

IN THE COURT OF SH. UMED SINGH
PRINCIPAL DISTRICT & SESSIONS JUDGE
SOUTH - EAST, SAKET COURTS, NEW DELHI

CNR No. DLSE01-011490-2021
Sessions Case No. 544 of 2021

State

Versus

Mr. Vijay Das
Son of Late Lal Mohan Das
Resident of Jhuggi No. S-201/187
Bangali Camp, Ganda Nala,
East Kidwai Nagar,
New Delhi.

FIR No. 364 of 2021.
Under section 307/506-II of the IPC
PS : Kotla Mubarakpur

First date before this Court : 17.12.2021
Arguments heard on : 13.07.2026
Date of Judgment : 28.07.2026

J U D G M E N T :

1. The accused has been forwarded to face trial under Section 506-II/307 IPC.

2. The prosecution's case is that when SI Sandeep Mann alongwith Ct. Unis went to the spot i.e. near Gurdwara, Kidwai Nagar in the

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intervening night of 29/30.08.2021 on receipt of DD No.67A to the effect that the brother had been stabbed, he did not find the injured or complainant there and hence they contacted the 100 number caller Kaur Singh who told that his brother Mahender had been stabbed and he was taking him to AIIMS Trauma Centre in PCR van. SI Sandeep reached Trauma Centre and found Mahender admitted there but he was unable to answer any question. SI Sandeep collected his MLC and the doctor also handed him over the blood stained clothes pullanda of injured. Thereafter he alongwith Ct. Unis went to the spot i.e. jhuggi No.S-137/4888, East Kidwai Nagar, where no eye witness was available and hence he had to return to hospital where the injured told him that he was residing with his family and used to sell water bottles near gate no.1 of the AIIMS. When he was taking dinner on 29.08.2021 at 11:00 p.m. in his house, suddenly there was electricity outage and when he came out of the house, he saw accused Vijay Das snapping the electricity cable. When he asked him not to do so, accused started abusing him saying that he would not allow him to live longer and thereafter there was altercation. He challenged him to stay in his house and that he would return and finish him. He returned after sometime and again challenged him to come out of the house. When he came out, he saw him armed with knife and he stabbed him in the right side of the chest due to which blood started oozing out. He fell on the ground and thereafter accused fled away threatening him for life. His elder brother Kaur Singh took him to AIIMS Hospital in PCR van.

3. Charge under Section 307/506-II IPC was framed against the

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accused, to which he did not plead guilty and claimed trial.

4. To prove the case, the prosecution examined 13 witnesses.
5. PW-5 ASI Bhajan Lal had recorded DD no.67A Ex.PW5/A on 29.08.2021 on receipt of PCR call at 1153 p.m. to the effect “mere bhai ko chakoo maar diya”. After registration of FIR, the case was marked to SI Sandeep Mann for further action.

PW-6 W/ASI Sushma registered the case FIR under Section 307 Ex.PW6/A on production of rukka by SI Sandeep Mann on 30.08.2026 at 13:35 hours and thereafter she made endorsement Ex.PW6/B. Her certificate under Section 65B of the Indian Evidence Act, 1872 is Ex.PW6/C.

PW-2 Dr. Ashwin, Sr. Resident, AIIMS deposed that victim Mahender was brought to the hospital on 30.08.2021 with the history of stabbing on chest on 29.08.2021 at 11:15 p.m. He examined him and found the wound of 2.0 x 1.0 cm on the right side of the chest and hemo pneumo thorax was also present. He proved the MLC as Ex.PW2/A bearing his signatures at point A & B. He opined the nature of injury as grievous. He further deposed that the victim was discharged on 04.09.2021 and the discharge summary was prepared by Dr. Milandeep and the same is Ex.PW2/B.

