

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

In the matter of:-

Sessions Case No. 749/2024
CNR No. DLNW01-009021-2024
FIR No. 330/2024
Police Station : Prem Nagar
Under Section : 307/506 IPC

State	V/s	Raj Kumar @ Raj S/o Niranjana Singh R/o A Block, H.No. 232, Bamal Colony, Kavi Nagar, PS Kavi Nagar, Ghaziabad, UP.	Accused.
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Date of committal to this court	21.09.2024
Date of final arguments	15.04.2024
Date of Judgment	21.04.2026

Appearance : Sh. P.K. Samadhiya, Ld. Addl. PP for the State.
Sh. Ashish Dahiya, Ld. CLDAC for accused.

JUDGMENT

Genesis of the case

1. On 13th June, 2024, at approximately 05:25 hours,

Police Station Prem Nagar, Delhi, received a telephonic distress call, duly recorded as General Diary Entry No. 0017A. The caller reported that his sister's neck had been slashed by her husband, that she was bleeding profusely, and that the perpetrator had been physically restrained by the family at the scene. He further expressed his grievance that the attending medical personnel were refusing to provide immediate treatment to the injured. The DD Writer, Head Constable Netarpal, promptly assigned the entry to HC Karamvir, who, accompanied by Constable Bunty, proceeded without delay to the locus of the offence.

2. Upon their arrival at the scene, the police officers were received by one Adarsh Singh Rathore, the brother of the injured, who apprised them of the circumstances of the assault. In the interim, Beat Officer HC Vijay also reached the spot. Adarsh Singh Rathore produced the accused, Raj Kumar @ Raj, before the police. A general search of the accused was conducted, pursuant to which a blood-stained knife was recovered from his person. The accused was thereafter escorted to the police station by HC Vijay. The First Investigating Officer, HC Karamvir, leaving Ct. Bunty stationed at the spot to preserve the scene of crime, proceeded to SGM Hospital, where he collected the Medico-Legal Certificate (MLC) of the injured and other relevant exhibits, and recorded her statement.

3. In her statement recorded at the hospital, the injured, Geeta, disclosed that she had been married to the accused, Raj Kumar, approximately nine years prior to the date of the incident. The couple had two daughters from their marriage. For the preceding four months, however, Geeta had been compelled to reside at her parental home at Prem Nagar, Delhi, having left the matrimonial home on account of the intolerable behaviour of her husband. She deposed that the accused had no regular occupation and had been consistently unemployed and would not work anywhere for more than ten to fifteen days at a stretch. He was habitually addicted to alcohol, and in a state of inebriation, regularly subjected her to physical abuse. He also harboured suspicions regarding her character and fidelity, even going so far as to engage young men to surveil and follow her. Thoroughly worn down by this domestic ordeal, she had finally sought refuge at her parental home with her two daughters.

4. Geeta further disclosed in her statement that on the evening of 12th June, 2024, at approximately 8:00 to 9:00 PM, the accused arrived uninvited at her parental home and demanded that she return with him to the matrimonial residence. A heated verbal altercation ensued between them. Ultimately, the accused left the premises, while Geeta chose to remain at her parental home. On the following morning, i.e., 13th June, 2024, at approximately 5:00 AM, while she was making her way to the washroom situated outside the

main structure of the house, the accused suddenly and stealthily appeared from the darkness, clamped his hand over her mouth to suppress any outcry, and attacked her neck with a sharp-edged instrument. As she turned to confront her assailant, she saw that the accused was wielding a knife and was heard to threaten that he would not spare her and would put an end to her life. She broke herself free and fled back into the house. Her brothers, Rahul and Adarsh, who were awakened by the commotion, rushed to her aid and physically overpowered the accused. Her brother, Rahul, immediately arranged for her transportation to SGM Hospital, where she received medical treatment for her injuries.

5. On the basis of the aforesaid statement of the injured, the First IO prepared the rukka and got the present case FIR bearing No. 330/2024 registered at Police Station Prem Nagar. The Crime Team was summoned to the spot for forensic inspection. After the formal registration of the FIR, the further investigation of the case was entrusted to Sub-Inspector (SI) Satender Kandhol, who conducted a thorough investigation. He arrested the accused Raj Kumar @ Raj, carried out his personal search, recorded his Disclosure Statement, collected a blood sample from the injured, and transmitted all relevant exhibits to the Forensic Science Laboratory (FSL) for expert examination and opinion. Upon the completion of investigation, charge-sheet was filed before the Court of the Learned Metropolitan

Magistrate.

