occurrence and the manner in which the injuries were allegedly caused.

18. It was further submitted that the MLC of the complainant does not name the respondent as the assailant, despite the complainant being

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conscious, oriented and fit for statement at the relevant time. It was contended that the omission assumes significance particularly because the complainant admittedly knew the respondent prior to the incident.

19. Learned Amicus Curiae further contended that the prosecution had failed to examine any independent witness despite PW-1 admitting the presence of other persons at the spot, namely Rohit and another unidentified person. It was also pointed out that the complainant had stated that he was accompanied to GTB Hospital by his friend Naresh and had subsequently visited the hospital with his brother Sunil, however, none of these persons was examined to corroborate his version.

20. It was also submitted by Learned Amicus Curiae that, for establishing an offence under Section 325 IPC, the prosecution was required to prove that the respondent had voluntarily caused grievous hurt within the meaning of Section 320 IPC, attracting the requirements of Section 322 IPC. It was contended that in the absence of reliable evidence establishing the respondent's involvement in the alleged assault, the essential ingredients of the offence remained unproved.

21. Learned Amicus Curiae further submitted that the learned Trial Court had identified material inconsistencies concerning the monetary transaction, the alleged telephone call, the complainant's presence at the spot, his inability to recall the date and time of the occurrence and the omission of the respondent's name from the MLC, all of which went to the root of the prosecution case.

22. It was, thus, submitted by the learned Amicus Curiae that the impugned judgment does not suffer from any illegality, perversity or

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infirmity warranting interference by this Court. Accordingly, it was prayed that the present appeal, being devoid of merit, be dismissed and the judgment of acquittal passed by the learned Trial Court be upheld.

Findings and Analysis

23. This Court has heard the learned counsels for both the parties and perused the material placed on record.

24. Before proceeding to examine the merits of the present appeal, it would be apposite to briefly note the reasons which weighed with the learned Trial Court in acquitting the respondent. Upon appreciation of the evidence on record, the learned Trial Court assigned the following reasons:

i) Material contradictions between the testimony of the complainant (PW-1) and his initial complaint (Ex. PW-1/A).

ii) Non-disclosure of the respondent's name by the complainant before the doctor at the time of preparation of the MLC, despite being conscious and oriented.

iii) Non-joining of independent public witnesses during the investigation and absence of independent corroboration to the testimony of the complainant

25. The principal question that arises for consideration before this Court is whether the impugned judgment of acquittal, whereby the respondent was acquitted of the offence punishable under Section 325 IPC, suffers from any illegality, perversity or infirmity warranting interference by this Court.

26. At this stage, it would be pertinent to discuss the settled position of law governing the scope of interference by the High Court in an appeal

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against acquittal. In this regard, the Hon'ble Supreme Court in ***Mallappa v. State of Karnataka, (2024) 3 SCC 544,*** has reiterated that the appellate court must examine whether the Trial Court has properly appreciated the evidence, whether its findings suffer from any illegality or error of law or fact, and whether the view taken is a reasonably possible view on the basis of the evidence on record. It has further been held that where two reasonable views are possible, the one favouring the accused ought ordinarily to be adopted, and an order of acquittal cannot be reversed merely because another view is also possible. The relevant portion is reproduced herein under:

> "*25.We may firstly discuss the position of law regarding the scope of intervention in a criminal appeal. For, that is the foundation of this challenge. It is the cardinal principle of criminal jurisprudence that there is a presumption of innocence in favour of the accused, unless proven guilty. The presumption continues at all stages of the trial and finally culminates into a fact when the case ends in acquittal. The presumption of innocence gets concretised when the case ends in acquittal. It is so because once the trial court, on appreciation of the evidence on record, finds that the accused was not guilty, the presumption gets strengthened and a higher threshold is expected to rebut the same in appeal.*
>
> *26. No doubt, an order of acquittal is open to appeal and there is no quarrel about that. It is also beyond doubt that in the exercise of appellate powers, there is no inhibition on the High Court to reappreciate*

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or re-visit the evidence on record. However, the power of the High Court to reappreciate the evidence is a qualified power, especially when the order under challenge is of acquittal. The first and foremost question to be asked is whether the trial court thoroughly appreciated the evidence on record and gave due consideration to all material pieces of evidence. The second point for consideration is whether the finding of the trial court is illegal or affected by an error of law or fact. If not, the third consideration is whether the view taken by the trial court is a fairly possible view. A decision of acquittal is not meant to be reversed on a mere difference of opinion. What is required is an illegality or perversity.

