



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

% Reserved on : 27.08.2025
Pronounced on : 31.10.2025

+ **CRL.A. 1069/2024**

KARANAppellant
Through: Mr. B.S. Chowdhary and Ms. Sneh
Lata Rana, Advocates

versus

STATE GOVT. OF NCT OF DELHIRespondent
Through: Ms. Shubhi Gupta, APP for State with
SI Yogesh Sharma PS Bharat Nagar,
Delhi

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 01.08.2024 and order on sentence dated 08.10.2024, vide which he has been directed to undergo RI for a period of 7 years alongwith payment of fine of Rs.20,000/-, and in default thereof to undergo SI for 6 months, for the offence punishable under Section 307/34 IPC. The benefit of Section 428 Cr.P.C. was extended to the appellant.

2. The prosecution case arises out of an occurrence which came to light on 24.10.2014, when at about 1:45 AM, SI *Daya Ram* (PW-1), posted as In-charge, PCR Van, Commander-19, found one boy with stab wounds on his hand and abdomen lying near Major Dhyan Chand Sports Complex. On being enquired, the injured revealed his name as *Vicky*. SI *Daya Ram*



removed the injured to BJRM Hospital. SI *Harsahaye Singh* (PW-10), posted at CPR, Police Headquarters, New Delhi, on information of the incident being conveyed by SI *Daya Ram*, filled up the PCR form. The said information was recorded as DD No. 7B at P.S. Bharat Nagar by Ct. *Sunil* (PW-3). On being assigned the enquiry, SI *Jagbir Singh* (PW-11) along with Ct. *Anil* (PW-5) reached BJRM Hospital and collected the MLC of *Vicky*. The injured had already been referred to LNJP Hospital, and on reaching there, the police officials came to know that the injured was undergoing surgery in the operation theatre. An endorsement was made on the DD, and *rukka* was prepared, on the basis of which the FIR came to be registered. SI *Jagbir Singh* made further enquiries and came to know that there had been a quarrel between some boys and one boy, namely *Shanty*, who had suffered injuries, had been shifted to Sunder Lal Jain Hospital. SI *Jagbir Singh* reached Sunder Lal Jain Hospital and collected the MLC of *Sanjeev @ Shanty*. The injured was not found in the said hospital, and when SI *Jagbir Singh* went to his *jhuggi*, the same was found locked. On 26.10.2014, *Gurmeet Singh*, brother of the injured *Vicky @ Vikram*, handed over one blood-stained pant and T-shirt worn by the injured at the time of the incident. The same was sealed and seized vide seizure memo Ex. PW-5/A. On the same day, the other injured, namely *Sanjeev @ Shanty* (PW-6), approached the I.O. and handed over one blood-stained pant and shirt, which was also sealed and seized vide seizure memo Ex. PW-6/C. Thereafter, on 12.11.2014, both the injured came to the Police Station and informed SI *Jagbir Singh* that the person who had caused the stab injuries was standing near Sulabh Sochalaya, E Block. SI *Jagbir Singh*, along with Ct. *Vijay*, reached the place and, on identification, arrested the appellant. On the said



date, the statements of both the injured were also recorded. The concerned doctors had opined the injuries on the respective MLCs of both the injured persons to be grievous in nature. In the backdrop of the aforementioned investigation, the chargesheet came to be filed, and a charge was framed for the offence punishable under Sections 307/34 IPC against the appellant. He pleaded not guilty and claimed trial.

3. A total of 17 witnesses were examined during the trial. The injured *Sanjeev @ Shanty* was examined as PW-6, his wife *Priyanka* was examined as PW-4, and the other injured *Vikram @ Vicky* was examined as PW-7. His brother *Gurmeet Singh* was examined as PW-14. The MLCs of the injured were proved through Dr. *Gopal Krishna* (PW-12), Dr. *Mohanish Sinha* (PW-13), and Dr. *Neeraj Chaudhary* (PW-15). The first informant, SI *Daya Ram*, was examined as PW-1, and the first I.O. of the case, SI *Jagbir Singh*, was examined as PW-11. The FSL report was exhibited through the second I.O. of the case, SI *Rakesh Rana*, who was examined as PW-16.

4. Learned counsel for the appellant has assailed the impugned judgment on the ground that both the injured have not supported the case of the prosecution during their cross-examination. Further, their testimony is also not credible as, not only in their MLCs is the name of the appellant not mentioned despite the appellant being known to them, but also because the name of the appellant appeared for the first time in the statements recorded subsequently. Lastly, it is contended that the weapon of offence was not recovered.