6. Upon the appearance of the accused before the Court of the Ld. Magistrate, copies of the charge-sheet and all accompanying documents were duly supplied to him in compliance with the provisions of Section 207 of the Code of Criminal Procedure, 1973. After the completion of the requisite statutory compliance, the Ld. Magistrate, committed the case to this Court. A prima facie case having been established against the accused for the offence under Section 307/506 IPC, charge was framed accordingly against him, to which the accused entered a plea of not guilty and claimed trial.

Prosecution Evidence.

7. During trial, prosecution examined twenty two witnesses in all.

S.No	Witness	Description of testimony
1.	PW 1 Geeta	Complainant and injured witness; wife of accused.
2.	PW 2 Adarsh Singh Rathore	Brother of the injured; eye witness to the assault and the apprehension of the accused.
3.	PW 3 Rahul	Brother of the injured; eye witness to the assault and the apprehension of the accused.
4.	PW 4 Mayank.	Neighbour of injured; assister in her transportation to the hospital.

5.	PW 5 HC Netarpal.	DD Writer; recorded the initial distress call.
6.	PW 6 Ct. Sujeet.	Joined investigation.
7.	PW 7 HC Vijay Kumar	Joined investigation with IO; effected the recovery of the knife.
8.	PW 8 Sh. Ankur Bhatnagar.	Sr. Scientific Officer, Crime Scene, FSL – proved report dated 27.06.2024.
9.	PW 9 Ms. Nisha	Jr. Scientific Officer, Crime Scene, FSL.
10.	PW 10 HC Kavinder.	Duty Officer
11.	PW 11 Om Prakash	Neighbour of the injured and mediator of the marriage; material witness.
12.	PW 12 Ct. Bunt	Joined investigation with IO.
13.	PW 13 Dr. Chander Prakash Meena.	Sr. Medical Officer – opined that the injuries noted in MLC are consistent with the knife recovered.
14.	PW 14 Dr. Kaushal Kumar.	Proved MLC of injured.
15.	PW 15 HC Sandeep Kumar.	Deposited the exhibits with FSL.
16.	PW 16 SI Rajesh Kumar.	In-charge Crime Team
17.	PW 17 HC Sudesh Kumar	Member and Photographer Crime Team
18.	PW 18 HC Sukhveer	In-charge Records, CPCR – proved PCR form.
19.	PW 19 HC Karamvir	First Investigating Officer.
20.	PW 20 Ms. Shashi Bala Pahuja	Sr. Scientific Officer (Biology) – proved FSL report including allelic data.

21.	PW 21 SI Satender Kandhol.	Second Investigating Officer.
22.	HC Sudhir Rana.	MHC(M)

Documents relied upon by the prosecution :

S.No.	Nature of document	Exhibit
1.	Statement of injured.	Ex. PW1/A.
2.	Pointing out memo qua place of occurrence.	Ex. PW1/B.
3.	Sketch of knife.	Ex. PW 2/A.
4.	Seizure Memo of knife.	Ex. PW2/B.
5.	Seizure Memo of blood lifted from spot and bed room.	Ex. PW2/C.
6.	Arrest Memo of accused.	Ex. PW 2/D.
7.	Personal Search Memo of accused.	Ex. PW 2/E.
8.	DD entry no. DD 17 A.	Ex. PW 5/A.
9.	Seizure Memo of blood stained clothes of injured.	Ex. PW 6/A.
10.	Disclosure Statement of accused.	Ex. PW 7/A.
11.	Report prepared by Crime Scene Team, FSL, Rohini.	Ex. PW 8/A.
12.	FIR	Ex. PW 10/A.
13.	Endorsement on rukka.	Ex. PW 10/B.
14.	Certificate u/s 65 B Evidence Act.	Ex. PW 10/C.
15.	Rough Diagram of knife.	Ex. PW 13/A.

