

**IN THE COURT OF MS. NISHA SAHAY SAXENA
PRINCIPAL DISTRICT & SESSIONS JUDGE
NORTH WEST DISTRICT: ROHINI COURTS: DELHI**

In the matter of:-

(Sessions Case No. 689/2021)
CNR No. DLNT01-009246-2021
FIR No. 571/2020
Police Station : S.P. Badli
Under Section : 186/353/308/34 IPC

State	V/s	
		1. Avinash Kumar @ Langra S/o Ramashish Prasad R/o Jhuggi No. J-62, Sanjay Colony Samaipur Badli, Delhi.
		2. Rajnish @ Lala S/o Ram Ashish Prasad R/o H.No. J-52, Gali no. 9, Sanjay Colony, Samaypur, Delhi.
		3. Arjun Sahani S/o Jahu Lal R/o H.No. J-30, Gali No. 9, Sanjay Colony, Samaypur, Delhi.
		4. Manoj Patel S/o Sambhu Singh Patel R/o H.No. N-44/361, Gali no. 9, Sanjay Colony, Samaypur, Delhi.
		5. Ravi Ranjan @ Mausam

**S/o Prabhakar Chaudhary
R/o H.No. J-402/9, Gali No. 9,
Sanjay Colony, Samaypur,
Delhi.**

.... Accused

Date of committal to this court	08.12.2021
Date of final arguments	10.11.2025
Date of Judgment	17.12.2025

Appearance : *Sh. Girish Giri, Ld. Addl. PP for the State.
Sh. R.S. Yadav and Sh. S.P. Singh Mann,
Ld. counsel for all five accused persons.*

JUDGMENT

FACTUAL BACKGROUND

1. This is a case, where the raiding party comprising of three police constables have not only been obstructed to discharge their public function but one of the three police officials namely Ct. Ravi Kant (complainant) has been caused injuries on his head and hand, by the accused persons along with their associates namely Raju, Munna, Sunil, Ajit @ Khatra and Pillu (yet not arrested), in furtherance of their common intention.

2. The complainant Ct. Ravi Kant, posted at Special Staff,

OND, Delhi in his complaint has complained that on 10.09.2020 at about 7.45 PM, when he along with Ct. Manjeet and Ct. Shabbir was present in the area of Transport Nagar, Samaypur Badli, Delhi, he received a secret information that in the area of Fish Market, Samaypur Badli, *Satta* is being played and if raided, the wrongdoers may be apprehended. Ct. Ravi Kant passed the said information to his seniors, who instructed him to conduct the raid. Ct. Ravi Kant formed a raiding party comprising of Ct. Manjeet and Ct. Shabbir and also requested 3-4 passersby to join them, but none agreed. All the three police officials along with the informer went ahead and reached at Fish Market, Samaypur Badli near a vacant plot, where the informer pointed out towards the persons, who were playing *Satta*, and left from the spot. Ct. Ravi Kant along with his fellow officials went ahead towards the said persons, but were restrained by 4-5 boys, and were asked as to where were they going. The police team showed their official identity cards to them and said they were going to apprehend the persons, who were playing *Satta*, but the said boys started mishandling with them. One of the said boys uttered the words “Sunil inhe aage mat jaane do” and pronouncing each other’s name as Avinash and Monu, they overpowered Ct. Manjeet and Ct. Shabbir. In the meantime, the boy who was being named as Sunil, picked up a brick and hit the same on the head of Ct. Ravi Kant. The second boy, who was tall and thin, hit Ct. Ravi Kant on his head with a wooden danda, on one side of

which, iron plate was affixed. When he tried to save himself from the attack, the wooden danda hit on his hand and blood started oozing from his head and hand. In the said manhandling, the clothes of Ct. Manjeet and Ct. Shabbir were torn and after hitting them, they assailants ran away from the spot. Ct. Manjeet and Ct. Shabbir took the injured Ct. Ravi Kant to Max Hospital, Shalimar Bagh, where he was medically treated.

3. Matter was reported to the police vide GD No. 108A, which was assigned to ASI Jasmer Singh, who along with Ct. Vicky reached at Max Hospital and collected the MLC of injured / complainant. Ct. Ravi Kant handed over his hand written complaint to the IO ASI Jasmer Singh, who endorsed the same and got the FIR registered. Following the incident, police conducted a thorough investigation and one of the assailants i.e. accused Avinash @ Langra was arrested on 11.09.2020. The remaining accused were evading their arrest and were thereafter granted anticipatory bail by the concerned court. On 14.04.2022, accused Arjun Sahni, Ravi Ranjan @ Mausam, Rajneesh @ Lala and Manoj Patel were arrested.