5. Learned APP for the State, on the other hand, has defended the impugned judgment by contending that the I.O. has explained why the statements of the injured could not be recorded immediately, as *Vikram @*



Vicky was undergoing surgery and the house of *Sanjeev @ Shanty* was found locked. It is further stated that the appellant has other involvements.

6. SI *Daya Ram*, examined as PW-1, deposed that while he was on duty on 24.10.2014, at about 1:45 AM, he found one boy with stab wounds on his hand and stomach near Major Dhyan Chand Sports Complex. He removed the said boy to BJRM Hospital.

7. *Sanjeev @ Shanty*, examined as PW-6, deposed that on the intervening night of 23/24.10.2014, it being Diwali, at about 12:30 AM he came out of his house and saw some boys bursting crackers. He went to a nearby egg *rehri* (cart) to eat eggs; however, being Diwali night, the said *rehri* was not there. On his way back home, the appellant along with his friends met him. The witness stated that he was aware of the appellant's name as he was a resident of Mangolpuri who often used to visit his locality as some of his relatives were living there. On an earlier occasion, he had a quarrel with the appellant as the appellant was doing motorcycle stunts in front of his house, to which the witness had objected. The witness further deposed that on seeing him, the appellant said "*saale jyada bada badmash bantaa h aaj teri badmashi nikalta hu*". He also asked his accompanying friends "*pakro saale ko iski badmashi nikalta hu*", whereafter the appellant and his associates rushed towards him and caught hold of him. He was beaten with fists and punches. The appellant then took out a knife (*chaupar*) and attacked him on his chest; however, as the witness tried to rescue himself, the blow landed on his right arm. The appellant gave another blow with the *chaupar*, which landed on his chest. At that time, one of his neighbours, i.e., *Vikram @ Vicky*, who was passing through and heard the commotion, came to the spot and tried to save him. The witness further



deposed that on the intervention of *Vikram @ Vicky*, he managed to free himself and run; however, he saw that the appellant and his associates had started beating *Vikram @ Vicky*. One of his friends took him to Hindu Rao Hospital. He left from there at night after dressing and went to Sunder Lal Jain Hospital the next morning, where he received treatment and underwent surgery on his right forearm. He further deposed that he handed over his pant and shirt stained with blood after the incident to the I.O. and identified his signatures on the seizure memo. His further examination was deferred for want of case property. His examination-in-chief continued on 31.05.2017, when he identified his shirt and pant as Ex. P-1. However, since the witness did not depose in accordance with his statement made during investigation, he was cross-examined by the learned APP for the State on the same day. He admitted it to be correct that on 26.10.2014 his statement was recorded by the police. The witness denied having stated that when *Vikram @ Vicky* intervened, he separated himself, upon which the appellant was heard saying “*saale tu uska hamdard ban raha hai, pehle tere se hi nibat lete hain,*” and that the appellant and his associates started beating *Vikram @ Vicky* and stabbed him on his stomach with the knife. He was confronted with his statement dated 12.11.2014 exhibited as Ex. PW-6/E. The witness denied having made such a statement. He further denied that on the said date, he had seen the appellant standing near the house of his *mausi*, or that on that day, he along with *Vikram @ Vicky* had informed SI *Jagbir Singh* about the same. He also denied the suggestion that on being identified by him and the other injured, the police officials had arrested the appellant. On the said date, cross-examination by counsel for the accused was deferred, and the witness was recalled on 24.08.2017; however, he was not further



cross-examined.

8. *Smt. Priyanka*, wife of *Sanjeev @ Shanty*, was examined as PW-4. She deposed that on 24.10.2014, at about 1:30 AM, she came to know through someone that her husband had been stabbed with a knife. She rushed to JJ Colony, Wazirpur, and found her husband lying in a pool of blood. Her husband told her that a person named *Karan* had caused the injury with a *chaupar*. In her cross-examination, she stated that her husband was taken to the hospital in a car belonging to one neighbour. There were two other persons found at the spot; one was his friend and the other was his aunty. She stated that she was not aware of their names.

