

**IN THE COURT OF SHRI DEEPAK WASON:
ASJ-04 : SW DISTRICT: DWARKA COURTS : NEW DELHI**

SC No. 126/2025

CNR No. DLSW01-001810-2025

State Vs. **Naveen**
S/o Sh. Nami Chand
R/o House no. 456, Indira Camp no. 5
Vikaspuri, Delhi.

FIR No. : 299/2024
Police Station : Vikas Puri
Under Sections : 397/34 IPC

Date of committal to Sessions Court : 28.02.2025
Date on which judgment was reserved : 06.06.2026
Date on which Judgment pronounced : 01.07.2026
Final Order : **Acquitted u/s 397/34 IPC**

JUDGMENT

BRIEF REASONS FOR DECISION:

1. The case of the prosecution, in brief, is that the accused was sent to face trial under Sections 397/34 Indian Penal Code (hereinafter called as IPC) on allegations that on 15.05.2024, at about 05:20 PM, at Park in front of Kamal Public School, D Block, Vikas Puri, Delhi, accused alongwith other co-accused persons (not arrested) had committed robbery of Rs. 15000/- from complainant Hina by showing pistol and thereby accused committed an offence u/s 397/34 IPC. Based on these allegations, FIR No. 299/2024 was registered at PS Vikas Puri.

2. After investigation, charge sheet was filed against the accused before the Ld. concerned MM and the copies of charge sheet were

supplied to him in compliance of Section 207 Code of Criminal Procedure (hereinafter called as Cr.P.C) and thereafter, matter was committed to the Sessions Court on 28.02.2025 and charges under Section 397/34 IPC was framed against him to which he pleaded not guilty and claimed trial.

3. The prosecution was given the opportunity to prove its case and, in support, examined 3 witnesses.

4. **PW-1 is Ms. Heena.** As per prosecution, she is the complainant in the present case. She deposed that on 15.05.2024, at about 05:00 PM, she alongwith his friend Bhanu Pratap @ Baniya, were on splendor bike as she wanted to learn driving bike near Kamal Public School, D Block Vikas Puri, in the park. She further deposed that at that time, she was having Rs. 15000/- which was given to her by her friend Bhanu Pratap @ Baniya after withdrawing from ATM, at about 05:20 PM, one black color scorpio came there from which 3-4 persons came out, out of them one boy took out one pistol from his dub and pointed out towards her and thereafter, said boy, robbed Rs. 15000/- from her and thereafter, all 3-4 persons fled away from the spot in their scorpio car. She further deposed that she could not note down the registration no. of scorpio car and could not identify the accused persons as she had not seen their faces. She further deposed that thereafter, she made a call to Police and police reached there. She further deposed that police took her to the PS and recorded her statement, as Ex. PW-1/A. She further deposed that thereafter, IO prepared site plan at her instance, as Ex. PW-1/B and she does not know anything further about the present case.

5. PW-1 was cross-examined by Ld. Addl. PP for the State as she resiled from her statement recorded u/s. 161 Cr.PC, wherein she denied various the suggestions given to her. She completely exonerated the accused from the present case and completely demolished the case of the prosecution and specifically stated that she identified accused Naveen being resident of the same locality, however, he was not the assailant and was not involved in any incident with her.

6. This witness was cross examined by ld. Defence counsel, wherein, she stated that she is making the statement without any force and coercion and she admitted as correct that accused is not involved in any incident with her and also admitted as correct that after registration of FIR, she informed the police that she made complaint to police under the influence of someone.

7. **PW-2 is HC Ravi Kant.** As per prosecution, he joined the investigation alogwith SI Narender and who has deposed that on 10.07.2024, he joined the investigation alongwith SI Narender, after that, SI Narender called Naveen in the police station and after interrogation (interrogation report is **Ex.PW2/1**), accused Naveen was arrested vide arrest memo **Ex.PW2/A**. He further deposed that as the anticipatory bail of accused Naveen was already granted by the court, thereafter, after his formal arrest, he was released on bail vide bail bond **Ex.PW2/B**. This witness was cross examined by Ld. defence counsel.

8. **PW-3 is Bhanu Pratap.** As per prosecution, he was with complainant at the time of incident and eye witness of the incident and who has deposed that he does not know anything about the present case.

He further deposed that one day on the request of Heena, she withdrew money Rs. 25,000/- from her ATM and same was handed over to Heena and she does not know why police cited her witness in the present case.

9. PW-3 was also cross-examined by Ld. Addl. PP for the State as he resiled from his statement recorded u/s. 161 Cr.PC, wherein he denied various the suggestions given to him. He also completely exonerated the accused from the present case and completely demolished the case of the prosecution.

10. This witness was cross examined by Ld. counsel for accused wherein he deposed that he does not know the accused and he has seen him first time in the court and nothing happened in his presence. He further deposed that he does not know why he has been cited witness in the present case and he is making the statement without any force and coercion.

11. It is a matter of record that a statement of accused u/s 294 Cr. PC was recorded on 06.02.2026, wherein accused has admitted the documents as FIR no. 299/2024, Certificate u/s 65 B of IE Act, DD no. 8A dated 15.05.2024 as Ex. A-1 to Ex. A-3 and accordingly, one witness was dropped from the list of witnesses.

12. The record reveals that accused is facing trial for the offence u/s 397/34 IPC. Vide order dated 04.05.2026, the Court observed that PW-1, PW-3 have not supported the case of prosecution regarding identity of the accused. These witnesses have specifically deposed that accused is not involved in the incident and accordingly, ingredients of

Section 397/34 IPC are not made out against the accused. The testimony of PW-1 and PW-3 effectively undermined the case of the prosecution, as they categorically exonerated the accused from the present case. Accordingly, the essential ingredients of Sections 397/34 IPC were not established against the accused.

13. Since, the complainant including public witnesses have not supported the case of the prosecution and other witnesses are formal in nature (who have conducted / joined the investigation) and evidence of other witnesses were of no avail for the prosecution and no amount of evidence can lead to the conviction of accused and it was observed by the Court that no purpose would be served by examining the other witnesses, accordingly, the prosecution evidence was closed vide order dated 04.05.2026.

14. Since, nothing incriminating evidence has come on record against the accused, statement under Section 313 Cr.P.C was dispensed with.

15. There is nothing on record to establish the culpability of the accused in the commission of the offence under Section 397/34 IPC. The prosecution has failed to prove the charge on the standard of proof beyond a reasonable doubt.

16. Accordingly, accused is acquitted of the charges under Section 397/34 IPC. Accused is directed to furnish bail bonds under Section 437A Cr.P.C in the sum of Rs.20,000/-. Accused has furnished bail bonds in terms of Section 437A Cr.P.C and shall remain in force for six months

from today.

17. *File be consigned to Record room, after due compliance.*

Announced in the Open Court
today i.e on 01.07.2026

(Deepak Wason)
ASJ-04: South-west District:
Dwarka Courts: New Delhi