

**IN THE COURT OF SH. PREM KUMAR BARTHWAL
PRINCIPAL DISTRICT & SESSIONS JUDGE
NORTH DISTRICT: ROHINI COURTS: DELHI**

In the matter of:-

CNR No. DLNT01-011923-2023

Sessions Case No. 686/2023

FIR No. 481/2023

Police Station : Jahangir Puri

U/s 307 IPC & 27 Arms Act

State

V/s

Mangal @ Rohit

S/o Sh. Jatin

R/o Jhuggi No. 742, G-Block

Jahangir Puri, Delhi

.... Accused

Date of committal to this court	19.10.2023
Final arguments concluded on	18.05.2026
Date of Judgment	23.05.2026

Appearance : Sh. Girish Giri, Ld. Addl. PP for the State.
Sh. D.K. Pandey, Ld. LAC for the accused.

J U D G M E N T

1. Accused Mangal @ Rohit has been sent for trial for the offences punishable u/s 307 Indian Penal Code (hereinafter referred to as "IPC") and u/s 25/27/54/59 Arms Act by the police official of Police Station Jahangir Puri.

2. The facts, in brief, borne out from the charge sheet, are

that on 07.06.2023 at about 10:30 pm in front of Shiv Shakti Mandir, G-Block Jhuggi, Jahangir Puri, Delhi, when complainant namely Ajay S/o Sh. Kishan was going towards his house after parking his vehicle, accused Mangal @ Rohit met him and demanded money from him for purchasing liquor; that when the complainant refused to give money, the accused stabbed the aforesaid complainant with knife and ran away from the spot. The complainant was taken to BJRM Hospital by his wife Ms. Shakuntala and later on, he was shifted to Dr. BSA Hospital. The matter was reported to the police and IO/ASI Pankaj Singh recorded the statement Ex. PW1/A of complainant/injured Ajay in the police station only as the injured was not in a position to make his statement in the hospital. On the basis of the statement/complaint Ex. PW1/A of injured Ajay, the present case FIR was registered.

3. Accused Mangal @ Rohit was arrested on 19.06.2023 vide arrest memo Ex.PW6/B and his disclosure statement Ex.PW6/C was also recorded. The weapon of offence i.e. knife was also recovered from the possession of the accused. Upon completion of the investigation, the chargesheet was filed against the accused. After compliance of provisions of Section 207 Cr.PC, since the offence u/s 307 IPC is exclusively triable by the Court of Sessions, the Court of Ld. MM-07, North District, Rohini Courts, Delhi committed the present case to the Court of Sessions, under provisions of Section 209 Cr.PC for trial.

CHARGE

4. On 10.11.2023, accused Mangal @ Rohit was charged for having committed offences punishable u/s 307 IPC and u/s 27 Arms Act, to which the accused pleaded not guilty and claimed trial.

PROSECUTION EVIDENCE

5. To substantiate its case, the prosecution has examined following 11 witnesses in all.

Chart of Witnesses Examined

Prosecution Witness No.	Name of Witness	Description
PW-1	Ajay	Complainant/injured
PW-2	Shakuntala	Wife of the complainant/injured
PW-3	Jitender	Asstt. Ahlmad/JJA
PW-4	HC Shakti Singh	Arrest and recovery witness
PW-5	Ct. Vikas	Arrest and recovery witness
PW-6	ASI Pankaj Singh	Investigating Officer
PW-7	ASI Mehphooj Ali	Duty Officer
PW-8	HC Deepak Rohilla	Arrest and recovery witness
PW-9	HC Neeraj Singh	Seizure memo witness
PW-10	Dheeraj Bhardwaj	Sr. Scientific Assistant (Biology), FSL, Rohini, Delhi
PW-11	HC Dinesh Kumar	MHC(M) (Case property)