9. The second injured, *Vikram @ Vicky*, was examined as PW-7 on 17.07.2015. He deposed that on the intervening night of 23/24.10.2014, it being Diwali night, at about 12:30 AM he came out of his house and went towards F Block park to purchase *bidi*. He saw the appellant and his associates beating *Sanjeev @ Shanty*, who was his neighbour and residing in the same village. He further deposed that he knew the appellant *Karan* as the *bhanja* (nephew) of one *Sant Kaur*, who used to reside in E Block of their area. The appellant had stabbed *Sanjeev @ Shanty* with a *chaupar*, causing an injury on his right arm. When he intervened, although *Sanjeev @ Shanty* managed to escape, the appellant stabbed the witness on his abdomen and other parts of the body with the same *chaupar*. The other associates also gave him beatings with legs and fist blows. On account of the abdominal injury, he underwent surgery. He stated that though he somehow managed to escape, he fell down near Major Dhyan Chand Stadium. At that time, some police officials took him to the hospital, where he underwent surgery on his abdomen. The blood-stained T-shirt and pant worn by him were seized by



the doctor and handed over to the police officials. Further examination was deferred for want of case property. He was recalled again on 31.05.2017, when he stated that on 12.11.2014, he and the other injured *Sanjeev @ Shanty* had seen the appellant standing near the house of his aunt at E Block. He also correctly identified the appellant in Court. He and the other injured had gone to the police station and informed SI *Jagbir Singh* about the presence of the appellant, whereafter the appellant came to be arrested. He also identified his shirt and pant, which were collectively exhibited as Ex. P-2. On the said date, the cross-examination by counsel for the accused was deferred as the witness was not feeling well. He was recalled on 01.06.2018, when he turned hostile and deposed that on the day of the incident, the appellant *Karan* was not present at the spot. He stated that he knew *Karan* before the incident and that while he had seen 4-5 persons beating *Sanjeev @ Shanty* on the day, the appellant was not one of them. He went on to state that the appellant had not beaten or caused any injury to *Sanjeev*, or to him, and that he had not named the appellant in his statement given to the police. He was cross-examined by the learned APP, when he stated that his statement was recorded twice before the Court and that the said statements were given of his own free will. However, he then volunteered that the statements on 31.05.2015 and 17.07.2015 were given at the instance of police officials who were standing outside the courtroom, though he did not know their names. The said police officials were not present on that day. He denied the suggestion that he had compromised the matter with the appellant. He also denied the other suggestions regarding the prosecution case.

10. *Gurmeet Singh* was examined as PW-14. He deposed that on



26.10.2014, he had handed over the blood-stained clothes of his brother to SI *Jagbir Singh* at LNJP Hospital in unsealed condition. The same were sealed and seized by the police officials vide seizure memo Ex. PW-5/A. He identified his signatures on the same. On seeing the clothes, he identified them as already exhibited as Ex. P-2 (Colly).

MLC

11. Dr. *Gopal Krishna*, CMO, BJRM Hospital, was examined as PW-12. He stated that in the intervening night of 23/24.10.2014, the injured *Vikram @ Vicky* was brought to the hospital's casualty ward, with the alleged history of physical assault, by a PCR van. Under his supervision, Dr. *Khalilullah Khan*, JR, had examined the injured and prepared the MLC, which was exhibited as Ex. PW-12/A. He stated that the said patient was referred to LNJP Hospital for further treatment and management.

12. Dr. *Mohanish Sinha* was examined as PW-13. He deposed that *Vikram @ Vicky* was referred to LNJP Hospital from BJRM Hospital on 24.10.2014. The patient was admitted on 24.10.2014 and discharged on 28.10.2014 after surgery and treatment. The patient remained under his care during admission, and he had performed the surgery on the injured. The discharge summary of injured *Vicky* was exhibited as Ex. PW-13/A. He opined on 14.01.2015 that the injuries suffered by *Vikram @ Vicky* were grievous in nature. He further stated that at the time of admission on 24.10.2014, the injured was unfit for making a statement.

13. Dr. *Neeraj Chaudhary*, CMO, BJRM Hospital, who was examined as PW-15, deposed with regard to the MLC of *Vikram @ Vicky* already exhibited as Ex. PW-12/A. He deposed that *Vikram @ Vicky* was brought to the casualty ward with an alleged history of physical assault. On local



examination, he found the following injuries:-

“2 x 1 cm penetrating wound over right hypochondrium with peritoneal breach. Second injury of 2 x 1 cm over base of right thumb. Third injury, 4 x 0.5 cm was in front of right wrist.”