4. Upon completion of the investigation, charge sheet was filed against the accused persons. Ld. Magistrate took cognizance of the case and committed it for trial to the Sessions Court.

CHARGE

5. Charges were framed against all accused persons for the offences punishable u/s 186/353/308/34 IPC, to which they pleaded not guilty and claimed trial.

PROSECUTION EVIDENCE

6. During trial, prosecution examined fourteen witnesses in all.

S.No	Witness	Description of testimony
1.	PW 1 SI Surender Kumar	Duty Officer.
2.	PW 2 Ct. Ravi Kant	Injured/complainant.
3.	PW 3 Ranpal Singh	Investigating Officer.
4.	PW 4 Smt. Shikha Goyal	Proved X-ray report, X-ray film and MLC of injured Ravi Kant.
5.	PW 5 HC Vicky	Joined investigation with ASI Jasmer Singh and got the FIR registered.
6.	PW 6 Ct. Manjeet	Joined raiding party with complainant/injured Ct. Ravi Kant and Ct. Shabbir.
7.	PW 7 ASI Pramod	MHC(M).
8.	PW 8 HC Shabbir Khan	Joined raiding party with complainant/injured Ct. Ravi Kant and Ct. Manjeet.
9.	PW 9 Jitender Singh	Produced Discharge Summary of patient Ravi Kant.
10.	PW 10 Ct. Jagdish	Joined investigation with IO/SI

	Parsad	Ranpal Singh
11.	PW 11 Ct. Devesh	Brought Diary Register pertaining to year 2020 maintained in the Office of ACP (OND).
12.	PW 12 Ct. Sandeep	Joined investigation with IO/SI Ranpal Singh.
13.	PW 13 ASI Jasmer Singh	Prepared rukka.
14.	PW 14 SI Vishal Malik	Formally arrested the accused persons Arjun Sahni, Ravi Ranjan, Rajneesh @ Lala and Manoj Patel as well as prepared supplementary charge-sheet.

Documents relied upon by the prosecution :

S.No.	Nature of document	Exhibit
1.	Computerized copy of FIR	Ex. PW1/A.
2.	Endorsement on rukka	Ex. PW1/B.
3.	Certificate u/s 65B of the Evidence Act	Ex. PW1/C.
4.	Statement/complaint of PW-2 Ct. Ravi Kant	Ex. PW2/A.
5.	Seizure memo of the t-shirt and jeans worn by PW-2 Ct. Ravi Kant	Ex. PW2/B.
6.	Site plan	Ex. PW3/A.
7.	Arrest memo of accused Avinash @ Langra	Ex. PW3/B.
8.	Personal search memo of accused Avinash @ Langra	Ex. PW3/C.
9.	Pointing out memo of place of occurrence	Ex. PW3/D.

10.	X-Ray report of patient Ravi Kant	Ex. PW4/A.
11.	X-Ray film of patient Ravi Kant	Ex. PW4/B.
12.	MLC of patient Ravi Kant	Ex. PW4/C.
13.	Copy of entry at serial no.4817 in Register No.19	Ex. PW7/A
14.	Authority letter in favor of PW-9/Jitender Singh	Ex. PW9/A.
15.	Computerized copy of Discharge Summary	Ex.PW9/B.
16.	Disclosure statement of accused Avinash @ Langra	Ex. PW10/A.
17.	Copy of extract of entry in Diary Register pertaining to the year 2020 maintained in the Officer of ACP (OND).	Ex. PW11/A
18.	Supplementary Disclosure statement of accused Avinash @ Langra	Ex. PW12/A
19.	Rukka	Ex. PW13/A.
20.	Arrest memo of accused Arjun Sahni, Ravi Ranjan, Rajneesh @ Lala and Manoj Patel.	Ex. PW14/A to Ex.PW14/D respectively.
21.	Bail bonds of accused Ravi Ranjan, Rajneesh @ Lala, Arjun Sahni and Manoj Patel.	Ex. PW14/E to Ex.PW-14/H respectively.
22.	T-shirt worn by PW-2/Ct. Ravi Kant at the time of incident.	Ex.P1.
23.	Jeans worn by PW-2/Ct. Ravi Kant at the time of incident.	Ex.P2.

DEFENCE CASE

7. In their statements under Section 313 of the Criminal

Procedure Code, all accused persons denied the allegations. They claimed false implication by the police officials. All the accused persons have claimed that they were not even present at the spot. However, accused persons have not examined any witness in their defence.