6. PW-7 SI Ajay Kumar and PW-12 HC Vikas Kumar were the

members of the Mobile Crime Team, South District which reached the spot i.e. S-137/CN-273, East Kidwai Nagar, Kotla Mubarakpur, New Delhi. Ct. Rajender, Fingerprint Proficient, was also the member of the team. PW-7 inspected the spot, found some blood stains on the iron door at the spot but finger prints expert could not find prints there. Detailed crime team report Ex.PW7/A was prepared by him. PW-12 clicked 09 photographs of the spot from different angles which are Mark-A to F; Mark-G & H and Mark PW-12/A. Certificate regarding transfer of digital photographs from digital camera to pen drive is Mark-I.

7. PW-10 Inspt. Sandeep Mann is the IO till the stage of sending of the tehrir to the police station. He deposed that he and Ct. Unis were on emergency duty at PS Kotla Mubarakpur on 29.08.2021. DD No.67A was assigned to him and he alongwith Ct. Unis reached the place of incident near Gurdwara but found no one there and hence he contacted the informant Kaur Singh who told that he had taken the stabbed brother Mahender Singh to AIIMS in PCR van. They also reached there and found victim Mahender Singh admitted there but he was not in a position to make statement due to pain. He next deposed that duty officer posted in the hospital produced him the sealed pullanda of blood stained clothes of the injured alongwith sample seal which was seized vide seizure memo Ex.PW8/H. As no eye witness was available in the hospital, they returned to the spot but there also, no eye witness was present and hence they again proceeded to the hospital where he recorded the statement of injured Mahender Ex.PW1/A and made

endorsement at point C and tehrir was handed over Ct. Unis to take the same to PS for registration of FIR. After registration, the investigation was handed over to SI Amit Kumar who came to the hospital with Ct. Unis.

PW-8 HC Unis deposed that he alongwith SI Sandeep Mann reached at the spot on 30.08.2021 and found no one at the spot and hence went to AIIMS hospital where injured Mahender was found unable to make statement due to pain. But after sometime he made statement to the IO who prepared tehrir and sent him to PS where he got registered the case FIR. After registration of FIR, he had taken the copy of FIR from the duty officer and handed over the same to the IO at the spot. He next deposed that Vijay Das was named by the injured as the person who had stabbed him with knife. Vijay Das was found at a place near the drain of village Pillanji and was arrested vide arrest memo Ex.PW8/A, personal search was conducted and personal search memo Ex.PW8/B was prepared. Both these bear his signature and thereafter the accused was interrogated and his disclosure statement was recorded, pursuant to which he led police to a bed in his house from where he got recovered the kitchen knife whose seizure memo Ex.PW8/C was prepared and it was sealed with the seal of 'AK' by the IO and seizure memo Ex.PW8/E was prepared. He next deposed that accused pointed out the place of incident and pointing out memo Ex.PW8/F was prepared. He next deposed about the arrival of Mobile Crime Team at the spot in whose presence IO lifted the blood from the ply board of the door near the place of incident. That blood was sealed in the pullanda with the seal of 'AK' and seized the same vide seizure

memo Ex.PW8/G. He next deposed that in the hospital, the doctor had also handed over to him the blood stained clothes of the injured in sealed condition which was seized by IO vide seizure memo Ex.PW8/H. After seeing the knife, he deposed that it was the same knife which was got recovered by the accused.

8. PW-9 SI Amit Kumar deposed that investigation was handed over to him after the registration of FIR and thereafter he reached at AIIMS with Ct. Unis. His remaining evidence is same as is the testimony of PW-8. Additionally he deposed that he had recorded the statements of witnesses who joined the investigation. Exhibits were also deposited first in the malkhana and later in RFSL, Chankyapuri. He also prepared the rough site plan on the pointing out of the injured Mahender. Then he obtained the nature of injury from the doctor, who opined the same as grievous sharp. After completion of investigation, chargesheet was filed. He identified the knife as Ex.PW1/P3 and tendered the FSL result as Ex.PW9/C.

