

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

In the matter of:-

Sessions Case No. 722/2024
CNR No. DLNW01-008531-2024
FIR No. 481/2024
Police Station : Raj Park
Under Section : 309(4)/311/3(5) BNS
25/27 Arms Act.

State	V/s	1.	Karanpal Singh @ Bhajji S/o Ranjeet Singh R/o H.No. S-135, Mangol Puri Delhi.
		2.	Kamal @ Kamla S/o Shyam Sunder R/o H.No. S-490, Mangol Puri Delhi.
		 Accused

Date of committal to this court	10.09.2024
Date of final arguments	18.04.2026
Date of Judgment	22.04.2026

Appearance : Sh. P.K. Samadhiya, Ld. Addl. PP for the State.
Sh. Ashish Dahiya, Ld. counsel for accused Karanpal Singh @ Bhajji.
Sh. Rupin Singh Dhama and Ms. Heena, Ld. counsel for accused Kamal @ Kamla.

JUDGMENT

1. Succinctly stated, the prosecution case is that on July 13, 2024, at approximately 2:30 AM, when complainant Vinod

Singh, who is a auto driver by profession, was standing along with his auto near S Block Mangol Puri, Delhi, and was waiting for passengers, two boys approached him, one of them pointed out a knife at him, while the second boy robbed him of his mobile phone make ACE keypad, Rs. 1500/- and his Aadhar Card and thereafter they ran away. Earlier also, he had seen those boys. He came to know from the persons standing there that the names of those assailants were Kamla and Bhajji.

2. The matter was reported to the police vide DD No. 0016A , which was assigned to SI Bir Singh, who along with HC Ravinder Singh reached at the spot, where they met the victim Vinod Singh and recorded his statement. On the basis of the statement of the victim, the present FIR was registered. On 14.07.2024, at the instance of the complainant, accused Kamal @ Kamla was apprehended and arrested. On his personal search, one knife and cash of Rs. 500/- were recovered, which were seized by the IO. Subsequently, on 15.07.2024, accused Karanpal Singh @ Bhajji was arrested at the instance of the complainant and on his personal search, one mobile phone make ACE keypad, belonging to the complainant and Rs. 600/- were recovered from his possession. Case property was seized and deposited in the malkhana.

3. Following the incident, IO SI Bir Singh conducted a thorough investigation, recorded the statements of witnesses and prepared the requisite memos. Upon completion of the investigation, a 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

4. Charges were framed against both the accused persons for the offences punishable u/s 309(4) r/w section 3(5) BNS (392/34 IPC). Apart from that accused Kamal @ Kamla was also charged for the offence punishable under Section 311 BNS (397 IPC) and under Section 25/27 Arms Act. Both the accused persons pleaded not guilty and claimed trial.

PROSECUTION EVIDENCE

5. During trial, prosecution examined seven witnesses in all.

S.No	Witness	Description of testimony
1.	PW 1 Sh. Vinod Singh	Complainant – cum – victim.
2.	PW 2 HC Sudhir	DD Writer.
3.	PW 3 W/HC Neelam	Duty Officer.
4.	PW 4 HC Ravinder Singh.	Joined investigation with IO.
5.	PW 5 HC Ramniwas	Joined investigation with IO.
6.	PW 6 Ct. Niketan	Joined investigation with IO.
7.	PW 7 Retired SI Bir Singh	Investigating Officer.

PW HC Om Prakash was dropped by the Ld. Prosecutor vide statement dated 02.07.2025, submitting that the testimony of the said witness is repetitive in nature.

Documents relied upon by the prosecution :

S.No.	Nature of document	Exhibit
1.	Statement of complainant.	Ex. PW 1/A.
2.	Site Plan	Ex. PW 1/B.
3.	Subsequent statement of complainant u/s 180 BNSS	Ex. PW 1/C.
4.	Seizure Memo of Mobile phone make ACE, Blue colour and cash of Rs. 600/- recovered from accused Karanpal.	Ex. PW 1/D.
5.	Arrest Memos of accused Karanpal @ Bhajji.	Ex. PW 1/E.
6.	Arrest Memo of accused Kamal @ Kamla.	Ex. PW 1/F.
7.	Sketch of knife.	Ex. PW 1/G.
8.	Seizure Memo of knife and cash of Rs. 500/-	Ex. PW 1/H.
9.	DD No. 16A	Ex. PW 2/A.
10.	FIR	Ex. PW 3/A.
11.	Endorsement on rukka.	Ex. PW 3/B.
12.	Certificate u/s 63.4 BSA	Ex. PW 3/C.
13.	DD No. 34 A.	Ex. PW 3/D.
14.	Personal Search Memo of accused Kamal @ Kamla.	Ex. PW 5/A.
15.	Disclosure Statement of accused Kamal @ Kamla.	Ex. PW 5/B.
16.	Personal Search Memo of accused Karanpal @ Bhajji	Ex. PW6/A.
17.	Disclosure Statement of accused Karanpal @ Bhajji	Ex. PW 6/B.
18.	Tehrir	Ex. PW 7/A.
19.	Mobile.	Ex. P-1.
20.	Knife.	Ex. P-2.
21.	Currency Note of denomination Rs. 500/-	Ex. P3 & Ex. PW7/MO1.