16.	Opinion qua injuries by weapon of offence i.e. knife.	Ex. PW 13/B.
17.	MLC of injured.	Ex. PW 14/A.
18.	Copy of Road Certificate.	Ex. PW 15/A.
19.	Copy of acknowledgment.	Ex. PW 15/B.
20.	Mobile Crime Team Report.	Ex. PW 16/A.
21.	Ten Photographs clicked by Crime Team.	Ex. PW 17/A (colly).
22.	Certificate u/s 65 B Indian Evidence Act.	Ex. PW 17/B.
23.	PCR Form.	Ex. PW 18/A.
24.	Certificate u/s 63 BSA.	Ex. PW 18/B.
25.	Tehrir	Ex. PW 19/A.
26.	Seizure Memo of blood sample of injured.	Ex. PW 19/B.
27.	FSL Report.	Ex. PW 20/A.
28.	Allelic Data Report.	Ex. PW 20/B.
29.	Request letter issued by IO for providing subsequent opinion qua weapon of offence.	Ex. PW 21/A
30.	Copy of relevant entry in Register No. 19.	Ex. PW 22/A.
31.	Copy of RC.	Ex. PW 22/B.
32.	Copy of acknowledgment of FSL.	Ex. PW 22/C.
33.	Clothes of injured.	Ex. P1 (colly)
34.	Knife (weapon of offence).	Ex. P-2
35.	Piece of mattress and gauze pieces with	Ex. P-3.

	blood stains.	
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Statement of the accused and defence.

8. Upon the closure of the prosecution evidence, the statement of the accused, Raj Kumar @ Raj, was recorded under Section 313 of the Code of Criminal Procedure, 1973. In his statement, the accused took the plea of total innocence. He claimed that the injuries sustained by the injured were not inflicted by him, but rather were the result of a physical altercation that had taken place between the injured and her own brothers. He further alleged that the knife had been falsely planted upon him by the Investigating Officer in a deliberate attempt to fabricate evidence. The accused chose not to lead any defence evidence in support of his claim.

9. Final arguments were advanced by Sh. P.K. Samadhiya, Ld. Additional Public Prosecutor, on behalf of the State, and by Sh. Ashish Dahiya, Ld.CLDAC, on behalf of the accused. This Court has given its careful and considered attention to the rival contentions advanced by both the parties and has subjected the entire record including the prosecution evidence to rigorous scrutiny.

Analysis and Reasoning.

10. In its essential contours, the case of the prosecution is that the accused, Raj Kumar @ Raj, upon being refused by his wife,

Geeta, to accompany him back to the matrimonial home, harboured a murderous intent against her. Pursuant thereto, in the early morning hours of 13th June, 2024, at approximately 5:00 AM, he attacked her with a knife, inflicting injuries upon her neck, with such intention or knowledge, and in such circumstances, that had death resulted from his act, he would have been guilty of murder. He is also alleged to have threatened her life.

11. The pivotal and most consequential witness of the prosecution is the injured herself, Geeta (PW 1), who is also the wife of the accused. Before proceeding to analyze her testimony, it is appropriate to advert to the legal concept of a 'sterling witness,' which has been authoritatively articulated by the Hon'ble Supreme Court of India.

12. In **Rai Sandeep v. State (NCT of Delhi)**, (2012) 8 SCC 21, the Hon'ble Apex Court enunciated the test for determining whether a witness qualifies as a 'sterling witness.' The Court observed that such a witness must be of the highest quality and calibre, whose testimony is unassailable and may be accepted at face value without hesitation. The truthfulness of the statement, rather than the social status of the witness, is the paramount consideration. The version must be consistent throughout, from the initial statement to the deposition in court, without prevarication. The witness must be able to withstand

the most rigorous and searching cross-examination without giving room for doubt as to the factum of the occurrence, the identity of the persons involved, or the sequence of events. Moreover, the testimony must correlate with and be supported by all surrounding material evidence, including recoveries, the weapon used, the manner of commission of the offence, scientific evidence, and the opinions of experts. The Court further observed that the core version of such a witness should remain unshaken, while all attendant oral, documentary, and material evidence corroborates that version in its material particulars, thereby enabling the court to sieve the corroborative material through the filter of the core testimony and hold the accused guilty.