9. The star witness is PW-1 Mahender Singh who deposed that jhuggi no.S-137/CN-273, East Kidwai Nagar, New Delhi belonged to him. Nirmal Singh and Sumit are his cousins and Kaur Singh is his real elder brother. He alongwith Nirmal Singh and Sumit was taking food in jhuggi no.273 on 29.08.2021 around 11:00 p.m. when there was electricity outage and on coming out of the house, he saw that the accused had already removed the electricity cable and at that time, he

was under the influence of liquor. When confronted, he started abusing and threatening to kill him and then the accused left the spot but he returned after some time and again started abusing him. He came out of his jhuggi and asked why he was abusing him, he started grappling with him and took the knife out and hit him on the right side of the chest due to which blood started coming out and he fell on the ground and thereafter accused fled away threatening to kill him later. Nirmal called his brother Kaur Singh who used to reside in the nearby jhuggi. He immediately came and informed the police. PCR van came there and took him to the hospital in that van. He next deposed that police came to the hospital and asked him to make statement but he could not due to pain but the police returned after sometime and at that moment, he made statement Ex.PW1/A bearing his signature at point A & B. He remained admitted in the hospital for about 12-15 days. His next deposition is that he had shown the place of incident to the police who prepared the rough site plan Ex.PW1/B on 15.09.2021 bearing his signature at point A. He deposed that blood stained black trouser and printed cloth were the same clothes which he was wearing at the time of incident, as Ex. PW1/P-1 and Ex.PW1/P-2. He identified the kitchen knife recovered from the accused as Ex.PW1/P-3.

PW-4 Nirmal mentioned his address as jhuggi no.S-137/CN-273 deposing that the accused also used to reside in the same vicinity, though, at some distance from his jhuggi. He next deposed that on 29.08.2021, he was present in jhuggi when Mahender also came there around 11:00 p.m and they were taking food and songs were being played when they heard some noise from outside and saw the accused

there. The electricity of jhuggi was switched off and when they came out, they found accused in drunken condition and when he was asked about the reason of disconnection of electricity wire, he started abusing. In first go, he went away but returned after sometime with a knife and called Mahender outside jhuggi and stabbed him. He next deposed that he was frightened and hence went inside jhuggi and thereafter, the accused fled away. His next deposition is that jhuggi of Kaur Singh i.e. the real elder brother of injured was about 50 meters away from his jhuggi and so, he went to the jhuggi of Kaur Singh and informed him about the incident who called 100 number pursuant to which PCR came there and Mahwnder was taken to AIIMS hospital for treatment. He identified the knife as Ex.PW1/P-3.

PW-13 Sumit deposed that on the fateful day he alongwith Mahender, Nirmal and Amit was taking food in his jhuggi and the electricity failed suddenly. When Mahender went out and inquired about the reason, he found accused present outside the jhuggi in drunken condition and he abused Mahender and thereafter went away but returned after sometime and again started abusing and quarreling with Mahender and gave him knife blow on his stomach due to which blood came out and thereafter accused ran away. Mahender's brother took him to the hospital.

10. PW-11 SI Laxman Kumar filed supplementary chargesheet after receipt of FSL result Ex.PW9/B.

11. Ld. legal aid counsel for the accused argued firstly that the place of incident is disputed because as per the statement of injured given to police, the stabbing incident took place outside jhuggi no.4888 but he mentioned the place of incident as in front of jhuggi no.273 in his examination in chief. The other witnesses namely PW-4 Nirmal and PW-13 Sumit deposed that incident had taken place in front of their jhuggies. He next argued that there is nothing on the file to connect the accused with knife because there is no report from the FSL that his finger prints were detected on the handle of the knife.

The next argument is that there is huge difference in the version of the victim before the police and before this court. Before court, he deposed that his cousins Sumit and Nirmal were also present when altercation took place, but those names are missing in his statement to the IO. He next argued that the doctor had declared the sole injury as grievous and not dangerous and at the most, the case can fall only under Section 326 IPC and not under Section 307 IPC.