8. I have heard arguments advanced by Sh. Girish Giri, Ld. Addl. PP for the State and Sh. R.S. Yadav and Sh. S.P. Singh Maan, Ld. counsel for all the five accused persons and have considered the rival contentions put forth by both the parties, scrutinized the evidence adduced by the prosecution and gone through the relevant case law written submissions.

Analysis, Reasoning & Conclusion.

9. In the present case, the allegations against the accused persons are to the effect that they all in furtherance of their common intention, along with their other associates Raju, Munna, Sunil, Ajit @ Khatra and Pillu (yet not arrested) wrongfully obstructed the complainant Ct. Ravi Kant and his fellow colleagues in discharge of their duties as public servant, used criminal force against complainant and also caused injuries on his head with brick and wooden danda. At the outset, the relevant provisions are being reproduced herein below :

Section 186 IPC. Whoever voluntarily obstructs any public servant in the discharge of his public functions,

shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

Section 353 IPC. *Whoever assaults or uses criminal force to any person being a public servant in the execution of his duty as such public servant, or with intent to prevent or deter that person from discharging his duty as such public servant, or in consequence of anything done or attempted to be done by such person to the lawful discharge of his duty as such public servant, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.*

Section 308 IPC. *Whoever does any act with such intention or knowledge and under such circumstances that, if he by that act caused death, he would be guilty of culpable homicide not amounting to murder, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both; and, if hurt is caused to any person by such act, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.*

10. To bring home the guilt of the accused persons, prosecution has examined the injured / complainant Ct. Ravi Kant and members of raiding party Ct. Manjeet and Ct. Shabbir Khan.

11. PW 2 complainant / injured Ct. Ravi Kant deposed that on

10.09.2020, while he was posted at Special Staff, OND as constable, at about 4-5 pm, he received a secret information at his office that a *satta* was being played at *machhi* market, Libaspur, Delhi, and he conveyed the said information to his senior officers and they directed him, Ct. Shabbir Khan and Ct. Manjeet to conduct the raid there as per information. After making department entry vide DD No. 8, they all left their office for the spot, where the said secret informer also joined them and they reached at the place of information. On the pointing out of secret informer, they saw that 7-8 persons were sitting at a vacant land. Thereafter, secret informer left the spot. When they were on the way to apprehend the above said 7-8 persons, 7-8 other persons stopped them on the way and asked as to where were they going and when they apprised them that they were going to apprehend the said 7-8 persons who were playing *satta* and also showed them their identity cards, they said that they would not allow them to apprehend those persons and started manhandling with them. He correctly identified the accused persons, and deposed that accused Avinash told his associate Sunil while restraining them that “*Sunil inhe aage mat jaane do*”. He further deposed that the above said accused persons caught hold of Ct. Manjeet and Ct. Shabbir Khan and thereafter on the instigation of other accused persons, accused Sunil @ Rajnish (not arrested) gave brick blow on his head. Accused Manoj gave blow with a wood, on the one side of which an iron plate was affixed, on his

head. When he tried to save his head, he received injuries on his hand, and blood started oozing from his head and hands. PW 2 further deposed that the accused persons tore his wearing cloths as well. Thereafter all the five accused persons along with their other associates fled away from the spot.

12. PW 2 further deposed that he was taken to Max Hospital, Shalimar Bagh, Delhi, by Ct. Shabbir and Manjit, where he was medically treated and he gave written complaint Ex. PW2/A to ASI Jasmer Singh. He correctly identified t-shirt and jeans pant, which he was wearing at the time of incident and was seized by the IO

13. In his cross examination by Ld. Defence counsel, PW 2 stated that he informed to his senior officer (Inspector) about the said secret information verbally, and they had gone to the spot by a car belonging to him because the police / govt. vehicle was not available at that time. It was mentioned in the departure entry that they were going to the spot by a private car. He admitted it to be correct that registration number of the vehicle is not mentioned in the departure entry. They reached at machhi market in between 7-8 pm and they all were in civil dress and were not carrying any weapon with them. He had requested some public persons who were there to join the investigation, but none of them agreed. He admitted it to be correct that the vendors had installed their stalls in machhi market. 50-60 persons were present in the said machhi

market at that time. He admitted it to be correct that number of other public persons were moving on the road at that time. The accused persons had stopped only them as well as 2-3 other public persons. They had not informed their senior officers or PCR for help immediately after the accused persons had stopped them. He denied the suggestion that they were misbehaving, abusing and obstructing the vendors in selling their goods at machhi market at that time or that due to this reason, some quarrel might have taken place or that he received injuries during the quarrel with the vendors. He denied the suggestion that they have falsely implicated the accused persons in the present case. He further denied the suggestion that they were in drunken condition at that time or that due to this reason, he sustained injuries from public persons. He admitted it to be correct that BJRM hospital was the nearest government hospital from the place of incident. He volunteered that Max hospital was also very near from the spot. PW 2 also stated that since he had received severe injuries and Max Hospital was the nearest hospital, hence, he was taken there. He denied the suggestion that he was not taken to government hospital as he was in drunken condition or that in government hospital, all tests would have been conducted including breath analyzer test or that they manipulated the medical report in Max hospital. He did not know whether PCR call was with respect to stone pelting on injured or not. He did not remember whether he, Ct. Shabbir and Ct. Manjeet had informed the doctor about the

alleged history of assault by stone pelting by mob.

