

IN THE COURT OF SH. VISHAL SINGH, ADDITIONAL
SESSIONS JUDGE-05: SOUTH-EAST DISTRICT,
SAKET COURTS, NEW DELHI.

CNR NO. DLSE01-006607-2024
SC No. 327/2024
STATE Vs. CHANDAN KUMAR & ANR.
FIR No. 230/2024
U/s. 307/34 IPC
PS: OKHLA INDUSTRIAL AREA



JUDGMENT

1. Sr. No. of the case : 327/2024.
2. Date of Committal to Sessions : 02.07.2024.
3. Name of the complainant : SI Amit Kumar.
4. Date of Commission of Offence : 307/34 IPC.
5. Name and Parentage of Accused : **(i) Chandan Kumar**
S/o. Sh. Dilip,
R/o.: Jhuggi No. F-155,
JJR Camp, Okhla Phase-II,
New Delhi.

(ii) Sajan Kumar
S/o. Sh. Hari Singh
R/o.: S-15, JJR Camp,
Okhla Phase-II, New Delhi.
6. Offence Complained of : U/s. 307/34 IPC.
7. Offence Charged : U/s. 307/34 IPC.
8. Plea of Guilt : Not guilty.
9. Final Order : Acquitted.
10. Date on which Order Reserved : 13.07.2026.
11. Date on which Order Announced : 15.07.2026.

BRIEF FACTS AND REASONS FOR DECISION:

1. The prosecution case, in brief, against accused Chandan Kumar and Sanjay Kumar, is that on 25/03/2024, at about 01:00PM, at JJR Camp, Okhla Phase-II, in front of E-40/1 Company, they, in furtherance of their common intention, alongwith CCL 'V' (name withheld) caused grievous stab injury with knife in abdomen of complainant/victim Ram Lal. The FIR was registered on the basis of PCR call vide DD No.075A dated 25/03/2024. Accused Chandan Kumar was arrested on 26/03/2024, whereas, accused Sajan Kumar was arrested on 12/07/2024. On completion of investigation, charge-sheet as well as supplementary charge were filed respectively for offence U/s. 307/34 IPC against the accused persons.

2. Detailed arguments heard on charge from Ld. Defence Counsels as well as Ld. Addl. PP for State. Vide orders dated 18/09/2024 and 29/10/2024 respectively, both accused Chandan Kumar and Sajan Kumar were charged for offence U/s. 307/34 IPC, to which they pleaded not guilty to the charge and preferred trial.

3. The prosecution led evidence and examined 09 witnesses to bring home the charged offence against the accused persons.

4. PW1/victim Ram Lal deposed that on 25/03/2024 while going to his home, at about 01:00PM when he alongwith his daughter reached in front of E-40/1 company, JJR Camp, Okhla Phase-II, New Delhi, a quarrel was going on between some unknown persons and when he tried to intervene, they stabbed him. Thereupon, he was rushed to hospital and underwent

treatment. He stated that he did not see who had stabbed him. Since PW1 resiled from his statement recorded U/s. 161 CrPC, he was cross-examined by Ld. Addl. PP with permission of the Court.

In cross-examination by Ld. Addl. PP, PW1 denied that on 25/03/2024 when he alongwith his daughter was present at E-40/1 Company, Okhla Phase-II, New Delhi, accused Sajjan, Chandan Kumar alongwith CCL 'V' and their other associates assaulted him with knife. He denied that accused Sajjan caught hold of him from his neck and stabbed him in his abdomen. He stated that accused Chandan and CCL 'V' also caught hold of him and their associates battered him. He denied that he requested Hari Singh, father of accused Sajjan, to vacate his jhuggi with regard to marriage of his daughter as well as there was money dispute between him and Hari Singh and, later on, he took possession of the said jhuggi (he was confronted with his statement recorded U/s. 161 CrPC Ex. PW1/D-1, wherein it was so recorded). He denied the suggestion that he deliberately did not identify the accused persons as they had won him over.

In cross-examination by Ld. Defence Counsels, PW1 admitted that the police obtained his signature on blank papers and he never named accused Chandan Kumar and Sajjan Kumar in his statement to police. He replied that accused Chandan and Sajjan were not involved in present case.