13. Tested on the anvil of the aforesaid standard, the injured, Geeta (PW 1), unequivocally qualifies as a 'sterling witness.' Her deposition before this Court was categorical, coherent, consistent, and entirely credible. She testified that she was married to the accused in the year 2015 and that the couple had two daughters. She deposed that the accused was heavily and habitually addicted to alcohol, that he regularly quarrelled with her, and that he kept constant and unwarranted surveillance over her movements, even engaging other persons to follow her on his behalf. She further deposed that on account of this sustained pattern of abuse, harassment, and marital discord, she had been residing at her parental home for a period of four

months prior to the incident, along with her daughters.

14. PW 1 further testified that on the evening of 12th June, 2024, at approximately 8:00 to 9:00 PM, the accused arrived at her parental home and pressurised her insistently to return to the matrimonial home along with their daughters. When she refused, a quarrel ensued, and the accused thereafter left the premises. On the following morning, i.e., 13th June, 2024, at approximately 5:00 AM, while she was proceeding towards the washroom situated outside the house, the accused appeared suddenly and from behind, seized her face with his hand to prevent her from raising an alarm, and attacked her neck with a sharp-edged object. When she turned, she saw that the accused was holding a knife, and blood began to flow from the wound on her neck. Mustering her strength, she extricated herself from his grip and ran back into the house. The accused followed her, placed the knife against her neck again as she fell upon the bed in the room, and declared that he would not spare her.

15. On hearing her screams, her brothers, Adarsh and Rahul, rushed to her aid and overpowered the accused. She was thereafter taken to SGM Hospital by her brother Rahul. PW 1 further identified and confirmed the blood-stained clothes she was wearing at the time of the incident when the same were produced in court by the Malkhana Moharrir (MHC). During her cross-examination by the Learned

Defence Counsel, PW 1 maintained the consistency and accuracy of her account in its material particulars. She admitted that she had been residing at her parental home since February 2024, and had also filed a complaint against the accused concerning his conduct and torture in May 2024. Significantly, she denied in categorical terms the suggestion that she had fabricated the incident with a view to being rid of her husband, or that the accused had not caused any injury to her. She equally denied the suggestion that the accused had stayed at her parental home on the night of 12th June, 2024.

16. The testimony of PW 1 receives powerful corroboration from the depositions of two other eyewitnesses, namely her brothers, PW 2 Adarsh Singh Rathore and PW 3 Rahul, whose presence at the spot of the incident is not disputed by the defence. PW 2 Adarsh Singh Rathore deposed that his sister Geeta had been married to the accused in 2015, and that the accused habitually drank alcohol, quarrelled with his sister, subjected her to beatings, and harboured suspicions about her character. These circumstances ultimately led Geeta to come to the parental home along with her daughters. PW 2 further deposed that in the early morning hours of 13th June, 2024, while he was sleeping in the gallery of the house, he was suddenly awakened by the cries of his sister. He rushed inside and witnessed the accused in the act of grappling with Geeta on the bed, with a knife placed against her neck, blood flowing from her wound. When he and his brother Rahul

attempted to intervene and rescue their sister, the accused threatened them by brandishing the knife menacingly and attempted to flee. However, they managed to overpower him and handed him over to the police. Adarsh Singh Rathore also identified and confirmed the knife recovered from the accused's possession in his presence.

17. PW 3 Rahul, the second brother, corroborated the deposition of PW 2 in all material particulars. He additionally testified that his sister had suffered so grievously on account of the accused's persistent cruelty and harassment that in February 2024, she had consumed a large quantity of paracetamol tablets, thereby endangering her own life, and had subsequently taken refuge at the parental home after recovering from that episode. With regard to the events of 12th June, 2024, PW 3 deposed that the accused arrived at their home in the evening and abused and threatened his sister, demanding that she return to the matrimonial home. On this occasion, their neighbour, Om Prakash (PW 11), who had also been the mediator of the marriage, was called to intervene. PW 11 managed to pacify the accused and persuaded him to leave. He also narrated about the incident dated 13.06.2024. PW 3's account of the events of 13th June, 2024 is entirely consistent with that of PW 2, and his version was not shaken under cross-examination.