Chart of Exhibited Documents

Exhibit No.	Description of the Exhibit	Proved by/Attested by
Ex. PW1/A	Complaint/statement made by complainant/injured Ajay	PW1
Ex. PW1/B	Supplementary statement dated 13.06.2023 made by complainant/injured Ajay	PW1
Ex. PW1/C	Site Plan	PW1
Ex. PW2/PA	Statement dated 13.06.2023 of Ms.Shakuntala	PW2
Mark PW3/A	Copy of FIR No. 490/2023	PW3
Ex. PW4/A	Sketch of the knife recovered in FIR No. 490/2023	PW4
Ex. PW4/B	Copy of seizure memo of knife seized in FIR No. 490/2023	PW4
Ex. PW4/C	Copy of arrest memo of the accused in FIR No. 490/2023	PW4
Ex. PW4/D	Copy of personal search memo of accused in FIR No. 490/2023	PW4
Ex. PW4/E	Copy of disclosure statement of accused Mangal @ Rohit recorded in case FIR No. 490/2023	PW4
Ex. PW6/A	Rukka	PW6
Ex. PW6/B	Arrest memo	PW6
Ex. PW6/C	Disclosure statement of accused	PW6
Ex. PW6/D	Pointing out memo of the place of occurrence	PW6

Ex. PW6/E	Seizure memo of clothes of the injured	PW6
Ex. PW6/F	Seizure memo of blood sample of the injured	PW6
Ex. PW6/G	Seizure memo of the knife	PW6
Ex. PW6/H	Supplementary chargesheet	PW6
Ex. PW7/A	Copy of FIR	PW7
Ex. PW7/B	Endorsement on the rukka	PW7
Ex. PW7/C	Certificate u/s 65B of the Evidence Act	PW7
Ex. PW10/A	FSL Report dated 04.01.2025	PW10
Ex. PW11/A	Copy of relevant entries made in Register No. 19	PW11

Chart of Material Objects/Muddamals

Material Object No.	Description of the Exhibit	Proved by/Attested by
Ex.PW4/P-1	Weapon of offence i.e. Knife used in the present case	PW4
Ex. P-1	Knife used by the accused in case bearing FIR No. 490/2023 PS Jahangir Puri	PW5

6. PW1 Ajay is the victim/injured and PW2 Smt. Shakuntala i.e. wife of the victim/injured are the material public witnesses and rest of the witnesses are formal witnesses i.e police officials etc.

7. After conclusion of prosecution evidence, the same was put to the accused with a view to have his version of the events and explanation with regard to the evidence coming on

record. The statement of accused u/s 313 Cr.PC was recorded in which the accused denied the allegations leveled against him and claimed that he has been falsely implicated in the present case and the alleged knife has also been planted upon him. He opted not to lead any evidence in his support.

8. It is a settled law that in a criminal trial, burden to prove the guilt of the accused beyond reasonable doubt always lies upon the prosecution and the same never shifts. PW-1/injured Ajay deposed before the Court that on 07.06.2023 at about 10:15 pm, after parking his vehicle at MCD Flats, when he was moving towards his house and reached at Shiv Shakti mandir jhuggis, he saw a quarrel was going on between some unknown persons, he intervened the matter and suffered stab injuries. He further deposed that he reached at his house and his wife Shakuntala took him to BJRM Hospital, where he was medically treated and was referred to BSA Hospital. He further deposed that after few days, police personnel met him and obtained his signature on blank papers.

9. Since PW1 i.e. victim/injured Ajay resiled from his earlier statement made to the police, he was permitted to be cross-examined by Ld. Addl. PP for the State on his request. During his further examination conducted by Ld. Addl. PP for the State, PW1 stated that he had stated to the police that when he reached Shiv Shakti mandir jhuggis, he saw a quarrel was going on between some unknown persons or that he intervened the matter, in which, he suffered stab injuries. He denied the suggestion that police personnel had not obtained his signatures

on blank papers. He categorically denied that accused Mangal @ Rohit had caused stab injuries to him. He further denied that he had mentioned the name of accused Mangal @ Rohit to the police as an assailant. He further denied that on the day of the incident, police personnels met him at BSA Hospital or that because of the pain he could not make statement on that day. He further denied that the police had prepared the site plan Ex. PW1/C at his instance on 13.06.2023. PW1 admitted it to be correct that Ex. PW1/C bears his signature at point A. He deposed that he cannot identify the knife by which he was stabbed even if the same is shown to him. He categorically denied the suggestion given by the Ld. Addl. PP for the State that he had entered into a compromise with the accused or that he is deposing falsely to save the accused