27. It may be noted that the possibility of two views in a criminal case is not an extraordinary phenomenon. The "two-views theory" has been judicially recognised by the courts and it comes into play when the appreciation of evidence results into two equally plausible views. However, the controversy is to be resolved in favour of the accused. For, the very existence of an equally plausible view in favour of innocence of the accused is in itself a reasonable doubt in the case of the prosecution. Moreover, it reinforces the presumption of innocence. And therefore, when two views are possible, following the one in favour of innocence of the accused is the safest course of action. Furthermore, it is also settled that if the view of the trial court, in a case of acquittal, is a plausible view, it is not open for the High Court to convict the

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accused by reappreciating the evidence. If such a course is permissible, it would make it practically impossible to settle the rights and liabilities in the eye of the law.

……

29. In Sanjeev v. State of H.P. [Sanjeev v. State of H.P., (2022) 6 SCC 294 : (2022) 2 SCC (Cri) 522] , the Hon'ble Supreme Court analysed the relevant decisions and summarised the approach of the appellate court while deciding an appeal from the order of acquittal. It observed thus : (SCC p. 297, para 7)

"7. It is well settled that:

7.1. While dealing with an appeal against acquittal, the reasons which had weighed with the trial court in acquitting the accused must be dealt with, in case the appellate court is of the view that the acquittal rendered by the trial court deserves to be upturned (see Vijay Mohan Singh v. State of Karnataka [Vijay Mohan Singh v. State of Karnataka, (2019) 5 SCC 436 : (2019) 2 SCC (Cri) 586] and Anwar Ali v. State of H.P. [Anwar Ali v. State of H.P., (2020) 10 SCC 166 : (2021) 1 SCC (Cri) 395]).

7.2. With an order of acquittal by the trial court, the normal presumption of innocence in a criminal matter gets reinforced (see Atley v. State of U.P. [Atley v. State of U.P., 1955 SCC OnLine SC 51 : AIR 1955 SC 807]).

7.3. If two views are possible from the evidence on record, the appellate court must be extremely slow in interfering with the appeal against acquittal (see Sambasivan v. State of Kerala [Sambasivan v. State

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of Kerala, (1998) 5 SCC 412 : 1998 SCC (Cri) 1320]).”””

27. It was laid down more than ninety years ago in ***Sheo Swarup v. King-Emperor, 1934 SCC OnLine PC* 42,** a judgment which has been followed in catena of Supreme Court judgments[1] that:

> “*Many authorities were cited to their Lordships which undoubtedly reveal differences of views as to the powers of the High Court in dealing with an appeal from an order of acquittal on a matter of fact. No useful purpose will be served by examining this long list of decisions. It will suffice if their Lordships state the conclusion which they have reached as the result of careful consideration of the full arguments which were addressed to them. There is, in their opinion, no foundation for the view, apparently supported by the judgments of some Courts in India, that the High Court has no power or jurisdiction to reverse an order of acquittal on a matter of fact, except in cases in which the lower Court has “obstainately blundered,” or has “through incompetence, stupidity or perversity” reached such “distorted conclusions as to produce a positive miscarriage of justice,” or has in some other way so conducted or misconducted itself as to produce a glaring miscarriage of justice, or has been tricked by the defence so as to produce a similar result.*”

28. Keeping in view the aforesaid legal position, we shall now determine whether such illegality, perversity, or material error of law or fact emerges

[1] Summarised in *Anwar Ali v. State of H.P., (2020) 10 SCC 166*; followed in *Subramanya v. State of Karnataka, (2023) 11 SCC 255*, *Mallappa v. State of Karnataka, (2024) 3 SCC 544* and *Siju Kurian v. State of Karnataka, (2023) 14 SCC 63*, and summarised and applied in *Nagabhushan v. State of Karnataka, (2021) 5 SCC 222)*

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in the decision of learned trial court so as to warrant intervention and whether the view taken by the learned trial court is a legally plausible view or not.

29. At the outset, it is evident from the impugned judgment that the learned Trial Court has not acquitted the respondent merely on account of some minor discrepancies or technical lapses in the investigation. Rather, the acquittal rests upon a cumulative appreciation of the material contradictions in the testimony of the complainant (PW-1), the circumstances surrounding the alleged occurrence and the absence of independent corroboration.

