

**In the Court of Sh. Ashwani Kumar Sarpal, Principal District &
Sessions Judge, East District, Karkardooma Court, Delhi.**

(SC No. 682/2021)

State vs. Sanjay

FIR No. : 88/2021

Under Section : 392/397 IPC

PS : Gandhi Nagar

Date of institution-- 10.12.2021

Date of judgment--- 02.04.2026

JUDGMENT:-

- 1) The accused in the present matter was arrested on 11.04.2021 and was released on bail on 04.11.2022. However, during proceedings of the case, he started absenting and was taken in custody on 21.10.2023, after forfeiting his bail bond. Subsequently, another bail application moved by the accused was dismissed on 25.04.2024 as he was found involved in other

criminal matters also. One another bail application moved by the accused was withdrawn on 15.09.2025 as the new address given by him was found unverified.

- 2) According to the prosecution allegations, Complainant Rohit was returning to his house from the market on 11.04.2021 at about 11:30 p.m. and when he reached Street No. 11, Kailash Nagar, Gandhi Nagar, then one unknown person came from behind and put his hand around the neck of the complainant and also put one knife on his stomach and asked him to give whatever he was having. Due to fear as well as there was a night curfew at that time, the complainant handed over his mobile phone to that offender who ran away with it. Complainant also ran behind him. Two police officials Ct. Anuj and HC Gulab, who were passing on their motorcycle on patrolling duty, caught hold the offender who was carrying knife in one hand and mobile phone of the complainant in another hand and he was the present accused Sanjay. Complainant who was following the accused also reached at the spot. The police officials informed about this incident to Police Station on phone and the IO SI Anuj Kumar

reached at the spot. He prepared the Khaka of the knife and seized it besides seizing the recovered mobile phone. IO recorded statement of the complainant, got the case registered, formally arrested the accused and after completion of the remaining investigation, ultimately filed the chargesheet in the court.

- 3) The charge under Section 392/397 IPC was framed against the accused to which he pleaded not guilty. Prosecution examined total 7 witnesses including PW1 Rohit/complainant, PW2 HC Gulab & PW4 HC Anuj Kumar who were on patrolling duty at the time of incident and had caught the accused who was running after committing the robbery. PW3 HC Gauran Tyagi, Duty Officer simply recorded the formal FIR whereas PW5 ASI Inder Prakash, another Duty Officer recorded DD entries. PW6 HC Vikram, MHC/M has deposited the mobile and the knife in the Malkhana whereas PW7 SI Anuj Kumar is the IO of the case.
- 4) PW1 Rohit in his statement proved that a robbery had taken place with him on the day of incident but he virtually become hostile and did not identify the accused being the same person who

committed robbery with him. He stated that he had tried to chase the robber after the incident but was of no avail. He further stated that some police officials obtained his signatures on blank papers and after 2-3 days of the incident, he came to know that his mobile phone is lying in the police station which he got released. Complainant was declared hostile and was cross examined by the prosecution and he again denied that the accused was apprehended by the two police officials coming on motorcycle and recovery of the knife and his mobile phone had taken place in his presence from the accused as well as he was chasing the robber. He also stated that though the seizure memos of knife and mobile, site plan, sketch of the knife and arrest memo of the accused bears his signatures but again stated that at the asking of the police officials, he had signed on those blank papers. He even did not identify the knife Ex.P2 allegedly recovered from the accused being the same knife which was used by the robber while committing the offence with him.

- 5) Even if, the statement of the police officials including PW2 HC Gulab and PW4 HC Anuj Kumar proves the prosecution case as

virtually, they were not cross examined on any material aspect but still the non supporting of the case by the complainant itself is sufficient to give benefit of doubt to the accused. Prosecution has failed to prove the case beyond doubt against the accused that he had committed the robbery and mobile phone and knife were recovered from his possession, so the accused on the basis of this doubt is required to be acquitted from all the charges.

- 6) In view of the above, the accused is acquitted of the charges under Section 392 & 397 IPC. Since, he is in custody, so be released , if not wanted in any other case. The superdari bond furnished by the complainant in respect of mobile phone is hereby cancelled. File be consigned to record room.

Dt.-02-04-2026.

(Ashwani Kumar Sarpal)
Principal District & Sessions Judge
East District, Karkardooma, Delhi.