14. PW 6 Ct. Manjeet stated that on 10.09.2020 vide DD No. 8 dated 10.09.2020, he along with Ct. Ravi Kant and Ct. Shabbir, left the Office of Special Staff in a private car, for conducting the raid in the area of *machhi* market, Samaypur, Delhi. Three-four passers by were asked to join the raiding party, but none of them agreed for the same. On being pointed out by secret informer, when they were on the way to apprehend the 7-8 persons who were playing *satta*, 7-8 other persons had stopped them on the way and asked as to where were they going. When they apprised them that they were going to apprehend the said 7-8 who were playing *satta* and also showed their identity cards, they replied that they would not be allowed to apprehend those persons and started manhandling with them. He correctly identified the accused persons and deposed that avinash told his associate Sunil while restraining them that “*Sunil inhe aage mat jaane do*”. The above said accused persons had caught hold of him, Ct. Ravi Kant and Ct. Shabbir Khan and thereafter on the instigation of other accused persons, accused Rajnish gave brick blow on the head of Ct. Ravi Kant. Accused Manoj gave blow with a wood piece on the one side of which, an iron plate was affixed, on the head and hand of Ct. Ravi Kant. When Ct. Ravi Kant tried to save his head, he received injuries on his head and hand. Blood started oozing from the head and hands of Ct. Ravi Kant. All the accused persons tore his wearing clothes as

well. Blood started oozing from the head and hand of Ct. Ravi Kant. Thereafter all the five accused persons along with their 1-2 associates fled away from the spot. He further deposed that Ravi Kant was taken to Max Hospital by him and Ct. Shabbir. He further deposed that accused Arjun Sahni @ Kalu also gave *danda* blow on the head of Ct. Ravi Kant on the instigation of accused Rajnish @ Lala. He correctly identified the t-shirt and jeans pant of the injured.

15. In his cross examination by Ld. defence counsel, he deposed that Ct. Ravi Kant informed the senior officer (Inspector) about the said secret information verbally and they had gone to the spot by a car belonging to Ct. Ravi Kant because the police/govt. vehicle was not available at that time. He admitted it to be correct that registration number of the vehicle is not mentioned in the departure entry. They all were in civil dress and were not carrying any weapon with them. Ct. Ravi Kant had requested some public persons who were present there to join the investigation, but none of them agreed. He admitted it to be correct that the vendors had installed their stalls in *machhi* market. About 50-70 persons were present in the said *machhi* market at that time. He admitted it to be correct that number of other public persons were moving on the road and *machhi* market at that time. The accused persons were not known to him prior to the incident in question and he did not know if the accused persons were involved in any other case or not. He

further deposed that the accused persons had stopped only them and not any other person. He had not informed his senior officers or PCR for help immediately after the accused persons had stopped them. He was carrying mobile phone at that time. They did not call any public person for help. He was carrying his official identity card at the time of incident. He and Ct. Shabbir had shown their identity cards to the accused persons at the spot. He denied the suggestion that they were misbehaving, abusing and obstructing the vendors from selling their goods at *machhi* market and due to this reason, some quarrel might have taken place or that Ct. Ravi Kant received injuries during that quarrel with the vendors. He further denied the suggestion that they have falsely implicated the accused persons in the present case or that they were in drunken condition at that time or that due to this reason, Ct. Ravi Kant sustained injuries from public persons. He admitted it to be correct that BJRM hospital was the nearest government hospital from the place of incident. He volunteered that Max hospital was also near from the spot. Ct. Ravi Kant was taken to Max Hospital since he had received severe injuries and Max Hospital was the nearest hospital, hence, he was taken there. He did not remember as to whether Ct. Shabbir and Ct. Ravi Kant had informed the Doctor about the alleged history of assault by stone pelting by mob.

