

IN THE COURT OF SHRI SANJAY SHARMA-I:
PRINCIPAL DISTRICT & SESSIONS JUDGE
NORTH EAST DISTRICT
KARKARDOOMA COURTS: DELHI

SC 75/2026

STATE Vs. FARHAN @ MENTAL

FIR No. 439/2025

PS (Khajuri Khas)

Under Section 311/317(2) BNS

CNR No.: DLNE01-001033-2026

State

Versus

Farhan @ Mental

S/o Mohd. Shakil

R/o D-Block, Gali No. 14,

Shri Ram Colony, Delhi.

Date of institution : 30.03.2026

Date of reserving judgment : 13.07.2026

Date of judgment : 13.07.2026

JUDGMENT:

The present FIR was registered on the complaint of Rahis wherein he stated that on 04.11.2025, at about 10.30 p.m., he along with his brother-in-law (Jeeja) Muzeem were walking near Ramleela Ground, Shri Ram Colony. In the meantime, accused Farhan @ Mental, who was resident of D Block, Street No. 14, came there and took them inside Ramleela Ground, A Block, Shri Ram Colony, Delhi for a talk. When they went inside, accused on the point of blade, robbed Rs.5,000/- from his possession and Rs.3000/- from possession of his brother-in-law Muzeem along with his wallet containing Aadhar Card & PAN Card and fled away

from the spot. Complainant called his brother Mohd. Faiz and narrated the entire incident to him, who along with one Babu Hasan came there. Babu Hasan called police at no. 112. Police reached there, searched for accused and on pointing out of secret informer, arrested him. Robbed wallet along with weapon of offence i.e. blade was recovered from the possession of accused. After completion of investigation, Charge-sheet was filed for the offences u/s 311/317(2) BNS.

2. Copies were supplied to accused as required under Section 232 BNS (Old Section 207 Cr.P.C.) and case was committed to Sessions Court. After hearing arguments, charge for offences punishable under Section 311/317(2) BNS was framed against the accused vide order dated 04.04.2026.

3. At the trial, the prosecution examined 5 witnesses in all.

3.1 **PW-1 Faiz was the brother of complainant**, who deposed that on 04.11.2025 at about 10.00 p.m.-10.30 p.m., his brother Rahis called him on his phone and asked him to reach at Ram Lila Ground, Khajuri Khas. On reaching there, he found a big crowd but did not met anyone except Rahis and brought him to his residence. He was declared hostile by Ld. Chief PP for the State and was cross-examined at length but he did not support the case of the prosecution.

3.2 **PW-2 Mujeem** was the eye witness/victim of the present case. He has deposed that in the year 2025, he was residing at Khajuri Khas along with his brother and father. He deposed that he does not know anything about this case. He was also declared hostile by Ld. Chief PP for the State and was cross-examined but even in the cross-examination, he did not depose anything in support of the prosecution case.

3.3 **PW-3 Rahis**, was the complainant/victim of the present case.

He deposed that in the month of November, 2025, he alongwith Muzeem was going towards Shaitan Chowk situated in Khajuri Khas, Delhi and they reached there at about 10.00 p.m. and found that one boy was standing there, who called him “*Idhar Aao*”. When he went near him, he took out a blade and showed it to him and snatched his mobile phone and Rs.5000/- from him. Later on, he returned his mobile to him and ran away from there. He made a telephone call to his brother Mohd. Faiz, who came at the spot and also informed his relative Babu on telephone, who informed police through telephone. Police arrived Shaitan Chowk and recorded his statement Ex.PW3/A. Thereafter, he returned his home. However, he had failed to identify the accused as the assailant. He was also declared hostile by Ld. Chief PP for the State and was cross-examined at length wherein he denied that statement Ex.PW3/A bears his signatures. He admitted that present incident happened near Ram Lila Ground, A Block, Shri Ram Colony, while they were going towards Shaitan Chowk. He was unable to recall whether he had stated the name of assailant to police in his statement as Farhan. He had admitted that on the calling of one boy, he alongwith Muzeem went inside Ram Lila Ground, where that boy showed them a blade and asked them to hand over their belongings to him. He had admitted that he handed over Rs.5000/- to him and Muzeem handed over Rs.3000/- to him. He had admitted that said boy also snatched wallet containing Aadhar Card and PAN Card from Muzeem but had returned the same to Muzeem. He admitted that he informed his brother Mohd. Faiz, who came at the spot alongwith his friend Babu Hasan, who informed PCR at 112 number. He had admitted that on his statement, police registered the present case.