18. The account of these eyewitnesses is further

corroborated by PW 4 Mayank, a neighbour, who deposed that upon being summoned by his friend Rahul in the early hours of 13th June, 2024, he found the injured Geeta wounded and thereupon transported her to SGM Hospital in his motor vehicle. He also confirmed that Rahul had informed him of the fact that the accused had stabbed his sister.

19. A pivotal and independently significant deposition was rendered by PW 11, Om Prakash, the neighbour and matrimonial mediator. He testified that on the evening of 12th June, 2024, at approximately 8:30 PM, he was summoned to the parental home of Geeta by her brother Rahul, who informed him that the accused had arrived with a knife and was abusing the family. Upon his arrival, PW 11 personally witnessed the accused standing with a knife in his hand. He intervened as a peacemaker and managed to persuade the accused to leave the premises. On the following morning, during his routine walk, he encountered a gathering near the same house and learned that the accused had been apprehended. The significance of this testimony lies in the fact that it establishes that the accused came to the parental home of his wife on the previous evening already armed with a knife, which powerfully corroborates the prosecution's case of premeditation.

20. Ld. Defence Counsel has argued that there are material

contradictions in the testimony of the injured, her brothers, and PW 11 Om Prakash. Specifically, it is submitted that while PW 11 deposed to witnessing the accused in possession of a knife on the evening of 12th June, 2024, this fact finds no mention in the testimony of any of the other witnesses. It is further submitted that PW 2 Adarsh Singh Rathore and PW 3 Rahul both testified that the accused brandished the knife towards them and attempted to flee, whereas PW1, the injured, makes no reference to this particular circumstance.

21. Ld. Additional Public Prosecutor, in countering these submissions, correctly urged that such minor variations are inevitable in any multi-witness criminal trial and do not in any manner undermine the core of the prosecution case. It was further submitted that at the time of the assault, the injured was undergoing acute physical and psychological trauma, and it would be wholly unreasonable to expect her to have observed and recalled every single act of the accused with clinical precision.

22. This Court is in complete agreement with the Ld. Prosecutor's submissions. The law on this aspect has been authoritatively settled by the Hon'ble Supreme Court in ***State of Rajasthan v. Smt. Kalki & Anr.***, 1981 SCC (2) 752, wherein it was held as under:

“In the depositions of witnesses there are always some normal discrepancies however honest and truthful they may

be. These discrepancies are due to normal errors of observation, normal errors of memory due to lapse of time, due to mental disposition such as shock and horror at the time of the occurrence, and the like. Material discrepancies are those which are not normal, and not expected of a normal person.”

23. In ***Raj Kumar Singh @ Raju @ Batya v. State of Rajasthan*** (2013) 5 SCC 722, it was observed as under:

“It is a settled legal proposition that, while appreciating the evidence of a witness, minor discrepancies on trivial matters, which do not affect the core of the case of the prosecution, must not prompt the court to reject the evidence thus provided, in its entirety. The irrelevant details which do not in any way corrode the credibility of a witness, cannot be labeled as omissions or contradictions. Therefore, the courts must be cautious and very particular, in their exercise of appreciating evidence. The approach to be adopted is, if the evidence of a witness is read in its entirety, and the same appears to have in it, a ring of truth, then it may become necessary for the court to scrutinize the evidence more particularly, keeping in mind the deficiencies, drawbacks and infirmities pointed out in the said evidence as a whole, and evaluate them separately, to determine whether the same are completely against the nature of the evidence provided by the witnesses, and whether the validity of such evidence is shaken by virtue of such evaluation, rendering it unworthy of belief.”

24. Measured by this standard, none of the contradictions pointed out by the Learned Defence Counsel affect the core of the prosecution case, which is that the accused attacked his wife with a knife on the neck of the injured on the morning of 13th June, 2024.

25. In further scrutiny of the testimony of PW 1 Geeta, this Court notes that her categorical deposition to the effect that she sustained stab injuries on her neck at the hands of the accused has gone entirely uncontroverted during her cross-examination. Crucially, the presence of the accused at the parental home of the injured on the material date was not challenged by the defence. Indeed, the suggestion put to PW 1 that the accused had stayed at her parental home on the night of 12th June, 2024 — a suggestion which she denied — itself necessarily implies and concedes his physical presence at the parental home on that date. The only substantive line of defence pursued during the trial was the bald suggestion that the injured had fabricated the entire incident in order to be rid of her husband, a suggestion that was flatly and specifically denied by PW 1.

