



2025:DHC:8855



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

% Reserved on : 30.07.2025
Pronounced on : 06.10.2025

+ **CRL.A. 312/2020, CRL.M.(BAIL) 1213/2025**

SATISH @ LALLA @ KARIAppellant
Through: Ms. Rashmi Chopra, Sr. Advocate
with Mr. Alam Bir Singh, Advocate.

versus

STATE OF NCT OF DELHIRespondent
Through: Ms. Shubhi Gupta, APP for State with
SI Satish Kumar, P.S. Mangol Puri.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

JUDGMENT

1. By way of the present appeal, the appellant seeks to assail the judgment of conviction dated 20.02.2020 and the order on sentence dated 28.02.2020, passed by the learned Additional Sessions Judge-03, North-West District, Rohini, Delhi, in SC No. 53524/2016 arising out of FIR No. 565/2008 registered under Section 307 at P.S. Mangol Puri. After completion of investigation, a chargesheet was filed against the appellant, and charges under Section 307 IPC and Sections 25(1-B)(a) and 27 Arms Act were subsequently framed, to which the appellant pleaded not guilty and claimed trial.

Vide the impugned order on sentence, the appellant was sentenced to undergo RI for a period of 4 years alongwith fine of Rs.80,000/-, in default



whereof he was directed to undergo RI for 6 months, for the offence punishable under Section 307 IPC; RI for a period of 3 years alongwith fine of Rs.15,000/-, in default whereof he was directed to undergo RI for 3 months, for the offence punishable under Section 27 Arms Act; and RI for a period of 2 years alongwith fine of Rs.5,000/-, in default whereof he was directed to undergo RI for 2 months, for the offence punishable under Section 25(1-B)(a) Arms Act. All sentences were directed to run concurrently and benefit under Section 428 Cr.P.C. was extended to the appellant.

2. Pithily put, the prosecution's case is that on the night of 12.11.2008, during a wedding reception, a quarrel took place between the appellant and one *Deshraj*; following the altercation, outside the venue, the appellant pulled out a country-made pistol (*katta*) and pointed it at *Deshraj*, whereupon *Deshraj* pushed the appellant's hand, causing a jerk that led the bullet to strike one *Rajan* instead, who was standing nearby. The injured *Rajan* was taken to the hospital by one of the eyewitnesses, *Jai Prakash*, who also informed the police. On the basis of his statement, the concerned FIR No. 565/2008 was registered at P.S. Mangol Puri.

3. During trial, the prosecution examined a total of 20 witnesses in support of its case. The injured *Rajan* was examined as PW-4. Three eyewitnesses, *Deshraj*, *Jai Prakash* and *Narender*, were examined as PW-3, PW-8 and PW-11 respectively. The MLC of the injured was proved by Dr. *P. C. Prabhakar* (PW-7) and Dr. *Nishant Bisht* (PW-9), and his discharge summary was proved by Dr. *Shantanu Mandal* (PW-12). The ballistics report was proved by *Sh. V. R. Anand*, Assistant Director, FSL, who was



examined as PW-13. The case property, and the alleged weapon of offence—a country-made pistol, were recovered and proved through the testimonies of Inspector *Ajay Karan* (PW-16), Ct. *Rajeev* (PW-17) and ASI *Raj Kumar* (PW-18). Opinion regarding the nature of the injury and the weapon was given by Dr. *Manoj Dhingra* (PW-19) and Dr. *Indermeet Singh* (PW-20). The rest were formal witnesses who deposed as to various aspects of the investigation. After completion of prosecution evidence, the statement of the appellant was recorded under Section 313 Cr.P.C., wherein he pleaded innocence and stated that he had absconded out of fear and was falsely implicated by the police as a result. No defence evidence was led on behalf of the appellant.

4. Ms. Rashmi Chopra, the learned senior counsel appointed as *Amicus Curiae* to represent the appellant, submits that the recovery of the weapon is wholly unreliable. She points out that it was effected pursuant to the appellant's third disclosure statement, from an open plot adjoining an NDPL Sub-Station that remains guarded 24×7, without any independent public witness to corroborate it. It is further submitted that there is no forensic evidence linking the recovered weapon to the alleged firing, as the FSL report was inconclusive with respect to striation marks on the bullet, and the recovered bullet could not be matched to the weapon. The learned senior counsel also submits that the sanction under the Arms Act was granted mechanically, without inspection of the weapon, and is therefore invalid. As regards the conviction under Section 307 IPC, it is contended that the essential ingredients of the offence, namely intention or knowledge, preparation, and action to cause death, are absent. She states that the



conviction rests solely on the testimony of the injured witness, whose version is inconsistent and unreliable, particularly in light of his own admission that he had consumed alcohol on the night of the incident.

