

**IN THE COURT OF SHRI PUNEET PAHWA,
SPECIAL JUDGE (NDPS), NORTH EAST DISTRICT,
KARKARDOOMA COURTS, DELHI**

CNR No.:	DLNE01-001064-2021
SESSIONS CASE NO.:	135/2021
FIR No. :	337/2014
Police Station:	Sonia Vihar
Under Section:	363/366/506 IPC

In the matter of : -

State

Versus

Sunil Kumar
S/o Ram Chander
R/o H. No. B-307,
Ambe Colony, Chauhan Patti,
Delhi

Date of receiving of chargesheet:	24.02.2021
Date of completion of arguments:	07.03.2026
Date of pronouncement of judgment:	19.03.2026
Decision:	Acquitted

J U D G M E N T

1. Brief facts of the case are that the present FIR was registered on the statement of complainant Deen Dayal, who, in his complaint, had stated that his daughter, namely, N @ B, aged about 17 years went missing from

his house on 28.07.2014 at about 11:00 AM alongwith Rs.3000/- cash and three pairs of clothes. He had also stated that someone had enticed away his daughter from his lawful custody. On the basis of the said complaint, an FIR u/s. 363 IPC was got registered.

2. During investigation, on 16.06.2017, the complainant had produced his daughter N @ B in the police station. She was got counselled and medically examined. Thereafter, on 17.06.2017, on the identification of the complainant and N @ B, accused Sunil Kumar was arrested in the present case.
3. After the investigation, chargesheet was filed against the accused Sunil Kumar u/s. 363/366/506 IPC and copy was supplied to the accused.
4. On 06.04.2021, after hearing arguments on charge, charges u/s. 363/366/506 IPC were framed against accused Sunil Kumar, to which, he had pleaded not guilty and claimed trial.
5. To prove its case, the prosecution has examined, as many as 04 witnesses. Out of those 04 witnesses, PW-1, who was the complainant and the father of the victim, is the only public witness, who has been examined in the present case, however, he has not supported the case of the prosecution in its entirety. PW-1 had neither witnessed the alleged incident, nor he had deposed anything

incriminating against the accused. As per his testimony, his daughter N @ B aged 17 years left the house on 28.07.2014 at about 11:00 AM without informing them. He was having suspicion that someone after alluring her, taken her without their permission and consent. On 16.06.2017, his daughter N @ B had returned to the house. In his entire testimony, there is nothing which would even remotely suggest that it was the present accused only, who had enticed away his daughter from the lawful guardianship of the complainant. The remaining witnesses examined by the prosecution were either formal or official witnesses.

6. Vide separate statement of accused u/s. 294 CrPC, accused had admitted the statement dated 22.06.2017 U/s. 164 CrPC of N @ B, recorded by Sh. Dinesh Kumar, Ld. MM without admitting its contents, as Ex. P-1. In view of the same, Sh. Dinesh Kumar, Ld. MM was dropped from the list of witnesses.
7. On 08.04.2025, both the parents of the victim had appeared in the court and jointly submitted that they were not aware about the whereabouts of the victim. On 07.03.2026, IO/SI (Retired) Devender Tyagi submitted that despite his best efforts, the victim N @ B 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. Separate statement of the IO was also recorded to that effect.

8. Considering the statement of the IO and after perusing the entire record and as the presence of victim N @ B could not be ensured, despite several notices, vide order dated 07.03.2026, victim, namely, Ms. 'N' was dropped from the list of witnesses.
9. Ld. Counsel for accused has submitted that 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 would have been served by examining those witnesses.
10. Ld. Addl. PP for State has also acknowledged that the main public witness i.e. victim was not traceable, and no incriminating fact had come on record during the testimony of PW-1, namely, Sh. Deen Dayal, who was complainant/father of the victim, therefore, no purpose would have been served by examining the remaining witnesses, as they are just formal/official witnesses.
11. 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 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 would have been served by summoning and examining him.

12. The Hon'ble Supreme Court in **Satish Mehra v. Delhi Administration and others** 1996 JCC 507 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"*.
13. Relying upon the abovesaid judgment of the Hon'ble Supreme Court and since, there was no other witness who had seen the alleged commission of offence and the remaining witness was merely official in nature, and the victim was not traceable, despite best efforts and her name had already been dropped from the list of witnesses, therefore, vide order dated 07.03.2026, Prosecution Evidence was closed.
14. Since, no incriminating direct/circumstantial evidence against the accused in the present case had come on record, the recording of statement of accused u/s. 313 CrPC was dispensed with.
15. I have heard Sh. F. M. Ansari, learned Addl. PP for the State and Sh. S. G. Goswami, learned counsel for the accused.

16. Sh. F. M. Ansari, Ld. Additional PP for the State has admitted that the star witness of the prosecution i.e. complainant, namely, Deen Dayal, who has been examined as PW-1, has not supported the case of the prosecution and despite best efforts, the victim could not be traced out.
17. Ld. Counsel for the accused has submitted that no incriminating evidence has come on record. He has also submitted that 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, benefit of which, should be given to the accused, therefore, accused is entitled to be acquitted in the present case and prayed that accused may be acquitted in the present case for the charged offences.
18. I have given thoughtful considerations to the submissions made by Ld. Counsel for the accused, Ld. Addl. PP for the State and perused the record.
19. In the present case, Sh. Deen Dayal, who is father of the victim and complainant in the present case, has been examined by the prosecution, as PW-1, but, he has not supported the case of the prosecution to such an extent, which would give any incriminating value to his testimony. The only incriminating material which, to some extent, has come on record, is statement of victim recorded u/s. 164 CrPC, which is Ex. P-1. However, in the absence

of any independent testimony of the victim, her statement u/s. 164 CrPC in itself is not sufficient to bring home the guilt of the accused beyond reasonable doubt. The remaining witnesses were either formal/official in nature. The prosecution has failed to examine any witness, who could prove the alleged offences committed by the accused and there is nothing on record against the accused which could incriminate him in the present case. Moreover, the only main witness of the prosecution i.e. victim 'N' could not be traced out, despite best efforts. None of the essential ingredients for the offences u/s. 363/366/506 IPC with which the accused was charged, could be proved by the prosecution.

20. It is the basic principle of criminal law that in order to hold accused guilty of an offence, all the ingredients of that offence should be established against him beyond reasonable doubt. In the present matter, the prosecution has failed to prove it's case against the accused and thus, fell short of the required standard of beyond reasonable doubt.
21. Thus, this court has no hesitation in holding that the prosecution has failed to prove beyond all reasonable doubt that the present accused has committed the alleged offences.

22. In view of the foregoing discussion, the accused Sunil Kumar cannot be held guilty and is, accordingly, **acquitted** of the charged offences punishable u/s. 363/366/506 IPC against him in the present case.
23. Bail bonds stand cancelled. Surety bonds stand discharged. Documents, in original, if any, be returned back to the rightful claimant, as per rules. Accused is direction to furnish bail bonds as per Sec. 437-A CrPC.
24. Case property, if any be confiscated and same be destroyed as per rules.
25. File be consigned to Record Room, after due compliance.

**Announced in the open court
on 19th day of March, 2026.**

**(PUNEET PAHWA)
Special Judge (NDPS)/Addl. Sessions Judge
North-East District, Karkardooma Courts, Delhi**