

SC No. 135/2021
State Vs. Sunil Kumar
FIR No. 337/2014
PS: Sonia Vihar

07.03.2026

Present: Sh. F. M. Ansari, Ld. Addl. PP for the State.
Accused Sunil Kumar in person on bail.
Sh. G. S. Goswami, Ld. Counsel for the accused.

1. PW-4 SI (Retired) Devender Tyagi has been examined, cross-examined and discharged.
2. SI (Retired) Devender Tyagi has submitted that despite his best efforts, the victim is not traceable. He had even talked to the parents of the victim, who were also not aware about the current whereabouts of the victim.
3. Separate statement of SI (Retired) Devender Tyagi has been recorded to this effect.
4. Perusal of the record shows that presence of the victim could not be ensured despite issuance of summons on more than 10 occasions. Summons have been issued to the victim through IO as well as through the SHO & DCP concerned, despite that her presence could not be ensured. Infact, on 08.04.2025, parents of the victim had appeared and gave their statement that they were not aware about the current whereabouts of the victim. It seems that presence of the victim cannot be ensured and sufficient opportunities have already been given to the prosecution to ensure presence of the victim. Despite that, the victim has not appeared. Accordingly, victim, namely, Ms. 'N' is dropped from the list of witnesses.

5. At this stage, Ld. Counsel for accused has submitted that till date, 04 witnesses have been examined by the prosecution, out of which, only 01 witness was public witness, namely, Deen Dayal, father of the victim, who has not supported the case of the prosecution, so far as the present accused is concerned. Ld. Counsel has also submitted that in the present case, the main witness i.e. victim is not traceable and the remaining witnesses are either formal or official in nature, who had not witnessed the alleged incident and no purpose will be served by examining those witnesses.

6. Ld. Addl. PP for State has also acknowledged that the main public witness i.e. victim is not traceable, and no incriminating fact has come on record during the testimony of PW-1, namely, Sh. Deen Dayal, who was complainant/father of the victim, therefore, no purpose will be served by examining the remaining witnesses, as they are just formal/official witnesses.

7. Perusal of the record reveals that the only public witness, namely, Deen Dayal has been examined as PW-1. Apart from him, PW-2, PW-3 and PW-4 have already been examined, who are just official witnesses. The other witness, as per list of witnesses, i.e. SI Yogesh Kumar is official in nature and no purpose will be served by summoning and examining him.

8. The Hon'ble Supreme Court in **Satish Mehra v. Delhi Administration and others**, (1996) 9 SCC 766 had held that " in a case where, there is no prospect of the case ending in conviction, the valuable time of the court should not be wasted for holding a trial only for the purpose of formally completing the procedure to pronounce the conclusions on a future date".

9. Since, there is no other witness who has seen the alleged commission of offence and the remaining witness is merely official in nature, and the victim is not traceable, despite best efforts and her name has already been dropped from the list of witnesses, therefore, PE stands closed.

10. Since, no incriminating direct/circumstantial evidence against the accused in the present case has come on record, the recording of statement of accused u/s. 313 CrPC stands dispensed with.

11. Final arguments heard.

12. Now, put up for orders/judgment on **16.03.2026**.

(PUNEET PAHWA)
Special Judge (NDPS)/Addl. Sessions Judge/
North East/KKD Courts/Delhi/07.03.2026