5. The learned APP for the State submits that the appellant was clearly identified by the injured witness as the person who fired the shot. It is submitted that firing a country-made pistol in a public place, even if the shot missed the intended target, is sufficient to attract Section 307 IPC, as the act itself demonstrates intent to cause harm. The medical evidence confirms that the victim suffered a firearm injury to the neck, which required him to undergo surgery and hospitalisation for an extended period of time. The pistol was recovered in working condition at the instance of the appellant, and the recovery was duly recorded by the I.O. It is contended that the absence of a public witness or recorded footage does not affect the reliability of the recovery. She states that the injured witness, being the victim of a dangerous firearm injury, is a stamped witness and that his testimony is entitled to greater weight.

6. I have heard the learned counsels for the parties and gone through the record.

7. PW-4/*Rajan @ Gopal*, the injured witness, deposed that he had gone to attend the wedding reception of one *Sunil*, which was held at a park near the NDPL office in *Mangol Puri*. He arrived at around 8:30 p.m. along with his family, and during the function, a quarrel broke out between *Deshraj* and the appellant *Satish @ Lalla* over the use of eating plates. PW-4 intervened to break up the quarrel. Later, the quarrel resumed outside the pandal. PW-4 stated that during this second altercation, the appellant took out a country-



made pistol and fired at *Deshraj*. However, before he could fire, *Deshraj* pushed him, causing the appellant's hand to jerk, and the bullet struck PW-4 in the neck. He fell from the impact and was taken to SGM Hospital by *Jai Prakash*, and later referred to Safdarjung Hospital. He remained admitted for nearly two months, during which time his statement could not be recorded as he was unable to speak. He identified the appellant in Court.

In cross-examination, he admitted to having consumed beer at the function. He stated that he could not identify the pistol and did not remember what clothes the appellant had been wearing. He claimed he had known the appellant for about a year and a half but had never had any enmity with him.

8. PW-3/*Deshraj* did not support the prosecution's case in his examination-in-chief. He stated that although he saw a quarrel taking place outside the *pandal* and heard a gunshot while boarding his cousin's bike, he did not know who had fired or whether anyone was injured. He claimed he did not know the appellant, had not seen him at the venue, and denied any incident having taken place in his presence. When confronted with his previous statement (Ex. PW-3/A), he denied the contents, including having stated that the appellant took out a *katta* and pointed it at him, or that he pushed the appellant's hand before the shot was fired. He also denied that he had stated to the I.O. that *Rajan* was injured in the firing. The witness further stated that he could not identify the weapon and had not seen anyone firing. He refuted the suggestion that he was deposing falsely at the instance of the accused or that he had compromised the matter.

9. PW-8/*Jai Prakash*, who took injured *Rajan* to the hospital, deposed



that he had invited *Rajan*, *Satish @ Lalla*, and *Deshraj* to the wedding reception. He stated that after dinner, while standing at the entry gate, he heard a gunshot. He and the appellant ran towards the source and found *Rajan* lying on the road with a bleeding neck injury. He took *Rajan* to SGM Hospital and later made the PCR call. He stated that the appellant had remained at the spot. In cross-examination, he admitted that the area was dark and that he did not see who fired. He denied seeing any pistol or incident of firing. He admitted that the site of occurrence was about 25–30 feet from where he had been standing. He acknowledged his signatures on Ex. PW-8/A but denied having made the statement or knowing its contents, claiming that the police had taken his signatures on blank papers. He denied the suggestion that he was deposing falsely under pressure.

10. PW-11/*Narender*, the brother of the injured *Rajan*, stated that after attending the wedding party of *Jai Prakash's* nephew, he returned home, where 50–60 boys, including *Jai Prakash*, came and informed him that *Rajan* had sustained a gunshot injury. Thereafter, he went to SGM Hospital and stated that he did not know anything further. Upon being confronted with his earlier statement, he admitted that on 12.11.2008, he was informed that his brother *Rajan* had suffered a gunshot injury at the wedding reception of *Sunil* and that the injury was on the neck. He also confirmed that *Jai Prakash* was present at the time. However, he stated that he did not remember whether *Jai Prakash* had told him in the hospital that the shot was fired by *Satish @ Lalla* at *Deshraj*, but had hit *Rajan*. He denied being influenced by the accused and stated that he did not know the appellant.

11. The MLC (Ex. PW-7/A) was proved by PW-7 and records a



penetrating gunshot wound on the neck with an entry and exit wound. The nature of injury was described as dangerous. The discharge summary was proved by PW-12 and shows that the injured was admitted to Safdarjung Hospital, where he underwent laryngofissure under general anaesthesia. PW-19, after examining the recovered country-made pistol and the MLC of injured *Rajan*, opined that the injury sustained could have been caused by the recovered weapon, and PW-20 opined that the injury sustained was dangerous in nature.