16. PW 8 Ct. Shabbir Khan has deposed on the lines of his

fellow colleagues Ct. Ravi Kant and Ct. Manjeet, testifying that on 10.09.2020, he along with Ct. Ravi Kant and Ct. Manjeet left the Office of Special Staff in a private car for conducting raid and three-four passers by were asked to join the raiding party, but none of them agreed for the same. He further testified that on being pointing out by the secret informer, when they were on the way to apprehend the 7-8 persons who were paying *satta*, 7-8 other persons stopped them on the way and started manhandling with them. He correctly identified the accused persons and deposed that accused Avinash told his associate Sunil while restraining them that “*Sunil inhe aage mat jaane do*”. He further described that the above said accused persons had caught hold of him, Ct. Ravi Kant and Ct. Manjeet. On the instigation of other accused persons, accused Rajnish gave brick blow on the head of Ct. Ravi Kant and accused Manoj gave blow with a piece of wood on the one side of which, an iron plate was affixed, on the head and hand of Ct. Ravi Kant. When Ct. Ravi Kant tried to save his head, he received injuries on his head and hand. He further corroborated on each and every aspect of the incident and the injured being taken to Max Hospital and also correctly identified the clothes i.e. t-shirt and jeans pants, which injured Ravi Kant was wearing at the time of incident.

17. His cross examination was on the same lines as that of PW 6 Ct. Manjeet to the effect that Ct. Ravi Kant informed to senior officer (Inspector) about the said secret information verbally and

they had gone to the spot by a car belonging to Ct. Ravi Kant and that the registration number of the vehicle is not mentioned in the departure entry. He further corroborated the fact that they all were in civil dress and were not carrying any weapon with them. Though Ct. Ravi Kant had requested some public persons to join the investigation, but none of them agreed. Like his colleagues / team mates, he denied the suggestion that they were misbehaving, abusing and obstructing the vendors for selling their goods at *machhi* market at that time or that due to this reason, some quarrel might have taken place or that Ct. Ravi Kant received injuries during the quarrel with the vendors. He further denied the suggestion that they have falsely implicated the accused persons in the present case or that Ct. Ravi Kant was not taken to a government hospital as he was in drunken condition or that in government hospital, all tests had to be conducted including breath analyzer test or that we manipulated the medical report in Max hospital.

18. In the present case, the injured himself is a police constable, who along with his staff went to conduct a raid, he was not just obstructed by the accused persons and their other associates (yet not arrested) but was also caused injuries on his head and hand with brick and danda, having iron plate on one end.

19. PW 2, PW 6 and PW 8 being the most vital witnesses of the prosecution have supported the prosecution case in toto, and

despite their grilling cross examination by Ld. defence counsel, nothing could be brought to the fore that the accused persons have been falsely implicated in the present case. During the entire cross examination of all the three material witnesses, it has not been specifically suggested that the accused persons did not obstruct the way of the raiding party and caused the injuries to the complainant.

20. During arguments, Ld. defence counsel has contended that no medical examination of Ct. Manjeet and Ct. Shabbir Khan was conducted, though as per prosecution case, they also received injuries. It is further contended that no public witness has been joined in the investigation.

21. All the three witnesses examined by the prosecution have specifically deposed that the raiding team was being headed by Ct. Ravi Kant and it was only he, who was hit on his head with a brick and a wooden danda, having iron plate on one end, by accused person, while Ct. Majeet and Ct. Shabbir were over powered by accused persons and their other associates (yet not arrested). It is not the case of the prosecution that Ct. Manjeet and Ct. Shabbir were also given beatings by the accused persons and their associates. As such, their medical examination was not required.

22. As regards, public persons having not joined in the investigation by the IO, it is generally seen that no public person

easily agrees to join the investigation of a criminal case. Further more, it remained the corroborated testimony of all the three material witnesses that before going ahead to conduct the raid, public persons were requested by Ct. Ravi Kant to join them but they refused. After the incident, like every other prudent person, Ct. Manjeet and Ct. Shabbir Khan immediately removed their fellow colleague to the hospital for medical aid. It is also to be noted that the police official / injured Ravi Kant and his fellow colleagues have not appeared before this court as police officials but they do appear before this court in the capacity of injured and eye witnesses, and have corroborated each other.

23. Further more, only for want of public / independent witnesses, prosecution case cannot be rejected. I place reliance upon **Ambika Prasad Vs. State (Delhi Administration), 2000 (2) SCC 646**, wherein it was observed that “It is known fact that independent persons are reluctant to be a witness or assist the investigation. Reasons are not far to seek. The attitude of the public in the investigation of crimes is indifferent. The public are generally reluctant to come forward to depose before the court. It is therefore not correct to reject the prosecution version only on the ground that public witnesses have not been examined. Nor is it proper to reject the case for want of corroboration by independent witnesses if the case made out is otherwise true and acceptable.