10. Similarly, PW2 Smt. Shakuntala Devi i.e. wife of the victim/injured PW1 also did not support the prosecution's case and she was also cross-examined by Ld. Addl. PP for the State with the permission of the Court, wherein she denied that her statement was recorded by the police or that the same was read over to her. PW2 denied having made any statement dated 13.06.2023 Ex. PW2/PA to the police. She further denied that accused Mangal had caused stab injuries to her husband. She further denied that her husband had told her about the threat given by the accused and knife attack by the accused on refusal to give money. She further denied that she is refusing to identify clothes of her husband in order to save the accused. PW2 further denied that she had entered into a compromise with the accused

or that she has been won over by the accused. She further denied that she is not identifying the accused as an assailant of her husband in order to save him, as they both are residing in neighborhood in the same locality.

11. Now testimony of another important witness of the prosecution i.e. IO/ASI Pankaj Singh himself who stepped into the witness box as PW6, shall be dealt with. He deposed that on 07.06.2023 on receipt of an information vide DD No. 12A in respect of MLC of injured Ajay, he went to BJRM hospital, where injured met him, however, the injured was not in a fit condition to give statement at that time. He further deposed that the injured was shifted to Dr. BSA Hospital and thereafter on the next day, he (PW6) reached Dr. BSA Hospital where injured was again not in a fit condition to give statement. He further deposed that on 12.06.2023, the said injured came to the police station and got his statement Ex.PW1/A recorded, on the basis of which he (PW6) prepared rukka Ex.PW6/A and got the present case registered.

12. PW6 further deposed that on 19.06.2023, HC Shakti informed him that the accused who was wanted in the present FIR, was arrested in another case bearing FIR No. 490/2023 and a knife was also recovered from his possession. He further deposed that the accused was present in the police station and he formally arrested the accused vide arrest memo Ex.PW6/B and also recorded his disclosure statement Ex.PW6/C and thereafter he took the accused to the place of occurrence and prepared pointing out memo Ex. PW6/D of place of occurrence. He

further deposed that thereafter he obtained subsequent opinion on the MLC of injured and he doctor opined the injury as 'dangerous' and Section 307 IPC was accordingly added in the FIR. He further deposed that he had also seized clothes of injured and blood gauge in sealed condition, which were handed over to him by the Doctor vide memo Ex.PW6/E.

13. PW6 further deposed that on 11.07.2023, he had got taken blood sample of the injured and seized the same vide memo Ex.PW6/F. He further deposed that on 28.07.2023, he had seized the knife which was recovered from the possession of the accused, which was handed over to him in sealed condition by the Doctor (Casualty) BJRM Hospital vide memo Ex.PW6/G and thereafter he got deposited the seized knife in sealed condition in FSL, Rohini.

14. During his further examination conducted after filing of supplementary chargesheet, PW6 deposed that on 13.02.2025 he had received the FSL result Ex. PW10/A in the present case and filed the same through supplementary chargesheet Ex. PW6/H. PW6 correctly identified accused Mangal @ Rohit during his deposition in the Court.

15. During his cross examination, PW6 stated that the public persons were present at the time of preparing site plan Ex.PW1/C, however, no public person signed the site plan. He denied the suggestion that the site plan Ex.PW1/C was not prepared at the instance of the complainant or that the same was prepared while sitting at the police station. He further denied the

suggestion that he did not investigate the matter fairly. He further denied that the accused has been falsely implicated in this case or that the accused had no role in the present case. He admitted that no signature was obtained on the pullanda of blood gauge and clothes of the injured.

16. Rest of the witnesses are formal witnesses i.e. police officials etc. who deposed about their respective roles played by them in the investigation of the present case.

17. It is pertinent to mention here that on the advice and consultation with Ld. LAC, accused Mangal @ Rohit admitted the MLC No. 228929/23 dated 08.06.2023 Ex. PX/A under provisions of Sec. 294 Cr.PC, vide his separate statement recorded on 25.10.2024.