12. Ld. public prosecutor replied that there is a cluster of jhuggies in the area of East Kidwai Nagar. There are about 400-500 jhuggies and jhuggies of PW-1, PW-3, PW-4, PW-13 and accused are situated in the same area which is not more than 300-400 sq. yds. The incident had taken place in that area and hence it cannot be said that the place of incident is disputed. On knife, he argued that the same was got recovered by the accused after his disclosure statement and hence ld. legal aid counsel for the accused is not correct to say that there is

nothing on file to connect the accused with knife.

He admitted that the victim had not disclosed the names of Sumit and Nirmal as the persons who were present with him, in the statement made before the police. But it is a small dent in the prosecution case due to which the whole case cannot be thrown away. Regarding nature of injury, he submitted that knife pierced the lung due to which the victim had to remain hospitalized for several days. He had to be operated upon and after his lung had started expanding properly only then the victim was discharged.

13. As per statement Ex.PW1/A of the victim before the IO, the incident took place in front of his house. He mentioned the number of his jhuggi as S-137/4888. So, as per that statement, the stabbing took place in front of jhuggi no.4888. But in examination in chief, he deposed that the place of incident was the front side of jhuggi no.S-137/CN-273. Simultaneously he deposed that there are 400-00 jhuggies in that area and jhuggies of his cousins Nirmal and Sumit and real elder brother Kaur Singh were very near to his jhuggi. In further cross examination, he deposed that at the time of incident, he was taking food at Nirmal's jhuggi which is situated at a distance of about 5 minutes walk from his jhuggi. In next cross examination he admitted it correct that the accused had not disconnected the electricity of his jhuggi. He volunteered that the disconnection was of Nirmal's jhuggi which was far away from his jhuggi.

About the place of incident, PW-4 Nirmal deposed that his

address is jhuggi no.273. In examination in chief, he deposed that on 29.08.2021 he was present in his jhuggi and Mahender also came from his work with him. They all were taking food at 11:00 p.m when some noise was heard from outside. He next deposed that after first departure, the accused again came to their jhuggi. So, as per PW-4, the place of incident is front side of his jhuggi whose number is 273.

PW-13 Sumit deposed that the incident had taken place outside the jhuggi but he did not tell the number of jhuggi. He further deposed that jhuggi of Mahender is about 500-600 meters away from the jhuggi of Nirmal and the number of jhuggi of Mahender was 8837.

PW-3 Kaur Singh is the real elder brother of victim and he deposed that the number of his jhuggi is 4888. About Mahender, he deposed that he was residing in a jhuggi of East Kidwai Nagar, New Delhi. He next deposed that said jhuggi is at some distance away from jhuggi no.CN-273.

14. The above evidence of public witnesses show that they are at variance about the place of incident. But it also becomes clear that the incident had taken place in a jhuggi cluster where there are about 400-500 jhuggies. It also becomes clear that the jhuggies of all family members of the victim are situated nearby. It is stated at the cost of repetition that PW-3, PW-4 and PW-13 are either his real or cousin brothers. They are residing in jhuggies in close proximity with each other. The bare scrutiny of the evidence of PW-1, PW-3, PW-4 and PW-13 show that the incident had taken place either in front of jhuggi

no.273 or near that jhuggi.

When police reached to the spot, the door of nearby jhuggi no.271 was found stained with blood which was lifted from there and sent to FSL. FSL report shows that DNA profile of that blood is matching with the DNA profile of victim. So, the blood on the door of jhuggi no.271 was of the victim and it corroborates the version of police that incident had taken place in front of jhuggi no.273. Hence, it can be said that there is some variance in the evidence of public witnesses regarding the place of incident still they are successful in establishing that the said place is situated within the area of jhuggies of 10-12.