24. Ld. defence counsel has further submitted that from the spot, BJRM Hospital was nearer than Max Hospital, but since the injured Ct. Ravi Kant was in drunken condition, he was not taken to a government hospital i.e. BJRM Hospital but to a private hospital i.e. Max Hospital. It is to be noted that had Ct. Ravi Kant in drunken condition, the said fact would surely have been mentioned in his medical documents prepared at Max Hospital. The contention raised by Ld. defence counsel that the medical documents prepared at Max Hospital have been manipulated by the police, do not hold good, especially when the injured was discharged from the hospital on the same day within two hours of his admission, and there was no time for the police to get the documents manipulated. Further more, no such suggestion has been given to the doctors / officials concerned, who proved the medical treatment record of the witness.

25. The next contention raised on behalf of the accused persons is that the clothes of the injured have not been sent to FSL for expert opinion and to ascertain as to whether the blood stains present on his cloths, actually belonged to the injured or not. The blood stained clothes of the injured Ct. Ravi Kant have been duly identified by all the three material witnesses. The concerned witnesses of investigation have duly corroborated each other on the point of seizure of blood stained clothes of the injured vide seizure memo Ex. PW 2/B.

26. The incident, in itself, does not require to be proved because this is writ large from the MLC and other medical record of the injured, which has been proved by the prosecution, that the injured was given beatings on 10.09.2020 at around 7.30 PM. The X-ray report Ex. PW 4/A pertaining to the injured Ravi Kant reads as “Comminuted and minimally displaced fracture of base and proximal shaft of proximal phalanx of middle finger is seen. As per MLC Ex. PW 4/C and Discharge Summary, on medical examination of injured, CLW (Approx 2 x 1 cm) over left middle finger, CLW (Approx 0.5 x 0.5 cm) Just above left middle finger and CLW (Approx 5 x 1 cm and 1 x 0.5 cm) over right frontal region were found. The said injuries, as mentioned in the MLC, corroborate the version of injured that apart from given a brick blow, he was given danda blow on his head and when he tried to save himself covering his head with his hand, he sustained injury on his hand as well.

27. All the five accused persons have taken the plea of alibi submitting in their respective statements u/s 313 CrPC that they were not even present at the spot and have been falsely implicated by the police officials. PW 6 Ct. Manjeet and PW 8 HC Shabbir Khan during their cross examination have categorically deposed that the accused persons were not previously known to them prior to the incident in question.

28. Since the accused persons were not previously known to

the injured and his colleagues, what was the motive for them to falsely implicate the accused persons in the present case, has not been explained by the accused persons. As regards the plea of alibi, the burden was upon the accused persons to prove on record that they were not present at the spot and were present somewhere else, but despite choosing to lead DE at the time of recording of their statements u/s 313 CrPC, they chose not to produce any witness in the court to corroborate their plea of alibi. As such, the said defence put forth by the accused persons does not hold good and appears sham, without any substance in it.

29. During cross examination of all three material witnesses i.e. PW 2 injured Ravi Kant, PW 6 Ct. Manjeet and PW 8 Ct. Shabbir Khan, it was suggested to them that since they were drunk and were misbehaving with the public, some quarrel might have taken place or that injured Ravi Kant received injuries during the said quarrel with the vendors. The said suggestion has categorically been denied by all the three material witnesses.

30. It is to be kept in mind that it is human nature that if a person is given an injury like this, as in the instant case, the injured would not let the real culprit and his assaulter go Scot-free. In case *Abdul Sayed V. State of MP, (2010) 10 SCC 259*, to explain the reliability of injured witnesses, it was held that

“Where witness to occurrence was himself injured in

the incident, testimony of such witness is generally considered to be very reliable, as he is a witness that comes with an inbuilt guarantee of his presence at the scene of crime and is unlikely to spare his actual assailant (s) in order to falsely implicate someone”.

31. The testimony of an injured witness has its own relevancy and weightage, since they would not spare the real assailant. Testimony of a single witness, if reliable, needs no corroboration. The conviction can rest even on single witness's testimony if court is satisfied about its truthfulness.