30. The principal witness of the prosecution is the complainant himself, whose testimony has been found by the learned Trial Court to suffer from material inconsistencies concerning the genesis of the occurrence. It would be helpful to reproduce the same:

Complaint (Ex. PW-1/A)	***Testimony of PW-1 as recorded on 03.05.2013***
बयान किया कि मैं पता उपरोक्त पर सपरिवार रहता हूँ और प्राइवेट ड्राइवर हूँ। दिनांक 6/4/2011 को शाम करीब 10.00 बजे रात्रि को दीपक s/o khille सिंह से अपने मोबाइल फोन बेचने के बकाया 300/- रुपये लेने जा रहा था। जब मैं जल बोर्ड पार्क, घोंडा चौक पहुँचा	*I am residing in the abovementioned address with my family. The accused Deepak Chaudhary borrowed Rs. 300/- and one mobile phone for his personal use from me prior to the incident. Some altercation happened between me and Deepak Chaudhary for the abovesaid sum of Rs. 300/-. On the day of incident, I cannot tell the exact date, however it was the month of March/April and the*

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तो दीपक s/o khille सिंह सामने से आ रहा था। जब मैंने उससे अपने बकाया 300/- रुपये माँगे तो उसने मेरे साथ झगड़ा किया व मारपीट की, जिससे मुझे चोटें आई हैं। उसके खिलाफ कानूनी कार्यवाही की जाए।	*incident took place two years back. The accused Deepak Chaudhary called me to come to Jal Board Park, Ghonda Chowk to collect my abovesaid Rs. 300/-. Thereafter, I reached there and the accused started beating me and I received injuries on the right and left side of my face. Accused fled away from the spot and I along with my friend Naresh reached GTB hospital. There I was medically treated. Doctor told me that I received the fracture on my face. Thereafter, I got lodged the FIR at PS Jafrabad and Police recorded my statement Ex. PW1/A bearing my signature at point A. Accused Deepak Chaudhary is present in the court today (correctly identified).* *At this stage, Ld. APP for State wants to cross examine the witness as he is resiling from previous statements made to the police. Heard. Allowed.* *XXXXX by Ld. APP for the State.* *Q. It is put to you that the incident took place on 06.04.2011 at about 10:00 P.M.?* *Ans. I am not confirmed whether the incident took place on 06.04.2011 at about 10:00 P.M. due to long span of time.*

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	It is correct to suggest that I had shown the place of occurrence to the police.

31. A perusal of the testimony of PW-1 reveals that there are material inconsistencies between his deposition and the initial complaint (Ex. PW-1/A). While in his testimony, he stated that the respondent had borrowed Rs. 300/- and a mobile phone from him, and that a dispute arose regarding the said amount, his initial complaint refers to the balance amount payable on account of the sale of a mobile phone. Further, the alleged fact that the respondent had called him to Jal Board Park, Ghonda Chowk, on the date of the incident does not find mention in the initial complaint. These are not merely insignificant discrepancies but relate to the very genesis of the alleged occurrence. The learned Trial Court was, therefore, justified in examining the credibility of PW-1 with caution.

32. Another circumstance which weighed with the learned Trial Court was the absence of disclosure of the assailant's identity in the MLC (Ex. PW-4/A). Admittedly, the complainant was conscious, oriented and fit to make a statement when medically examined. Despite knowing the respondent even prior to the alleged occurrence, the complainant did not disclose his name before the examining doctor. Although such an omission, by itself, may not be sufficient to discard the prosecution case, but when considered alongside the material inconsistencies in the complainant's version, it assumes significance and lends further weight to the doubt surrounding the prosecution's case.

33. So far as the medical evidence is concerned, PW-4, Dr. Shikhar,

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categorically opined that the injuries sustained by the complainant were grievous in nature. His opinion remained unchallenged in cross-examination. Thus, the medical evidence does establish the nature of injuries sustained by the complainant. However, the medical evidence, by itself, does not establish the identity of the person who caused such injuries or the circumstances in which they were inflicted. Consequently, proof of grievous injury cannot, in the absence of reliable evidence connecting the respondent with the occurrence, be treated as sufficient proof of his guilt under Section 325 IPC.