18. I have considered the submissions made by both the sides and have gone through the entire record carefully and written arguments filed on behalf of the accused.

19. Ld. Addl. Public Prosecutor for the State has argued that the material witnesses i.e. PW1/complainant/injured Ajay and his wife PW2/Smt. Shakuntala themselves have turned hostile since they have been won over by the accused whereas statements of witnesses were recorded correctly by the IO.

20. On the other hand, Ld. Counsel for the accused has argued that the accused has been falsely implicated in the present case and the victim/injured himself has not supported the case of

the prosecution and in the absence of any incriminating evidence against the accused, he cannot be convicted.

21. As admitted by the Ld. Addl. Public Prosecutor for the State, the case of the prosecution primarily hinged on the testimony of PW1/injured Ajay who was stabbed, as claimed by the prosecution.

22. At the outset, it would be relevant to reproduce section 307 IPC and the legal position on the same.

“Sec. 307. Attempt to murder : 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 murder, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine; and, if hurt is caused to any person by such act, the offender shall be liable either to imprisonment for life, or to such punishment as is herein before mentioned.”

23. Both the material witnesses examined by the prosecution, including the complainant/injured PW-1/Ajay, have not supported the case of the prosecution. Nothing material has come out even in the cross-examinations of above said material witnesses which may help the case of the Prosecution.

24. The cardinal principle of the criminal law is that the accused is presumed to be innocent till he is proved guilty beyond any reasonable doubt. The burden of proving guilt of the accused exclusively lies on the prosecution. The benefit of doubt, if any, must go in favour of the accused. In this context, it is relevant here to mention the judgment of the Hon’ble Supreme Court in ***Ashish Batham Vs. State of M.P., (2002) 7 Supreme***

Court Cases 317, where it has been observed as under:-

“Realities or Truth apart, the fundamental and basic presumption in the administration of criminal law and justice delivery system is the innocence of the alleged accused and till the charges are proved beyond reasonable doubt on the basis of clear, cogent, credible or unimpeachable evidence, the question of indicting or punishing an accused does not arise, merely carried away by heinous nature of the crime or the gruesome manner in which it was found to have been committed. Mere suspicion, however, strong or probable it may be is no effective substitute for the legal proof required to substantiate the charge of commission of a crime and grave the charge is greater should be the standard of proof required. Courts dealing with criminal cases at least should constantly remember that there is a long mental distance between ‘may be true’ and ‘must be true’ and this basic and golden rule only helps to maintain the vital distinction between ‘conjectures’ and ‘sure conclusions’ to be arrived at on the touch stone of a dispassionate judicial scrutiny based upon a complete and comprehensive appreciation of all features of the case as well as quality and credibility of the evidence brought on record.”

25. It has also been held in State of **U.P. Vs. Naresh** :
(2011) 4 SCC 324, as under :

“In all criminal cases, normal discrepancies are bound to occur in the depositions of witnesses due to normal errors of observation, namely, errors of memory due to lapse of time or due to mental disposition such as shock and horror at the time of occurrence. Where the omissions amount to a contradiction, creating a serious doubt about the truthfulness of the witness and other witnesses also make material improvement while deposing in the court, such evidence cannot be safe to rely upon. However, minor contradictions, inconsistencies, embellishments or improvements on trivial matters which do not affect the core of the prosecution case, should not be made a ground on which the evidence can be rejected in its entirety. The court has to form its opinion about the credibility of the witness and record a finding as to whether his deposition inspires confidence.”

26. It has been observed by the Hon'ble Supreme Court in
1995 SCC (Crl.) 160, as under :

“8. As a general rule, a court can and may act on the testimony of a single witness though uncorroborated provided the testimony of that single witness is found out entirely reliable. In that case, there will be no legal impediment for recording a conviction. But if the evidence is open to doubt or suspicion, the court will require sufficient corroboration. In this connection, reference may be made to a decision of this Court in *Vadivelu Thevar V. State of Madras* wherein this Court has classified the testimony of a witness into three categories viz. (1) wholly reliable (2) wholly unreliable and (3) neither wholly reliable nor wholly unreliable and observed that although in the first two categories of classification, there may not be any difficulty in coming to a conclusion either accepting or rejecting the testimony, it is in the third category of cases that the court has to be circumspect and has to look for corroboration in material particulars by reliable testimony either direct or circumstantial.”