15. The Incharge, Mobile Crime Team admitted in so many words that Ct. Rajender, Finger Print Proficient, could not trace any print on the spot. The incident took place in the night of 29.08.2021 and the accused was arrested next day. He disclosed to the police that he had kept concealed the used knife in his house. Pursuant to disclosure statement, he led the police to the bed in his jhuggi. But police committed another default as they did not call the finger print proficient to collect finger prints from the handle of the knife. Had such prints been collected, the report on the same by the finger print expert might have been corroborative in nature. In the absence of that kind of corroboration, the corroboration is coming from some other quarter i.e. from the fact that the knife was got recovered by the police pursuant to the disclosure statement of the victim and that kind of

evidence is admissible under Section 27 of the Indian Evidence Act, 1872. So the ld. legal aid counsel for the accused is not justified in arguing that the prosecution could not establish any connection between accused and the recovered knife.

16. Perusal of statement Ex.PW1/A of the complainant before the IO shows that he did not state that the persons like Sumit and Nirmal were present at the time of incident. Those names are appearing in his examination in chief. When these persons appeared in the witness box, they deposed that they were present at the time of incident of stabbing, though, they did not see the incident with their bare eyes. If statement Ex.PW1/A is treated as true, Sumit and Nirmal were not present at that time. If their evidence is omitted from the file, still there remain several corroborations of incident.

17. As per MLC Ex.PW2/A, the victim had sustained stabbing wound on the right side of his chest of approximate size of 2.0 x 1.0 cm but the doctor could not fathom its depth. He opined the injury as grievous. The discharge summary Ex.PW2/B shows that the victim was admitted in the hospital on 30.08.2021 and he was discharged only on 04.09.2021. Doctor has described in the discharge summary that there was hemo pneumo thorax in the right side of the chest of the victim and hence, ICD (Intercostal Drainage) was done. It is pertinent to mention here ICD is done to remove air or some other dirt/debris/waste from the place near the punctured lung. Doing of ICD

suggests that the right lung of the victim was pierced due to stabbing. ICD could be removed only when the patient's lung had started expanding adequately. It seems that the doctor was not able to estimate the depth of wound with bare eyes but piercing of the lung shows that the injury was quite deep. So ld. legal aid counsel for the accused is not at all justified in saying that the case falls under Section 326 IPC.

18. On the other hand, the FIR was registered on the same day. Accused was arrested just on the second day and got recovered knife just after arrest and it rules out possibility of any planting. Police had recovered blood stains from the gate of jhuggi no.271. The blood stained clothes of the victim alongwith blood recovered from jhuggi no.271, knife and blood of the victim were sent to FSL which concluded as under:

*“DNA profiling (STR analysis) performed on the of exhibits ‘1’ (blood gauze from spot), ‘4b’ (cloth of victim), ‘5’ (knife) & ‘6’ (blood of injured) are sufficient to conclude that male DNA profiles generated from the source of exhibits ‘1’ (blood gauze from spot), ‘4b’ (cloth of victim) & ‘5’ (knife) **are similar** to the male DNA profile generated from the source of exhibit ‘6’ (blood of injured).”*

19. The above report of FSL shows that the gate of jhuggi no.271, clothes of the victim and knife were found stained with the blood of the victim. These vital facts corroborating the stabbing incident.

It has been deposed vividly by PW-1 that accused had threatened him for life not only once but twice. First time when the victim came out of his jhuggi after outrage of electricity, he found the accused in drunken condition and when he made inquiry about the electricity cable disconnection, the accused threatened him for life. After sometime, he returned with knife, stabbed the victim and while leaving the spot, he again threatened him for life.

20. In view of the above discussion, it is held that the prosecution has successfully proved its case against accused under Section 307/506-II IPC and hence, accused Vijay Das is held guilty of having committed those offences.

