



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

% ***Reserved on: 28th October, 2025***

Pronounced on: 15th December, 2025

+ **CRL.A.1544/2025**

STATE (NCT) OF DELHI

.....Petitioner

Through: Mr. Shoaib Haider, APP for the State
with SI Dharmveer, PS: Chhawla

versus

SANJAY @ ANIT @ NITA SINGH

S/o Shri Attar Singh

R/o Village & Post Office: Rewla Khanpur,

Najafgarh, Delhi.

.....Respondent

Through: Mr. Ashish Dutt, Advocate.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T

NEENA BANSAL KRISHNA, J.

1. Appeal under Section 378(1)(b) of Criminal Procedure Code, 1973 (*hereinafter referred to as "Cr.P.C."*) has been filed on behalf of the **Appellant/State** challenging Judgment dated 29.04.2017 whereby Respondent has been acquitted for offences under Sections 279/338/304A of the Indian Penal Code, 1860 (*hereinafter referred to as "IPC"*) read with Sections 32/192 & 146/196 of the Motor Vehicles Act, 1988 (*hereinafter referred to as "M.V. Act"*) in FIR No.0235/2011, registered at P.S. Chhawla, Delhi, by learned MM, New Delhi.

2. ***Briefly stated***, as per the case of Prosecution, on 18.11.2011 at about 06:25 PM, the Respondent/accused while driving motorcycle bearing No.DL-4S-AL-5033 without insurance and RC in rash or negligent manner,



hit against two other motorcycle bearing Nos.DL-4S-BT-9842 and DL-4S-BN-6990, thereby causing *injuries to Rajesh Kumar and death of Ravi and Guddu Negi*.

3. Charge-sheet was filed. Notice under Section 251 Cr.P.C. was served upon the accused for the offence punishable under Sections 279/338/304A IPC read with Sections 32/192 & 146/196 M.V. Act, *vide* Order dated 20.02.2013, to which he pleaded not guilty and claimed trial.

4. The Prosecution in support of its case examined **15 witnesses**.

5. **PW-1 Rajesh** is the injured, who deposed about the manner of accident. PW-2 Ved Prakash was registered owner of motorcycle bearing No.DL-4S-BN-6990, who in Reply to Notice under Section 133 M. V. Act, stated that on the day of accident, the offending motorcycle was taken by one Parmod Tyagi (PW-7).

6. **PW-3 Jeevan Negi, PW-4 Charan Singh and PW-8 Karan Singh** were relatives of the two deceased namely Guddu Negi and Ravi and they identified their dead bodies. **PW-5 Smt. Kesar** was mother of deceased Ravi.

7. **PW-7 Parmod Tyagi** had taken the motorcycle bearing No.DL-4S-BN-6990 from his *jija*, who was its registered owner, PW-2 Ved Prakash.

8. **PW-9 HC Onkar Singh** registered the FIR Ex.PW-9/D.

9. **PW-10 Ct. Anil Kumar** had recorded DD Nos.53B and 54B dated 18.11.2012, whereby the information about the accident was received.

10. **PW-11 Puran Chand** conducted mechanical inspection of all the motorcycle and submitted his Reports Ex.PW-11/A to C.

11. **PW-12 SI Mantosh Kumar**, who was joined by PW-9 HC Onkar Singh, reached the spot and conducted the investigations.



12. **PW-13 SI Lakh Ram** was the second IO, who took over the investigations on 02.12.2011 and eventually, after completion of investigations, filed the Chargesheet before the Court.

13. **PW-14 Dr. Parvindra Singh** proved the Post-mortem Report of two deceased namely Guddu Negi and Ravi as Ex.PW-14/A and Ex.PW-14/B and opined that the cause of death was due to combined effect of haemorrhage and shock along with spinal shock and crania-cerebral damage (head injury).

14. **PW-15, Dr. A. K. Singh** proved the MLCs of all three injured namely Rajesh, Guddu Negi and Ravi as Ex.PW-15/A to C.

15. **Statement of the accused** was recorded under *Section 313 Cr.P.C.*, wherein he denied the incriminating evidence put to him and stated that the accident took place between the bike of the deceased and of the injured, because of which they all fell and suffered injuries. He stated that his motorcycle was not involved in the accident.