5. PW2 Vishal @ Billu, son of complainant, deposed that neither did he know anything about the present case, nor about the accused persons. Since PW2 resiled from his statement recorded U/s. 161 CrPC, he was cross examined by Ld. Addl. PP.

In cross-examination by Ld. Addl. PP, PW2 denied that on 25/03/2024, at about 01:00PM, when he alongwith his friends was celebrating Holi festival at E-40/1 Company, Okhla Phase-II, New Delhi, accused Sajan, Chandan and CCL 'V' alongwith their other associates came there and a scuffle started between him and the said accused persons. He denied that while scuffling when he fled from the spot, the accused persons confronted with his father and inflicted him stab injuries (PW2 was confronted with his statement recorded U/s. 161 CrPC, wherein it was so recorded). He denied the suggestion that he deliberately did not identify the accused persons as they had won them over.

6. PW3 Ms. Kusum deposed that she took jhuggi of Hari Singh, father of accused Sajan, on monthly rent of Rs.3,000/- including electricity charges. She deposed that she did not remember the exact date, however, one day when police visited her, she told the said fact to police and police recorded her statement. Since PW3 did not disclose all the facts, she was cross-examined by Ld. Addl. PP for State with permission of the Court.

In cross-examination by Ld. Addl. PP, PW3 replied that she could not say that police inquired facts from her and recorded her statement on 09/05/2024.

7. PW4 Mahender, brother of victim, deposed that he did not remember the exact date, however, on occasion of Holi festival in year 2024, on coming to know that somebody had stabbed his brother Ram Lal at Okhla Phase-II, he went to the spot and rushed his brother to AIIMS Trauma Centre. He deposed that on

the way his brother told him that one Sajan attacked him with knife. Police inquired from him and recorded his statement Ex. PW4/A. Since PW4 did not disclose all facts of the case, he was cross-examined by Ld. Addl. PP.

In cross-examination by Ld. Addl. PP, PW4 admitted that the incident occurred on 25/03/2024. He admitted that his brother had told him that there was monetary as well as jhuggi dispute between his brother Ram Lal and accused Sajan. He admitted that his brother told him that accused Sajan alongwith accused Chandan, CCL 'V' alongwith their other associates had battered him.

8. PW5 Hari Singh deposed that Jhuggi No. SB-143, JJR Camp, Okhla Phase-II, New Delhi, belonged to victim Ram Lal. He deposed on 28/10/2017, victim Ram Lal sold ground floor of aforesaid jhuggi to Ved Prakash for sale consideration of Rs.2,80,000/-, to which he was the witness of sale-purchase agreement Ex. PW5/A, and, thereafter, Ved Prakash handed over possession of said jhuggi to him. He deposed that he let out the said jhuggi on rent and handed over the rented amount to Ved Prakash. He deposed that on 01/02/2024 due to marriage of Ved Prakash, he vacated the said jhuggi and after sometime, Ved Prakash again handed over possession of said jhuggi to him. He deposed that one day police visited his jhuggi, made inquiry from him, recorded his statement and he handed over photocopy of agreement Ex. PW5/A to the police.

In cross-examination by Ld. Defence Counsel, PW5 replied that police visited his house and verified his name, father

name and address. He replied that neither did police record his statement nor obtained his signature on any document or obtained any document of the jhuggi. He replied that he had no dispute with Ram Lal regarding possession of the jhuggi as it was already in the name of Ram Lal. He replied that Ved Prakash never asked him to vacate the jhuggi.

9. PW6 SI Ashish deposed about apprehension of CCL 'V' as well as arrest of accused Chandan Kumar by SI Amit and Constable Deepak on 26/03/2024, at about 07:30PM, at JJR Camp, Okhla Phase-II, New Delhi. He identified accused Chandan in Court.