*Announced in the open Court
Today, on 28.07.2026*

(UMED SINGH)
Principal District & Sessions Judge
South East, Saket Courts,
New Delhi

LIST OF PROSECUTION/ DEFENCE/ COURT WITNESSES**A. PROSECUTION :**

WITNESS NO.	NAME OF WITNESS	DESCRIPTION / ROLE OF THE WITNESS (INFORMANTS, EYE-WITNESS, INVESTIGATING OFFICER/ POLICE WITNESS, MEDICAL JURIST/ DOCTOR, PANCH WITNESS, OTHER WITNESS ETC.)
PW-1	Mahender Singh	Complainant/victim
PW-2	Dr. Ashwin	Examined the victim
PW-3	Kaur Singh	Brother of victim
PW-4	Nirmal	Cousin of victim
PW-5	ASI Bhajan Lal	Wrote DD No.67A
PW-6	W/ASI Sushma	Registered FIR
PW-7	SI Ajay Kumar	Incharge, Mobile Crime Team
PW-8	HC Unis	Member of investigating team
PW-9	SI Amit Kumar	Second IO
PW-10	Inspt. Sandeep Mann	First IO
PW-11	SI Laxman Kumar	Third IO
PW-12	HC Vikas Kumar	Photographer, Mobile Crime Team
PW-13	Sumit	Cousin of victim

B. DEFENCE WITNESS, IF ANY:

WITNESS NO.	NAME OF WITNESS	DESCRIPTION/ ROLE OF THE WITNESS
NIL		

C. COURT WITNESS, IF ANY:

Sr. No.	Defence Witness No.	Name of Witness	Description
NIL			

LIST OF PROSECUTION/ DEFENCE / COURT EXHIBITS**A. PROSECUTION:**

EXHIBIT NO.	DESCRIPTION OF THE EXHIBIT (FIR, COMPLAINT, PANCHNAMAS, MEDICAL CERTIFICATES, FSL REPORTS, SEIZURE MEMOS, SITE PLANS, DYING DECLARATIONS, ETC.)	Proved by /Attested by
PW1/A	Complaint	PW-1
PW1/B	Site plan	PW-1
PW1/P-1	Trouser	PW-1
PW1/P-2	Printed cloth	PW-1

PW1/P-3	Knife	PW-1
PW2/A	MLC of victim	PW-2
PW2/B	Discharge summary of victim	PW-2
PW3/A	Site plan	PW-3
PW5/A	Attested copy of DD no.67A	PW-5
PW6/A	Copy of FIR no.364/2021	PW-6
PW6/B	Endorsement of PW-6 on FIR	PW-6
PW6/C	Certificate under Section 5B of Indian Evidence Act, 1872	PW-6
PW7/A	Detailed report of Mobile Crime Team	PW-7
PW8/A	Arrest memo of accused Vijay Das	PW-8
PW8/B	Personal search memo of accused Vijay Das	PW-8
PW8/C	Disclosure statement of accused Vijay Das	PW-8
PW8/D	Sketch of knife	PW-8
PW8/E	Seizure memo of knife	PW-8
PW8/F	Pointing out memo	PW-8
PW8/G	Seizure memo of blood sample lifted from door	PW-8
PW8/H	Seizure memo of blood stained clothes of victim	PW-8
PW9/A	Seizure memo of blood sample of victim given by Doctor	PW-9
PW9/B	RFSL Result	PW-9
PW9/C	Memo regarding handing over of seal after use	PW-9
PW10/A	Rukka	PW-10
PW13/DA	Statement of	PW-13

	complainant/victim under Section 161 Cr. P. C.	
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B. DEFENCE:

EXHIBIT NO.	DESCRIPTION OF THE EXHIBIT	PROVED BY/ ATTESTED BY
NIL		

C. COURT EXHIBITS:

EXHIBIT NO.	DESCRIPTION OF THE EXHIBIT	PROVED BY/ ATTESTED BY
NIL		

D. ADMITTED DOCUMENTS:

EXHIBIT NO.	DESCRIPTIN OF THE EXHIBITS	ADMITTED BY
Ex.PW9/B	FSL result	Accused

(UMED SINGH)
Principal District & Sessions Judge
South East, Saket Courts,
New Delhi