22.	Currency notes of denomination Rs. 500/- and Rs. 100/-	Ex. P4 & Ex. PW7/MO2.
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6. In their respective statements under Section 313 of the Criminal Procedure Code, both the accused persons denied the allegations levelled against them. They claimed false implication by the complainant in connivance with the police. They chose not to lead any defence evidence.

7. I have heard arguments advanced by Sh. P.K. Samadhiya, Ld. Addl. Public Prosecutor for the State, and Sh. Ashish Dahiya, Ld. CLADC for accused Karanpal Singh @ Bhajji and Sh. Rupin Singh Dhama and Ms. Heena, Ld. counsel for accused Kamal @ Kamla, and have also gone through the relevant case law and have scrutinized the evidence adduced by the prosecution.

ANALYSIS & REASONING

8. The case of the prosecution is to the effect that on 13.07.2024 at about 2.30 AM, accused Karanpal Singh @ Bhajji and Kamal @ Kamla, robbed the complainant of his mobile phone, cash of Rs. 1500/- and his Aadhar card, and while committing the said robbery accused Kamal @ Kamla used a knife, which was later recovered from his possession.

9. The case of the prosecution was based on the testimony of victim himself, who, entered the witness box as PW1 and deposed that he used to drive auto and on 13.07.2024, he was present near juice shop, Mangol Puri red light with his

TSR No. DL1RN 0235 and was waiting for the passengers. He further deposed that all of a sudden, 2-3 boys wearing helmets came there and they robbed him on the point of knife. They had forcibly taken away his mobile phone, Aadhar Card and cash of Rs. 1,500/-/. He became perplexed and could not see their faces. He called the police pursuant where to police came there and recorded his statement and prepared the site plan. He further deposed that later on, the police told him that his mobile phone has been recovered and got his signatures on some papers. He testified that he could not identify the boys, who robbed him. On being drawn his attention towards accused Karan Pal Singh @ Bhajji and Kamal @ Kamla, the witness stated that they had not robbed him.

10. On being cross examined by Ld Chief Public Prosecutor, PW 1 denied having made any statement **Ex.PW1/C** to the police. He denied the suggestion that in the intervening night of 13/14.07.2024, when he reached near TU Block, Near Mangol Puri Park, he saw accused Karan Pal @ Bhajji. He further denied the suggestion that he immediately informed the police and the accused Karan Pal @ Bhajji was apprehended by the police at his instance or that his mobile phone make ACE Blue and a cash of Rs. 600/- were recovered from the possession of accused Karan Pal. He denied the suggestion that he signed the seizure memo and the arrest memo of the accused Karan Pal.

11. He further denied the suggestion that on 15.07.2024, he visited the PS and identified accused Kamal @ Kamla or that accused Kamal was arrested at his instance. He also denied the

suggestion that during search of accused Kamal, one knife and a cash of Rs. 500/- were recovered or that he signed the sketch of knife. He volunteered that police had obtained his signatures on blank papers. On being produced by MHC(M) and shown to the witness, one mobile phone make ACE of Blue colour, the witness identified the same, stating that it was the same mobile phone which was robbed from him. Mobile phone was taken on record as **Ex.P1**. However, he denied the suggestion that the said mobile phone was recovered from the possession of accused Karan Pal. On being shown one knife, produced by MHC(M), the witness stated that no such knife was recovered from accused Kamal @ Kamla in his presence. He denied the suggestion that it was the same knife which was shown to him by the accused while robbing him. He further denied the suggestion that he has been won over by the accused persons or that he has settled the matter with the accused persons, and due to this reason, he was not stating the true facts. He further denied the suggestion that due to the fear and threats of accused persons, he was not naming them, who had robbed him.