26. It is significant to note that in his statement under Section 313 CrPC, the accused sought to introduce an entirely new and hitherto unarticulated defence — that the injuries sustained by the injured were the result of a fight between her and her own brothers. This assertion is wholly untenable. No such suggestion was ever put to PW 1 Geeta, to PW 2 Adarsh Singh Rathore, or to PW 3 Rahul at any stage during their cross-examination, as is required under the settled principles of law. A defence that makes no appearance during the trial of a case cannot be permitted to surface for the first time in the

accused's statement under Section 313 CrPC.

27. Furthermore, had there been any truth to the accused's assertion that the injuries were caused in a domestic altercation between the injured and her brothers, the accused, who was admittedly present at the spot, would, as a husband, have been the first person to accompany his injured wife to the hospital. The prosecution evidence is unambiguous that it was her brother Rahul who took her to SGM Hospital. This fact is independently corroborated by the MLC, Ex. PW 14/A, which records in the relevant column that the injured was "Brought By Brother Rahul." The accused does not dispute this fact.

28. The reliability and trustworthiness of the injured as a witness also falls to be assessed in the light of an important principle of evidence law. It is a deeply ingrained and universally acknowledged principle of human conduct that a person who has sustained life-threatening injuries will not allow her real and actual assailant to escape and falsely implicate an innocent person in his place. 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”.

29. In the present case, the injured Geeta, bore the physical consequences of the assault and has consistently, from her very first statement through to her deposition in court, identified her husband, the accused, as her attacker.

30. The prosecution case is further fortified by the expert forensic evidence. The Ld. Defence Counsel urged that certain deficiencies in the investigation — specifically, the alleged failure to collect blood-stained earth from the spot — cast a shadow over the prosecution's case. Ld. Prosecutor correctly responded that a piece of the blood-stained mattress was cut and preserved as an exhibit, and blood was additionally collected from the floor of the house on gauze cloth pieces, both of which were duly sent to the FSL. The FSL Report dated 10th December, 2024, Ex. PW 20/A, is of decisive importance. Its conclusion, arrived at through DNA fingerprinting employing Short Tandem Repeat (STR) analysis, establishes that the biological stains (blood) found on the knife (Ex. P-2), the cloth piece (Exhibit 3a), the gauze cloth pieces (Exhibits 3b and 3c), and the T-shirt of the victim (Exhibit 4a) all originate from the same biological source. This unambiguous and scientifically irrefutable finding conclusively demonstrates that the blood of the injured was present on the knife recovered from the accused, providing the most compelling corroboration of the prosecution's case.

31. Ld. Defence Counsel further argued that the wound documented in the MLC of the injured is described as a 'lacerated wound,' which, counsel submitted, is inconsistent with an assault by a sharp-edged instrument such as a knife. It was additionally submitted that only a single injury was found on the person of the victim, and that this militates against the inference of an intention to kill. In response, the Ld. Prosecutor submitted — and this Court agrees — that while the description of the wound in the MLC as a lacerated one may, at first blush, appear to create a tension with the prosecution version, it is well-settled in law that medical evidence is merely corroborative in character and cannot override or nullify the direct, positive, and credible ocular testimony of an injured witness, particularly where such testimony withstood the searching cross-examination.

32. In case **Baban Shankar Daphal & Ors Vs. The State of Maharashtra, 2025 INSC 97**, the Hon'ble Supreme Court has observed as under :

*32. It has been consistently laid down by this court that once there is a version of eyewitness and the same inspires confidence of the court it will be sufficient to prove the guilt of the accused. A profitable reference can be made to the decision of this Court in the case of **Pruthviraj Jayantibhai Vanol vs Dinesh Dayabhai Vala and Ors.**, wherein it was laid down that:*

“17. Ocular evidence is considered the best evidence unless there are reasons to doubt it. The evidence of PW-2 and

PW-10 is unimpeachable. It is only in a case where there is a gross contradiction between medical evidence and oral evidence, and the medical evidence makes the ocular testimony improbable and rules out all possibility of ocular evidence being true, the ocular evidence may be disbelieved.”