16. *He did not lead any evidence in his defence.*

17. Learned Trial Court, on appreciation of the evidence of the injured, concluded that though it was proved that the offending motorcycle was being driven by the Respondent, but there was no evidence to it being driven in a rash and negligent manner. *Consequently, benefit of doubt was given and the Respondent was acquitted.*

18. **Aggrieved by the said acquittal, present Appeal has been preferred by the State on the ground** that acquittal is based on imagination, presumption, conjectures and not based on factual matrix of the case. The evidence of the injured and other evidence led by the Prosecution



has not been appreciated in the right perspective. Vital pieces of evidence have been ignored and it has not been considered that PW-1, Rajesh / injured / eye-witness has deposed about the manner of accident and had proved negligence on the part of the Respondent. Nothing adverse had emerged in the cross-examination of the main witness PW-1, which could have created any doubt on his deposition. His evidence has not been appreciated and only minor contradictions in his evidence have been erroneously considered, which could not be said to be fatal to the prosecution case. *Rashness and negligence* does not depend merely on one fact i.e. speed of the vehicle involved, but has to be seen in the light of surrounding facts and circumstances of the case. Thus, even if the vehicle is being driven at a slow speed, but recklessly and negligently, it would be sufficient for conviction under Section 279 IPC.

19. The legal maxim *res ipsa loquitur* i.e. thing speaks for itself, has also not been considered. This maxim serves two-fold purpose. *Firstly*, where an accident is caused by negligence for which the opposite party is responsible, then the mere fact that the accident is *prima facie* evidence of such negligence. *Secondly*, in cases where the complainant is able to prove the accident, but cannot prove how the accident occurred, this maxim becomes applicable. Therefore, the impugned Judgment of acquittal dated 29.04.2017, is liable to be set aside.

20. Respondent in his Written Submissions has asserted that the Complainant in his testimony had stated that immediately after the impact, he became unconscious, therefore, it has been rightly appreciated by the



learned MM that his evidence was not sufficient to establish rashness and negligence in the accident.

21. *Respondent has been rightly given benefit of doubt and acquitted.*

Submissions heard and record perused.

22. The case of the Prosecution is that on 18.11.2011 at about 06:10 PM, three motorcycles collided resulting in injuries to PW-1/Rajesh, who was driving one motorcycle and demise of other two persons, who were on the second motorcycle.

23. The injured PW-1/Rajesh, gave the statement that he was working as Security Guard. On 18.11.2011 at about 06:10 PM, he was returning from his duty in Najafgarh, to his house on his motorcycle bearing No.DL-4S-BT-9842 Platina. As he was a little short to reach *Jhatikra Mod near Mahesh Gupta Farmhouse*, a motorcycle bearing No.DL-4S-AL-5033 colour red came from the side Jatikara, which was being driven in a “rash and negligent manner” at a high speed and hit his motorcycle, because of which he along with his motorcycle fell and became unconscious, and does not know what happened, thereafter. However, he saw the face of the driver of that motorcycle, whom he identified correctly. He proved his Complaint, Ex.PW-1/A. FIR No.235/2011 was registered on his statement.

24. PW-1 was cross-examined by the learned Public Prosecutor, wherein he admitted that after hitting his motorcycle, that offending motorcycle hit into another motorcycle bearing No.DL-4S-BN-6990, on which there were two persons and was behind the motorcycle of injured. Those two persons along with their motorcycle also fell on the road. On the Complaint by some,



Police came and injured Rajesh, Guddu Negi and Ravi were taken to the Hospital.

25. Injured Rajesh was extensively cross-examined, wherein he admitted that it was dark on the road at the time of the accident and headlight of his as well as of accused's motorcycle, were switched on. He further admitted that after the impact, he fell unconscious and gained consciousness in the Hospital only. He deposed that he did not know what happened on the spot after he became unconscious. He also admitted that he came to know that the intimation was given to Police by someone. His statement was recorded by the I.O. on the next day, which is Ex.PW-1/A, but he deposed that he did not read the same and merely signed it.