He had denied that in his presence, Crime Team arrived at

the spot, inspected the place of incident and photographed it. He had denied that copy of FIR was handed over to him and site plan was prepared at his instance. He had denied that on the information of secret informer, police over powered a boy at Rajiv Vihar Jungle Road, whose name was disclosed as Farhan @ Mental and he was identified by him and Muzeem as the culprit of this case. He denied that in his presence, police took search of Farhan @ Mental and one mobile phone make Realme was recovered from his right pocket of his lower and one blade was found in the transparent bag cover of his mobile. He denied that from the left pocket of lower of Farhan, the wallet containing Aadhar Card and PAN Card of Muzeem was recovered, which was identified by Muzeem. He denied that the recovered articles were seized by police by preparing seizure memo in his presence. He denied that accused Farhan was arrested and personally searched in his presence. He deposed that no blade was recovered from accused in his presence. He deposed that he cannot identify any wallet/purse containing Aadhar Card and PAN card as it was not snatched by accused from Muzeem. He deposed that he cannot say whether accused Farhan was the same person, who had committed above mentioned crime with them. He had denied his signatures on the site plan Ex.PW2/B, seizure memo of mobile with blade Ex.PW2/C, seizure memo of wallet / purse Ex.PW2/D, arrest memo Ex.PW2/E and personal search memo Ex.PW2/F. He had denied that he had been won over by the accused and for that reason, he was not deposing against him. He denied that he was deliberately not identifying the blade and wallet recovered in the present case. He denied that he was deposing falsely in order to save the accused.

3.4 **PW-4 Retired Inspector Yash Pal**, was Duty Officer, who proved FIR Ex.PW4/A, endorsement on tehrir Ex.PW4/B and certificate

u/s 65-B of the Indian Evidence Act Ex.PW4/C.

3.5 **PW-5 Babu Hasan**, was the public witness, who telephonically informed the police. But during his deposition, he deposed that in the month of November, 2025, at about 10.00 p.m., he was present with his friend Mohd. Faiz and at that time Mohd. Faiz received a call from his younger brother Rahis, who informed him that someone had robbed him as well as his brother in law (Jija) Muzeem. Thereafter, they reached at Ram Lila Ground, Shri Ram Colony, where Rahis and Muzim met them and told about the incident of robbery. Thereafter, he made call at 112 from the mobile phone of Mohd. Faiz. He could not remember as to what amount was robbed from them. In reply to the leading question asked by Ld. Chief P.P., he deposed that he was unable to say whether Rahis had told him that one Mohd. Farhan had robbed Rs.5000/- from him and Rs.3000/- from Muzim alongwith their tan colour gents' wallet. He had denied that he was not telling the true facts due to lapse of time.

4. The other cited witnesses were only formal police including the IO, however, their unrebutted and uncontroverted testimonies would not have been sufficient to secure the conviction of the accused. Hence, despite protest by the Ld. Chief P.P., PE was closed. Since no incriminating evidence came on record against the accused, his examination under section 351 BNSS was also dispensed with.

5. I have heard Ld. Chief P.P. for the State and accused and have carefully gone through the record of the case.

6. In the present case, victims i.e. complainant PW-3 Rahis as well as PW-2 Muzeem turned hostile and did not allege that accused Farhan @ Mental committed robbery of Rs.5,000/- from possession of complainant Rahis and Rs.3000/- from possession of his brother in law

Muzeem alongwith his wallet containing Aadhar Card & PAN Card after showing them deadly weapon i.e. blade and accused was found in possession of robbed gents wallet (tan colour) containing Aadhar Card & PAN Card of victim Mujeem and weapon of offence. The other cited public witnesses i.e. PW-1 Faiz and PW-5 Babu Hasan were examined but they also turned hostile and did not supported the case of prosecution. They also did not allege any overt act against the accused Farhan @ Mental to connect him with the present offence.

7. I am therefore, of the opinion that there is nothing on record to connect the present accused with the offence alleged against him. The prosecution has thus, failed to prove its case against the accused. Hence, in the absence of any incriminating evidence on record, accused Farhan @ Mental is acquitted of the offences punishable under Section 311/317(2) BNS and he is set at liberty. His personal bond and surety bond furnished at the time of bail are accepted u/s 481 BNSS and are extended for a period of six months from today.

File be consigned to Record Room.

ANNOUNCED IN OPEN COURT
ON 13th day of July 2026

(SANJAY SHARMA-I)
PRINCIPAL DISTRICT & SESSIONS JUDGE
NORTH EAST DISTRICT
KARKARDOOMA COURTS, DELHI