33. In the present case, the description of the wound as a lacerated one, rather than an incised wound, does not render the ocular account of the assault by a knife improbable. A sharp instrument, applied with a dragging or twisting motion, or used against a resisting victim, may indeed produce a lacerated wound. There is no gross or irreconcilable contradiction here that would warrant the rejection of the otherwise unimpeachable ocular testimony.

34. This Court also finds it apposite to advert to the legal position regarding deficiencies in investigation. In **Ganga Singh Vs. State of M.P. (2013) 7 SCC 278**, it was observed that court should not acquit the accused on the ground that there were some defects in investigation, but if the defects in the investigation were such as to cast a reasonable doubt about the prosecution case, then the accused is entitled to acquittal because of such doubt.

35. In **Surjit Sarkar Vs. State of West Bengal, (2013) 2 SCC 146**, after referring to several earlier decisions, it has been held that deficiencies in investigation by way of omission and lapses by the

investigating agency cannot themselves justify total rejection of the prosecution case and where prosecution evidence de hors such lapses, when carefully scrutinized and evaluated, does not affect the object of finding of truth. At the same time, it cannot be accepted as a broad proposition that in no case shoddy or defective investigation would not result in acquittal. Investigation must be precise and should not be having glaring loopholes, which create doubt as to whether the offence was committed by the person charged or not. This is impermissible.

36. In light of the foregoing analysis, the following material facts have been established beyond reasonable doubt by the prosecution evidence:

- (a) The presence of both the accused and the injured at the locus of the offence on 13th June, 2024.
- (b) The infliction of injuries upon the injured on her neck and right hand finger by the accused.
- (c) The complete failure of the accused to ascribe any credible motive on the part of the injured to falsely implicate him.
- (d) The recovery of a blood-stained knife from the accused, and the subsequent forensic DNA analysis conclusively establishing that the blood thereon belonged to the injured.
- (e) The corroboration of the injured's testimony by two independent eyewitnesses, the police officials who arrived at the scene, the medico-legal evidence, and the forensic scientific evidence.

37. In the result, and upon a comprehensive and integrated evaluation of the totality of the evidence on record, this Court finds that the prosecution has successfully established its case against the accused, Raj Kumar @ Raj — namely, that it was he who inflicted stab injuries on the neck of the injured, Geeta. The question that now falls for determination is whether the offence under Section 307 of the Indian Penal Code, 1860 has been made out against the accused.

OFFENCE U/S 307/506 IPC

38. The accused stands charged with the offence punishable under Section 307 of the Indian Penal Code, 1860. For convenient reference, the said provision is reproduced hereunder:

“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 hereinbefore mentioned.”

39. The three indispensable juristic elements that govern the analysis under Section 307 IPC are intention, knowledge, and motive. It is essential for a proper appreciation of the evidence to briefly delineate the legal content of each of these concepts.

Intention: 'Criminal intention' denotes the purpose or design to perform an act forbidden by criminal law without just cause or excuse. An act is intentional if it has its existence first in the mind of the actor, and is thereafter translated into physical reality by the desire by which it is accompanied. Intention is not synonymous with motive. Where the Legislature has made an offence dependent upon proof of intention, the court must examine whether the facts placed before it justify the inference that such intention existed. As a general rule, a sane person is presumed to intend the necessary, natural, and probable consequences of his acts — a presumption that endures unless the totality of the evidence raises a reasonable doubt as to whether such intention existed. Crucially, the court must judge the accused by the intention that is objectively evidenced and indicated by his proved acts.

Knowledge: Where knowledge of a fact constitutes an essential ingredient of an offence, it must be distinctly proved. There are, however, certain offences under the Penal Code where the element of knowledge is not a prerequisite for liability. In those offences, the prohibition of the act itself renders the question of knowledge immaterial.

Motive: Motive must not be conflated with intention. If a person knows that a certain consequence will inevitably follow from his act, it must be presumed in law that he intended that consequence, notwithstanding that his deeper or ulterior motive may have been entirely different. Motive may serve as a clue to intention, and purity of motive does not purge an act of its criminal character. While motive is not a sine qua non for bringing an offence home to the

accused, its presence or absence is a relevant circumstance on the question of intention. Where, however, there is direct, credible, and unimpeached evidence establishing the commission of the offence by the accused, it is not necessary for the prosecution to affirmatively prove the motive, since motives often reside within the private knowledge of the perpetrator.