26. The injured, PW-1 further made certain significant admissions in his cross-examination that the road was single road and was in good condition. He denied the suggestion that the third motorcycle, which was behind his motorcycle, had in fact, hit into his motorcycle or that this third motorcycle was not involved in the accident.

27. Pertinently, Notice under Section 133 M.V. Act dated 18.11.2011 Ex.PW-12/C was served upon the Respondent/Sanjay, who admitted that he himself was driving the offending motorcycle, at the time of the accident. The identity of the Respondent being the driver of the offending motorcycle is not disputed.

28. The only fact in dispute is the manner in which the accident was caused by the offending motorcycle of Respondent and ***whether there is enough evidence to prove rashness and negligence, in driving the offending (second) motorcycle.***



29. The testimony of PW-1/Rajesh, as reproduced above, only proves one fact, that is the offending motorcycle was coming from the opposite direction. It is mentioned in his Complaint the offending motorcycle was being driven at a high speed and in rash and negligent manner. However, he himself has admitted in his cross-examination that the I.O. had brought a written Complaint, on which he took the signature and he denied that the said statement had been given by him to the I.O.

30. It is evident that the statement Ex.PW-1/A, on which the FIR was registered, was not prepared as per the statement of the injured, but had been written by the I.O. Therefore, the averments made in the Complaint about the vehicle being driven in the rash and negligent manner cannot be of any assistance to the Prosecution. This is more so, as PW-1/Rajesh in his testimony has not deposed about the manner in which the offending motorcycle was being driven. In these circumstances, the learned MM was right in observing that the testimony of PW-1/Rajesh *does not prove the manner in which the offending motorcycle was being driven.*

31. It is significant to note that as per the case of the Prosecution, after the offending motorcycle hit into the motorcycle of PW-1 it thereafter, hit into the motorcycle, which was behind that of PW-1. However, these facts have not been detailed by PW-1 in his testimony. The Prosecution has also not led any evidence whatsoever to explain how the third motorcycle got hit.

32. Pertinently, the Complainant had also stated that immediately on his fall, he became unconscious and regained his consciousness only in the Hospital. It is mentioned in the MLC, Ex.PW15/C, had he told the Doctor that he remembered nothing about the accident.



33. In this regard, the significant document from where some idea about the manner of accident could have been drawn is the site plan, Ex.PW-6/A which was prepared by the I.O. While PW-1/Rajesh has deposed that it was a single road and the offending motorcycle was coming from the side of Jhatikra, the respective directions in which these motorcycles were coming/going has not been indicated in the site plan and only spot A, where motorcycle of PW-1/Rajesh was found is indicated which is at the distance of six feet from point B, where motorcycle of Respondent/Sanjay was lying. The third motorcycle of the deceased persons has been shown at point C and at distance of 92 feet towards Chhawla, near Mahesh Gupta Farm House. The offending motorcycle and motorcycle of injured have been shown in the middle of the road, while the third motorcycle of deceased has been shown on the extreme side of the road.

34. Nothing can be made out from the site plan to explain the manner in which the accident took place. The position of these three motorcycles, in any way, is also not explanatory of the manner in which the accident took place.

35. Though the State has contended that it was a case where situation itself was enough to explain the manner of accident, but unfortunately, this contention is not correct. Site plan, Ex.PW-6/A does not corroborate the testimony of PW-1/Rajesh or explains the manner of accident.

36. Consequently, there is no evidence on record to explain about the manner in which the third motorcycle was hit allegedly by the motorcycle of the accused Respondent.



37. Though it is a sad case where two young boys on one motorcycle lost their lives and the Complainant suffered injuries, but the absence of any cogent evidence to prove the manner of accident and the rashness and negligence on the part of the Respondent, there was no option, but to give the benefit of doubt to the Respondent.

38. Learned MM has rightly observed that merely because an accident took place, is not sufficient to infer rashness and negligence on the part of the Respondent in driving the offending motorcycle. The benefit of doubt has been rightly given to the Respondent.

39. There is no merit in the present Appeal, which is hereby **dismissed** along with pending Application(s), if any.

(NEENA BANSAL KRISHNA)
JUDGE

DECEMBER 15, 2025/R