12. As admitted by the Ld. Prosecutor for the State, the case of the prosecution was primarily hinging on the testimony of the complainant / victim Vinod, examined in the court as PW 4. The said star witness of the prosecution, has supported the case of the prosecution only to the extent that on the fateful night, when he was present near juice shop, Mangol Puri, suddenly 2-3 boys, who were wearing helmets, robbed him of his mobile phone, cash of Rs. 1500/- and his Aadhar card, but as regards the identity of those 2-3 boys, he specifically deposed that he could not identify

them, as he could not see their faces. Even on being drawn attention towards the accused persons, he specifically deposed that accused persons have not robbed him.

13. The instant case has been registered on the basis of the statement made by the complainant Vinod Singh, which has been proved on record as Ex. PW 1/A. In the said statement, complainant has mentioned that though he had seen the said two boys many times earlier as well but their names were told to him by the other persons standing there at the spot. As per the case of the prosecution, both the accused persons were arrested at the instance of the accused, but during his testimony before the court he deposed that the assailants were wearing helmets and he could not see their faces.

14. As per the prosecution case, both the accused persons were arrested at the instance of the complainant, but in his deposition before the court, the witness denied the same, submitting that his signatures were obtained by the police on some blank papers. Recovery of mobile phone, knife and cash from accused persons has also been denied by the complainant.

15. In case *Abdul Sayed V. State of MP, (2010) 10 SCC 259*, to explain the reliability of injured witnesses, it was held as under:

“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”.

16. Guided by the said observations made by the Hon'ble Supreme Court, it is crystal clear that it is the testimony of the injured / eye witness, which is most vital, to arrive at a logical conclusion qua the accused persons in respect of the offences, they have been charged with. In the case in hand, the injured has given a clean chit to both the accused persons, categorically deposing that he could not see the faces of the assailants, and therefore was unable to identify the accused persons, as the perpetrators of the crime.

17. Since the star witnesses of the prosecution i.e. the injured, on whose testimony the case of the prosecution was based, gave a clean chit to both the accused persons, being unable to identify them as the perpetrators of the crime, there is nothing that survives in the prosecution case, which falls flat on its face, failing to bring home the guilt of the accused persons.

18. Accused Kamal @ Kamla has also been charged for the offence punishable under Section 311 BNS and u/s 25/27 Arms Act, for having used and being found in possession of alleged weapon of offence i.e. knife. As regards the use of weapon of offence i.e. knife, the prime witness of the prosecution i.e. victim has exonerated accused Kamal @ Kamla deposing that he could identify neither the assailant nor the weapon of offence.

19. So far as recovery of the said weapon of offence i.e.

knife from the possession of accused Kamal @ Kamla, as per the prosecution case, the accused Kamal @ Kamla was arrested on 15.07.2024 at the instance of the victim and sketch and Seizure Memo of the knife were prepared in his presence, but the victim in his deposition before the court denied the same, stating that his signatures were obtained on some blank papers. He specifically denied that the knife in question was recovered from the possession of accused Kamal @ Kamla in his presence.

20. Ld. defence counsel for accused Kamal @ Kamla has contended that the testimony of PW 1 Vinod Singh, makes the alleged recovery of knife from the possession of accused Kamal @ Kamla doubtful and as such prosecution fails to bring home the guilt of the accused Kamal @ Kamla for the offence punishable u/s 25 Arms Act, as the testimony of police officials is only corroborative piece of evidence and cannot be believed when the star witness of the prosecution has not supported the prosecution version.

21. On the other hand, Ld. Prosecutor has argued that though the material witness has turned hostile, but the testimony of the police witnesses, cannot be ignored and the same is sufficient to conclude that the knife Ex. P-2 was recovered from the possession of the accused Kamal @ Kamla.

22. An accused can be acquitted under Section 25 of the Arms Act, 1959 when the prosecution fails to establish, with the degree of certainty required in criminal law, that the weapon allegedly recovered was in the conscious and exclusive

possession of the accused and that the same was properly preserved, examined, and linked to the offence. In the present factual matrix, the first and foremost infirmity arises when the same could not be linked with the present case, as PW 1 Vinod Singh specifically deposed that he could not identify either the assailants or the weapon of offence.

23. PW 5 HC Ramniwas deposed that on 15.07.2024, he and HC Om Prakash joined the investigation with IO SI Bir Singh and on identification of complainant, they apprehended the accused Kamal. He further deposed that IO conducted search of accused and one dragon knife was recovered from right pocket of his pant and one currency note of Rs. 500/- denomination was recovered from the left pocket of his pant. He further deposed that the IO measured the knife and prepared its sketch, and thereafter the said knife and currency note were seized by the IO.