32. In the case in hand, all the three star witnesses of the prosecution, including the the injured himself, fit the bill of a sterling witness. The injured is the star and sterling witness of the prosecution and stood the test of a grilling cross-examination. In *Rai Sandeep Vs. State (NCT of Delhi) (2012) 8 SCC 21*, Hon'ble Apex Court observed as under :

“In our considered opinion, the ‘sterling witness’ should be of a very high quality and caliber whose version should, therefore, be unassailable. The Court considering the version of such witness should be in a position to accept it for its face value without any hesitation. To test the quality of such a witness, the status of the witness would be immaterial and what would be relevant is the truthfulness of the statement made by such a witness. What would be more relevant would be the consistency of the statement right from the starting point till the end, namely, at the time when the witness makes the initial statement and ultimately

before the Court. It should be natural and consistent with the case of the prosecution qua the accused. There should not be any prevarication in the version of such a witness. The witness should be in a position to withstand the cross- examination of any length and howsoever strenuous it may be and under no circumstance should give room for any doubt as to the factum of the occurrence, the persons involved, as well as, the sequence of it. Such a version should have correlation with each and everyone of other supporting material such as the recoveries made, the weapons used, the manner of offence committed, the scientific evidence and the expert opinion. The said version should consistently match with the version of every other witness. It can even be stated that it should be akin to the test applied in the case of circumstantial evidence where there should not be any missing link in the chain of circumstances to hold the accused guilty of the offence alleged against him. Only if the version of such a witness qualifies the above test as well as all other similar such tests to be applied, it can be held that such a witness can be called as a 'sterling witness' whose version can be accepted by the Court without any corroboration and based on which the guilty can be punished. To be more precise, the version of the said witness on the core spectrum of the crime should remain intact while all other attendant materials, namely, oral, documentary and material objects should match the said version in material particulars in order to enable the Court trying the offence to rely on the core version to sieve the other supporting materials for holding the offender guilty of the charge alleged.

33. During their grilling cross examination, the incident in question and the role ascribed to the each accused, has not been

questioned at all. All the three star witnesses despite lengthy cross examination, stood on firm ground and their testimony could not be shaken. It remained their uncontroverted testimony that when they were going to conduct a raid to apprehend the persons, who were playing *satta*, the accused persons along with their other associates (yet not arrested) not just obstructed them from discharging their duties, but also used criminal force against Ct. Ravi Kant and caused him grievous injuries.

34. Accordingly, I find that the prosecution, with the help of the material witnesses and the corroboratory evidence of the police officials and the doctor concerned, is able to prove its case against the accused persons, beyond a shadow of reasonable doubt.

Section 34 IPC

35. In the present case, all the accused persons have been charged for the offence that they all in furtherance of their common intention, obstructed the complainant and his colleagues from discharging their duties as public servant and also caused injuries to the complainant. At this juncture, it would be worthwhile to reproduce Section 34 IPC and the legal position on the same.

“Section 34. Acts done by several persons in furtherance of common intention.—When a criminal act is done by several persons in furtherance of the common intention of all, each of such persons is liable for that act in the same manner as if it were

done by him alone.”

36. It is clear that Section 34 IPC is not a penal section in itself. It defines the common intention, when more than one person commits a crime, who share the intention qua the offence committed. In such cases this section is applied along with the substantive offence. The offence, in the present case, was committed with common intention as per the allegations, which manifest in the acts attributed to the accused persons, therefore, Section 34 IPC is applicable. Section 34 IPC establishes joint liability for acts done by several persons in furtherance of a common intention, requiring both the actual commission of the act and proof of shared intention among all accused.

37. The Supreme Court has recognized that common intention can develop rapidly "at the spur of the moment," and if all act together, joint liability arises. However, clear evidence must show that each accused actively participated, even minimally, in furtherance of the shared purpose.

38. In the case in hand, all the three star witnesses have specifically named all the accused Avinash @ Langra, Rajnish @ Lala, Arjun Sahani, Manoj Patel and Ravi Ranjan @ Mausam that they along with other associates, in furtherance of their common intention, have obstructed them from discharging their official

duties and caused injuries to the complainant with a brick and wooden danda. It is also established that prior plan is not necessary to be proved. Common intention can develop rapidly 'at the spur of the moment'. Their active participation in furtherance of shared purpose is also established.

OFFENCE U/S 308 IPC

39. The accused persons have been charged for the offence punishable u/s 308/34 IPC. **Intention, knowledge and motive** are the most important aspects under criminal law in determination of the consequences of various acts. Evidently, from the bare reading of Section 308 IPC, these aspects are vital in the instant case too. As such, a brief legal position concerning these words and how these should be read and interpreted is given herein below:-

***Intention** - "Criminal intention" simply means the purpose or design of doing an act forbidden by the criminal law without just cause or excuse. The intention of the accused to produce a particular consequence shows his intention to do that act. An act is intentional if it exists in idea before it exists in fact, the idea realizing itself in the fact because of the desire by which it is accompanied. The word 'intent' does not mean ultimate aim and object. Nor is it used as a synonym for 'motive'. Where the Legislature makes an offence dependent on proof of intention, the court must have proof of facts sufficient to justify it in coming to the conclusion that the intention existed. No doubt one has usually to infer intention from conduct, and one matter that has to be taken into account is the probable effect of the conduct.*