27. In the judgment reported as ***Namdeo Daulata Dhayagude and others v. State of Maharashtra, AIR 1977 SC 381***, it was held that where the story narrated by the witness in his evidence before the Court differs substantially from that set out in his statement before the police and there are large number of contradictions in his evidence not on mere matters of detail, but on vital points, it would not be safe to rely on his evidence and it may be excluded from consideration in determining the guilt of accused.

28. In the light of the law laid down in the afore-said judgments, this Court has to appreciate the evidence of the prosecution witnesses. PW1 Ajay is the complainant/injured and so he is the most material witness of the prosecution case. However, in his examination-in-chief, he has categorically deposed that he was not stabbed by accused Mangal @ Rohit. Rather he has deposed that when he had intervened in a quarrel between some unknown persons, he suffered stabbed injuries.

The injured/PW1 has given a clean chit to accused Mangal @ Rohit, by categorically deposing that the accused had no role in assaulting him. Even the other material witness i.e. PW2 Smt. Shakuntala has not supported the prosecution case. There is no evidence on record to conclude that the accused is responsible for committing the offences, nor any other eye witness has been examined by the prosecution.

29. The weapon of offence i.e. knife has allegedly been recovered from the possession of the accused during the investigations of another case bearing FIR No. 490/2023, but no public person has been examined to prove the said recovery. Even PW1/injured, during his cross examination conducted by the Ld. Addl. PP for the State, specifically stated that he cannot identify the said knife which was allegedly used by the accused. No doubt, the law is settled that testimony of police officials cannot be doubted simply on account of non-joining of the public witnesses. But the law is also settled that if there is easy availability of the public witnesses, to give fairness and credibility to the recovery process, all efforts should be made to join public witnesses. Reliance is placed upon the judgment of ***Sans Pal Singh Vs. State of Delhi, AIR 1999 SC 49***, wherein the Supreme Court has observed that in a case where public witnesses were available and could have been associated to witness the recovery, the police should make efforts to join them, otherwise, the recovery comes under the shadow of doubt. Considering the fact that the star witness of the prosecution did not utter a single word against the accused, and has not supported

the prosecution story against the accused sent for trial and even the other public witness i.e. PW2 Smt. Shakuntala, who is wife of the injured Ajay, has not supported the prosecution case, in the considered opinion of this court, the prosecution has fallen short of the expectations and has failed to prove its case against the accused as required under the law. Accordingly, this court is of the opinion that prosecution has failed to prove the charges against accused Mangal @ Rohit beyond reasonable doubt.

30. Having considered the submissions of rival sides and material on record including the documents as well the statements of the witnesses, this Court is of the opinion that the case of the prosecution has miserably failed as it primarily rested on the testimony of its material witnesses i.e. PW1/injured Ajay and PW2/Smt. Shakuntala who have not supported the prosecution case and despite being cross-examined by Ld. Addl. PP for the State, nothing material could be elicited from their testimonies. PW1 i.e. the star witness of the prosecution has categorically denied the case of the prosecution on vital aspect of complicity of the accused.

31. Since the star witnesses of the prosecution i.e. the victim/injured Ajay and his wife Smt. Shakuntala on whose testimonies the case of the prosecution was based, have given a clean chit to accused Mangal @ Rohit, in the considered opinion of this Court, the prosecution has failed to prove the charge against the accused Mangal @ Rohit beyond reasonable doubt. Accordingly, accused Mangal @ Rohit is hereby acquitted for the offence punishable u/s 307 IPC and u/s 27 Arms Act.

32. Accused Mangal @ Rohit is directed to furnish bail bond in the sum of Rs.20,000/-, with one surety in the like amount, under provisions of Section 437-A Cr.PC. File be consigned to record room.

*Announced in the open court
today i.e. 23.05.2026*

(PREM KUMAR BARTHWAL)
Principal District & Sessions Judge (North)
Rohini Courts, Delhi.