14. The MLC of *Sanjeev @ Shanty* was exhibited as Ex. PW-17/A through Dr. *Pramod Kumar Jha*, who was examined as PW-17. He deposed that on 24.10.2014, he was working as Medical Officer at Sunder Lal Jain Hospital, and on that day, the injured *Sanjeev @ Shanty* came to the hospital along with his wife *Priyanka*. On examination, he had found an injury on his right wrist about 6-7 inches long and 2-3 inches deep. The injury was caused by a sharp-edged object, like a *chaupar*. Primary treatment was given, and the injured was referred to a higher centre for further treatment. He opined the injury to be grievous in nature.

15. The appellant, however, in his statement recorded under Section 313 Cr.P.C., disputed the prosecution case by stating that he was not present at the spot and had been falsely implicated.

16. In the aforesaid backdrop of facts, I proceed to examine the contentions. The first contention raised on behalf of the appellant is that the name of the appellant was introduced belatedly and, even otherwise, the injured themselves did not support the case of the prosecution. The incident occurred on the intervening night of 23/24.10.2014 and both injured persons, *Vikram @ Vicky* and *Sanjeev @ Shanty*, were medically examined soon thereafter. The appellant was admittedly known to both injured prior to the incident, as he frequently visited their locality to meet his aunt and had earlier quarrelled with *Vikram @ Vicky* after the latter objected to the appellant performing motorcycle stunts outside his house. Despite this prior



acquaintance, the appellant's name does not find mention in the histories recorded in the MLCs of either injured. It is further noteworthy that even in the discharge summary of *Vikram @ Vicky* dated 28.10.2014, the "Brief Clinical History" records "*physical assault by unknown by knife near bus stop on Motinagar at 12 AM*". In a case such as the present one, the omission to name the assailant, despite him being known to the victims, not merely at the first available opportunity but even at the time of discharge from the hospital after surgery, assumes considerable significance.

17. The second aspect pertains to the inconsistencies in the testimony of the injured witnesses. *Vikram @ Vicky* supported the case of the prosecution in his examination-in-chief, however, he resiled during his cross-examination and denied the appellant's presence at the spot. *Sanjeev @ Shanty*, on the other hand, turned hostile during his examination-in-chief itself on 31.05.2017 and did not support the prosecution version. He was cross-examined by the learned APP for the State and confronted with his previous statement under Section 161 Cr.P.C. (Ex. PW-6/D), but he denied having made the said statement. The vacillating stands of both injured witnesses cast serious doubt on the reliability of their identification and the role attributed to the appellant.

18. Applying the above principle, even if the portions of the injured witnesses' testimony that initially incriminated the appellant are assessed independently, they fail to find dependable corroboration from the surrounding evidence. The MLCs and the discharge summary corroborate only the fact that an assault took place, but do not lend support to the identification of the appellant as the perpetrator of the said assault. The subsequent introduction of the appellant's name, after a considerable lapse



of time, despite his being previously known to both injured persons, does not inspire confidence.

19. The above inference is further supported by the circumstances surrounding the arrest of the appellant. The arrest was made only on 12.11.2014, nearly three weeks after the occurrence, when both injured persons jointly went to the police station and informed that the assailant was standing near the *shauchalaya* at E Block. The fact that both injured went together to the police station and the appellant was immediately arrested at their instance raises serious doubt, particularly when the appellant was already known to them and the address of his aunt, who resided in their locality, was also within their knowledge.

20. In addition, the weapon of offence was never recovered, nor has the prosecution examined any independent public witness to either the occurrence or the arrest. The prosecution's silence regarding the alleged associates of the appellant, who were stated to have participated in the assault, further weakens its case. The manner of arrest, coupled with the inconsistent and self-contradictory versions of the injured witnesses, renders the prosecution story inherently doubtful.

21. On a cumulative appreciation of the evidence, this Court is of the considered view that the prosecution has failed to prove beyond reasonable doubt that the injuries sustained by the victims were inflicted by the appellant. The material contradictions in the witnesses' testimony, the delay in naming the appellant, the doubtful circumstances of arrest, non-recovery of the weapon, and the absence of independent corroboration together enure to the benefit of the appellant.

22. Consequently, the impugned judgment of conviction and order on



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sentence are set aside, and the appellant is acquitted of all charges. The appellant be released from jail forthwith, if not required in connection with any other case.

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

**MANOJ KUMAR OHRI
(JUDGE)**

OCTOBER 31, 2025

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