12. PW-13, the Assistant Director (Ballistics), FSL, stated that two sealed parcels were received by him for examination – one contained a bullet and the other a country-made pistol. He confirmed that the pistol was in working order and successfully test-fired using two 8mm/.315" cartridges from the laboratory stock. He opined that the recovered bullet corresponded to an 8mm/.315" cartridge, but the striation marks on it were insufficient for a conclusive opinion as to whether it had been discharged from the recovered pistol. His report is marked as Ex. PW-13/A.

13. The recovery of the pistol was proved through PW-16 and corroborated by PW-17 and PW-18. The sketch and seizure memos were prepared contemporaneously. No credible evidence was brought on record to discredit the version of the witnesses who proved recovery.

14. PW-2, Additional DCP, Outer District, Delhi, proved the sanction under Section 39 of the Arms Act, exhibited as Ex. PW-2/A. He deposed that the case file, including the ballistic expert report, had been placed before him by the I.O., and that after examining all the relevant documents, he accorded sanction against the appellant. In cross-examination, he clarified



that although the weapon of offence had not been placed before him, the sanction was based on the available documentary material. He denied having granted the sanction mechanically. No specific questions were put to him to challenge the genuineness or validity of the sanction, and no evidence has been led by the defence to substantiate the allegation that the sanction was uninformed or invalid.

15. The case of the prosecution primarily relies upon the testimony of the injured victim PW-4/Rajan. On a perusal of the record, this Court is of the considered view that *Rajan*'s version is clear, cogent, and consistent. He stated that the appellant had aimed at *Deshraj* and fired, and the bullet hit him due to a push by *Deshraj* that caused the appellant's hand to jerk. He clearly explained the events before and after the incident, withstood the test of cross-examination, and remained firm. The defence suggestion that his perception was impaired due to alcohol was specifically denied.

16. *Rajan* is a stamped witness to the occurrence, owing to the injury sustained by him, and his testimony accordingly stands on a higher pedestal in law. Reference may be made to the decision of the Supreme Court in Balu Sudam Khalde & Anr. Vs. State of Maharashtra, reported as **(2023) 13 SCC 365**, wherein it has been held as under:-

“26. When the evidence of an injured eyewitness is to be appreciated, the undernoted legal principles enunciated by the courts are required to be kept in mind:

26.1. The presence of an injured eyewitness at the time and place of the occurrence cannot be doubted unless there are material contradictions in his deposition.

26.2. Unless, it is otherwise established by the evidence, it must be believed that an injured witness would not allow the real culprits to escape and falsely implicate the accused.

26.3. The evidence of injured witness has greater evidentiary value



and unless compelling reasons exist, their statements are not to be discarded lightly.

26.4. The evidence of injured witness cannot be doubted on account of some embellishment in natural conduct or minor contradictions.

26.5. If there be any exaggeration or immaterial embellishments in the evidence of an injured witness, then such contradiction, exaggeration or embellishment should be discarded from the evidence of injured, but not the whole evidence.

26.6. The broad substratum of the prosecution version must be taken into consideration and discrepancies which normally creep due to loss of memory with passage of time should be discarded.

27. In assessing the value of the evidence of the eyewitnesses, two principal considerations are whether, in the circumstances of the case, it is possible to believe their presence at the scene of occurrence or in such situations as would make it possible for them to witness the facts deposed to by them and secondly, whether there is anything inherently improbable or unreliable in their evidence....”

It is settled law that the evidence of an injured witness is entitled to great weight and should be relied upon unless there are compelling reasons to disbelieve it. In the present case, no such reason arises. The injury sustained is not disputed. The medical evidence on record corroborates material facts. The incident was reported promptly. His deposition is coherent and free from material contradictions.

17. The contention that the appellant lacked the requisite intention or knowledge, in the facts and circumstances of the present case, is untenable. The appellant pulled out a firearm in a public gathering, aimed it at another individual, and fired. The fact that the bullet struck a bystander due to an intervening jerk does not dilute the offence. The act was sufficient to attract Section 307 IPC. The inconclusive nature of the forensic evidence on record cannot be held to be fatal in the present case, in light of the ocular version of the injured victim being consistent and trustworthy. The appellant's act of



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firing the gun has resulted in injury to the victim who remained hospitalised for two months. The victim in his deposition stated that till that day, he could not speak properly because of the gunshot injury to his neck.

18. Considering all of the aforesaid, this Court is of the considered view that no grounds to interfere with the impugned judgment are made out. The impugned judgment of conviction and order on sentence are upheld and the present appeal is accordingly dismissed.

19. The bail bond furnished by the appellant stands cancelled and his surety is discharged.

20. This Court expresses its appreciation for the assistance provided by the learned senior counsel appointed as an *Amicus Curiae* to represent the appellant.

21. A copy of this judgment be communicated to the Trial Court, as well as to the concerned Jail Superintendent.

MANOJ KUMAR OHRI
(JUDGE)

OCTOBER 06, 2025

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