But that is never conclusive. As a general rule, every sane man is presumed to intend the necessary or the natural and probable consequences of his acts, and this presumption of law will prevail unless from a consideration of all the evidence the court entertains a reasonable doubt whether such intention existed. This presumption, however, is not conclusive nor alone sufficient to justify a conviction and should be supplemented by other testimony. An accused must be judged to have the intention that is indicated by his proved acts. The burden of proving guilty intention lies upon the prosecution where the intent is expressly stated as part of the definition of the crime. Criminal intent as a psychological fact has to be proved even in regard to offences under the Special Acts unless it is specifically ruled out or ruled out by necessary implication.

Knowledge – *Where knowledge of a fact is an essential ingredient of an offence it must be distinctly proved. There are certain offences in the Penal Code where the accused who commits those offences is punished irrespective of the fact whether he had knowledge or not. Where a particular act is forbidden the question of knowledge becomes immaterial.*

Motive – *Motive is not to be confused with intention. If a man knows that a certain consequence will follow from his act, it must be presumed in law that he intended that consequence to take place although he may have had some quite different ulterior motive for performing the act. The motive for an act is not a sufficient test to determine its criminal character. By motive is meant anything that can contribute to give birth or even to prevent, any kind of action. Motive may serve as a clue to the intention; but although the motive be pure, the act done under it may be criminal. Purity of motive does not*

purge an act of its criminal character. An act which is unlawful cannot, in law, be excused on the ground that it was committed from a good motive.

Motive, though not a sine qua non for bringing the offence home to the accused, is relevant and important on the question of intention.

Though the prosecution is not bound to prove motive for the crime, absence of any motive is a factor which may be considered in determining the guilt of the accused. Thus, if there is really no motive and the crime is completely motiveless then that circumstance can be taken into consideration along with the evidence of prior insanity. But if the actual evidence as to the commission of the crime is believed, then no question of motive remains to be established. It is not the bounden duty of the prosecution to prove motive with which a certain offence has been committed. It is sufficient if the prosecution proves by clear and reliable evidence that certain persons committed the offence, whatever the motives may be which induced them to commit that offence. For, motive is a fact very often within the special knowledge of the person doing the act and thus it becomes extremely difficult to ascertain the motive in a given case but that does not mean that the offence was not committed.

The question of motive is not material where there is direct evidence of the acts of the accused and the acts themselves are sufficient to disclose the intention of the actor. But in cases of circumstantial evidence, absence of motive is a factor in favour of the accused.

40. In view of the legal proposition detailed above, the facts

of the present case are required to be tested in order to ascertain the culpability of accused persons for the offence u/s 308 IPC, with which he is charged.

41. Ld. Chief PP for the State submitted that the complainant Ct. Ravi Kant was hit on his head with a brick and a danda, having an iron plate affixed on one end, and when he tried to save himself by putting his hand on his head, the danda hit him on his hand and caused a fracture. It is further submitted that in such cases what is material is the intention and knowledge, which is to be inferred from the locus of injury. In the present case, accused person with a common intention, hit a danda on the head of the complainant, which is a vital part.

42. In view of the legal proposition detailed above, the facts of the present case are required to be tested in order to ascertain the culpability of accused persons for the offence u/s 308 IPC, with which they are charged. In the case in hand, the accused persons and the injured were not known to each other, prior to the incident. The complainant and his fellow colleagues were going to apprehend the persons, who were playing satta and the accused persons did not want them to arrest those persons. Therefore, motive was definitely present for the accused persons to cause hurt to them. Accused persons are men of age, and presumably possess the prudence, every

man of his age is expected to have. In every prudent man intrinsic is the knowledge, that if a person is attacked on his head with an danda or brick, it could result in his death. The accused persons had a motive to stop the complainant and his colleagues from apprehending the persons, who were playing satta. Therefore, the court is of the opinion that the prosecution has been able to bring home the guilt of all the accused persons.

43. In view of my discussion above, all the five accused persons Avinash Kumar @ Langra, Rajnish @ Lala, Arjun Sahani, Manoj Patel and Ravi Ranjan @ Mausam are convicted for the offences punishable under Section 186/353/308 IPC read with Section 34 IPC

**Announced in the open court today
the 17th day of December, 2025.**

**(NISHA SAHAY SAXENA)
Principal District & Sessions Judge (North West)
Rohini Courts, Delhi**

Previously:

**Principal District & Sessions Judge (North)
Rohini Courts, Delhi**