40. It is a well-established legal proposition that for the offence under Section 307 IPC to be constituted, the prosecution must prove that the accused performed the act in question with the intention or knowledge to commit culpable homicide amounting to murder, and that the act was committed in circumstances such that, had death resulted from it, the accused would have been guilty of culpable homicide. The intention or knowledge is not to be determined by the result of the act alone; rather, it must be deduced from the totality of the circumstances in which the injuries were inflicted, the nature of the weapon used, the nature and location of the injuries sustained, and the conduct of the accused before, during, and after the assault.

41. Applying this legal framework to the established facts of the present case, the nature and location of the injury assume critical significance. As per the MLC, Ex. PW 14/A, the injured sustained a lacerated wound on her neck measuring 10 x 3 x 2 cm. The neck is, by any reckoning, a vital region of the human body, home to the carotid arteries, the jugular veins, the trachea, and the oesophagus — any one

of which, if seriously compromised by a knife attack, would result in rapid death. The Learned PP for the State correctly submitted that the nature of the injury — whether 'simple' or 'grievous' — is not the determining factor under Section 307 IPC. What is material and decisive is the intention and knowledge of the accused at the time of the act, which must be inferred from the location of the injury, the weapon used, and the attendant circumstances.

42. The conduct of the accused, considered in its totality, admits of no interpretation other than that he harboured a clear and deliberate intention to cause the death of the injured. The sequence of events is highly revealing. On the evening of 12th June, 2024, the accused arrived at the parental home of the injured already armed with a knife, as witnessed by PW 11 Om Prakash. This undeniably demonstrates that the accused had not arrived there for a benign matrimonial reunion; he came pre-armed and pre-meditated. Upon being persuaded to leave by PW 11, the accused did not return to his own home. Instead, he lurked in the vicinity of the parental home of the injured throughout the night, biding his time. In the early hours of 13th June, 2024, when the injured stepped out to use the washroom - a momentary isolation and a moment of complete vulnerability - the accused struck with calculated stealth. He attacked her neck - the most vulnerable region of the human body - with a knife.

43. The act of the accused did not culminate with the first attack. When the injured summoned the courage and ran back into the house, the accused pursued her relentlessly. He followed her inside, once again placed the knife against her neck, and in front of witnesses - her own brothers - declared in explicit and unambiguous terms that he would not spare her and would take her life. This sustained, deliberate, and repeated conduct, involving premeditated arming, targeting of the vital neck region, and an express death threat, compels only one conclusion: the accused acted with the clear and unequivocal intention to cause the death of the injured.

44. The argument advanced by the Ld. Defence Counsel that the infliction of only a single injury demonstrates an absence of intent to kill is entirely devoid of merit. The number of injuries inflicted is merely one factor in the overall assessment of intention, and it is neither determinative nor conclusive. The nature and location of the attack on the neck, the premeditated arming, the persistent and relentless conduct, and the express verbal death threats, cumulatively and conclusively establish that the accused acted with the intention or knowledge that, had his act resulted in the death of the injured, he would have been guilty of murder. The fact that the injured mercifully survived the assault is attributable to the timely intervention of her brothers and the prompt medical attention she received — circumstances entirely beyond the control of the accused.

45. In light of the entirety of the foregoing discussion, and upon a thorough evaluation of all the oral, documentary, material, and expert evidence adduced by the prosecution, this Court is of the firm and considered opinion that the prosecution has successfully and conclusively established its case against the accused, Raj Kumar @ Raj. The prosecution has proved beyond all reasonable doubt that the accused attacked the injured Geeta, with such intention and knowledge and under such circumstances, that had his act caused her death, he would have been guilty of murder. Further more, he also threatened the injured with death. The ingredients of the offences under Section 307 and 506 IPC are fully and completely made out against the accused.

46. Accordingly, the accused Raj Kumar @ Raj is hereby convicted for the offence punishable u/s 307 IPC (attempt to murder) and for the offence punishable u/s 506 IPC (Criminal Intimidation).

**Announced in the open court
today i.e. 21.04.2026.**

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