24. On the other hand PW 7 IO SI Bir Singh deposed that it was on 14.07.2024, when the complainant arrived at PS and he along with HC Ram Niwas and HC Om Prakash accompanied by complainant went in search of accused and on identification of complainant accused Kaml @ Kamla was apprehended.

25. Arrest Memo of accused Kamal and seizure memo of knife show that the date of their preparation as 15.07.2024. As per the IO SI Bir Singh, accused Karanpal Singh @ Bhajji was arrested on 15.07.2024 but his arrest memo and personal search memo show the date of preparation as 14.07.2024. The

complainant has categorically deposed that neither accused persons were apprehended in his presence nor he signed their arrest memos and personal search memos, but his signatures were obtained on some blank papers.

26. The evidentiary value of any recovered weapon depends upon the prosecution's ability to demonstrate that the article remained untampered from the time of seizure until its production in court or examination in the forensic laboratory. It is the failure of the prosecution to present reliable oral evidence linking the accused Kamal @ Kamla to the weapon. In cases involving violent offences, the testimony of injured witness ordinarily carries great weight because their presence at the scene is established and their account is presumed to be trustworthy. However, when such witnesses turn hostile and do not support the prosecution's version, the entire narrative of the prosecution is significantly undermined. In the absence of their support, the recovery of the weapon becomes doubtful, particularly if there are no independent witnesses to corroborate the seizure. The prosecution is then left without any direct evidence connecting the accused to the alleged possession or use of the weapon. While it is true that a hostile witness does not automatically render the prosecution case false, the court must exercise caution and seek corroboration from other reliable evidence. In the present scenario, such corroboration is either absent or itself tainted by procedural irregularities.

27. Furthermore, the essential ingredient of "conscious possession" is not established in such a case. Possession under

Section 25 of the Arms Act, 1959 is not merely physical custody but involves knowledge and control over the weapon. The prosecution must demonstrate that the accused was aware of the presence of the weapon and had dominion over it. Where the recovery itself is doubtful, it becomes impossible to attribute conscious possession to the accused. The absence of clear and reliable evidence on this aspect strikes at the very foundation of the charge under Section 25.

28. When these factors are considered cumulatively, they create a situation where the prosecution's case is riddled with uncertainties. The law is well settled that suspicion, however strong, cannot take the place of proof. The standard of proof in criminal cases is deliberately set high to prevent the miscarriage of justice. Where the evidence leaves room for reasonable doubt regarding the guilt of the accused, the court must lean in favour of acquittal. In the present case, the doubts are not peripheral or speculative; they arise from concrete deficiencies in the prosecution's evidence and procedure.

29. Therefore, in such circumstances, an acquittal is not merely a possible outcome but a legally justified one. The prosecution has failed to discharge its burden of proving the essential ingredients of the offence beyond reasonable doubt. In keeping with the fundamental principles of criminal jurisprudence, the accused is entitled to the benefit of doubt, and the court would be justified in acquitting him of the charge under Section 25 of the Arms Act, 1959.

30. It is the settled proposition of law that the testimony of official police witnesses is just a corroboratory piece of evidence, and the same, in the absence of the testimony of material witnesses, has no credibility and loses its value.

31. It is established law that it is the testimony of the victim / eye witness, which is most vital, to arrive at a logical conclusion qua the accused persons in respect of the offences, they have been charged with. Since the star witness of the prosecution i.e. the victim on whose testimony the case of the prosecution was based, absolved the accused persons, there is nothing that survives in the prosecution case, failing to bring home the guilt of the accused persons.

32. Accordingly, I am of the opinion that the prosecution has failed to establish the guilt of the accused persons. Accordingly, both the accused persons Karanpal Singh @ Bhajji and Kamal @ Kamla are acquitted of the offence punishable under Section 309(4) read with section 3(5) BNS. Accused Kamal @ Kamla is acquitted of the offence punishable under Section 311 BNS and under Section 25/27 Arms Act as well.

33. Accused Karanpal Singh @ Bhajji is in JC. Bail bond of the accused Kamal @ Kamla stands cancelled and his surety stands discharged. Original documents, if any, be released to the rightful owner after cancellation of the endorsement.

34. Accused persons are directed to furnish bail bonds u/s 485 BNSS in the sum of Rs. 10,000/- each with one surety in the

like amount each for a period of six months.

35. File be consigned to Record Room after compliance.

Announced in the open Court
today i.e. 22nd April, 2026

(Nisha Sahay Saxena)
Principal District & Sessions Judge (NW)
Rohini Courts, Delhi (k)