34. In ***Vadivelu Thevar v. State of Madras, AIR 1957 SC 614,*** *the* Hon'ble Supreme Court has laid down certain guiding principles classifying witnesses into three distinct categories and elucidated the approach to be adopted in assessing their credibility, which are reproduced hereinbelow:

> *"18. Generally speaking, oral testimony in this context may be classified into three categories, namely:*
> *(1) Wholly reliable.*
> *(2) Wholly unreliable.*
> *(3) Neither wholly reliable nor wholly unreliable.*
> *In the first category of proof, the court should have no difficulty in coming to its conclusion either way — it may convict or may acquit on the testimony of a single witness, if it is found to be above reproach or suspicion of interestedness, incompetence or subornation. In the second category, the court equally has no difficulty in coming to its conclusion. It is in the third category of cases, that the court has to be circumspect and has to look for corroboration in material particulars by reliable testimony, direct*

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or circumstantial."

35. Further, reference may be made to the decision of Hon'ble Supreme Court in ***Pankaj v. State of Rajasthan (2016) 16 SCC 192***., wherein it was emphasised that when the genesis and manner of the incident itself are doubtful, conviction cannot be sustained. The Apex Court held as under:

> *"25. It is a well-settled principle of law that when the genesis and the manner of the incident is doubtful, the accused cannot be convicted. Inasmuch as the prosecution has failed to establish the circumstances in which the appellant was alleged to have fired at the deceased, the entire story deserves to be rejected. When the evidence produced by the prosecution has neither quality nor credibility, it would be unsafe to rest conviction upon such evidence. After having considered the matter thoughtfully, we find that the evidence on record in the case is not sufficient to bring home the guilt of the appellant. In such circumstances, the appellant is entitled to the benefit of doubt."*

36. In view of the above discussion, this Court finds that the testimony of PW-1 does not inspire sufficient confidence to sustain the conviction of the respondent. The material inconsistencies concerning the genesis and manner of the alleged occurrence, coupled with the non-disclosure of the respondent's identity before the doctor and the absence of any independent corroboration, give rise to reasonable doubt regarding the prosecution's version.

37. The learned Trial Court has also taken note of the fact that, despite the complainant referring to the presence of Rohit and another unknown person at the spot, no independent public witness was joined during the

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investigation. It is well settled that non-examination of an independent witness, by itself, is not necessarily fatal to the prosecution case but the prosecution must demonstrate a genuine attempt to associate independent public witnesses. In the present case, the record does not indicate any such effort on the part of the Investigating Officer.

38. This Court is conscious of the settled position that the testimony of an injured witness ordinarily carries considerable evidentiary value and cannot be discarded merely because of his relationship or interest in the outcome of the case. Nevertheless, as held in ***Vadivelu Thevar v. State of Madras, (Supra),*** the credibility of a witness has to be assessed on the quality of his testimony. Where the testimony falls in the category of neither wholly reliable nor wholly unreliable, corroboration in material particulars is required. In the present case, the inconsistencies in the testimony of PW-1, particularly concerning the genesis and manner of the occurrence, coupled with the surrounding circumstances, make it unsafe to place implicit reliance upon his testimony without independent corroboration. It is also a settled principle that the prosecution must establish its case on its own strength and cannot derive any benefit from the weakness of the defence.

39. Thus, this Court finds that the learned Trial Court has duly considered the material evidence and assigned cogent reasons for arriving at its conclusion. The view taken by the learned Trial Court is a reasonably possible view emerging from the evidence on record.

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Conclusion

40. In view of the foregoing discussion and upon a careful appreciation of the evidence and material available on record, this Court finds no reason to take a view different from that taken by the learned Trial Court. The impugned judgment does not suffer from any perversity, illegality or infirmity warranting interference by this Court. The learned Trial Court has rightly appreciated the evidence on record and extended the benefit of doubt to the respondent.

41. Accordingly, the impugned judgment of acquittal is upheld and the present appeal, being devoid of merit, is dismissed.

42. Therefore, the appeal is dismissed and disposed of. All pending application(s), if any, stand disposed of in the above terms.

43. A copy of this judgment be sent to the learned Trial Court for information and necessary compliance.

44. The judgment be uploaded on the website forthwith.

MADHU JAIN
(JUDGE)

NOVEMBER 27, 2026/b/Gs

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