10. PW7 IO/SI Amit Kumar deposed that on 25/03/2024, on receipt of DD No.75A regarding MLC of injured Ram Lal, he alongwith Constable Deepak reached AIIMS Trauma Centre, where he found injured Ram Lal under treatment. He met victim's brother Mahender in the hospital and made inquiry from him about the incident. He deposed that as the MLC of injured was not prepared, he and Constable Deepak reached the spot i.e. E-40/1 Company, JJR Camp, Okhla Phase-II, however, no eye-witness to the incident met them there. He deposed that crime team inspected and photographed the spot. Thereafter, he and Constable Deepak returned to AIIMS Traume Centre and collected MLC of injured, however, the injured was not fit to give statement. He deposed that the doctor handed over clothes of injured in a sealed pullanda alongwith sample seal to him, that he seized vide memo Ex. PW7/A. Thereafter, he returned to police station, prepared rukka Ex. PW7/B on the basis of DD No.75A Ex. A-5, got the FIR registered and obtained Certificate

U/s. 65B Indian Evidence Act regarding registration of FIR and original rukka from Duty Officer. He further deposed about proceedings conducted during investigation in respect of CCL 'V' on his apprehension as well as arrest of accused Chandan Kumar from JJR Camp, Okhla Phase-II, vide arrest memo Ex. PW7/C, recording of statement of victim Ram Lal and his brother Mahender, preparation of site plan Ex. PW7/H at the instance of injured Ram Lal and production of accused Chandan before concerned Magistrate on 25/04/2024, from where he was sent to judicial custody. He deposed that, during investigation, he obtained doctor's opinion on MLC of injured Ram Lal, as per which the injured had sustained 'sharp and grievous' injury. He deposed that, during investigation, accused Sajan and Sajjan @ Modi as well as weapon of offence remained untraced. On completion of investigation, he prepared charge-sheet against accused Chandan Kumar as well as PIR against CCL 'V' and identified 06 photographs Ex. P-1 (Colly.) of the spot, that were clicked by crime team.

In cross-examination by Ld. Defence Counsel, PW7 denied that CCTV camera was installed near place of incident. He replied that he did not record statement of injured in the hospital as he was under treatment and was in operation theater. He replied that he recorded statement of injured on 30/03/2024. He replied that except the injured no independent witness was found during investigation. He denied that neither did he visit the spot nor got the spot inspected through crime team.

11. PW8 HC Ram Singh deposed about arrest of accused Sajan as well as recovery of one buttondar knife from his

possession in case FIR No.565/2024, PS Okhla Industrial Area, on 11/07/2024 in pursuance of DD No. 124A. He deposed that during interrogation, accused Sajan disclosed his involvement in present case as well as in other cases, regarding which he informed IO of present case. Thereupon, IO SI Chetan met him on 12/07/2024, obtained photocopies of relevant documents of case FIR No.565/2024 and recorded his statement.

In cross-examination by Ld. Defence Counsel, PW8 denied that the disclosure of accused Sajan was recorded by him at the instance of IO/SI Amit Kumar and IO/SI Chetan Panwar and falsely implicated accused Sajan in present case.

12. PW9 SI Chetan Panwar deposed that on 12/07/2024 the present case was assigned to him for investigation. He deposed that, during investigation, HC Ram Singh informed him about arrest of accused Sajan in another case FIR No. 565/2024, PS Okhla Industrial Area, wherein he had disclosed his involvement in present case. Thereupon, he met HC Ram Singh, who handed him relevant documents including disclosure statement of accused Sajan of case FIR No. 565/2024, recorded disclosure statement Ex. PW9/C of accused Sajan wherein he confessed his involvement in present case, arrested him and conducted his personal search vide memos Ex. PW9/A and Ex. PW9/B respectively. Thereafter, he produced accused Sajan before the Court, from where he was remanded to judicial custody.

13. Since both accused Chandan Kumar and Sajan, through their joint statements recorded U/s. 330 BNSS (earlier Section 294 CrPC), on 16/12/2024 & 26/11/2025, admitted the

genuineness of following documents, the requirement to prove them through concerned prosecution/public witnesses was obviated :-

- i) **Ex. A-1** : MLC No.500424755 dated 25/5/2024 and its supporting documents prepared by Dr. Kushal Narula;
- ii) **Ex. A-2** : Copy of FIR;
- iii) **Ex. A-3** : DD No.180A dated 25/03/2024;
- iv) **Ex. A-4** : Certificate U/s. 65B Indian Evidence Act;
- v) **Ex. A-5** : DD No.75A dated 25/03/2024 and statement of HC Ram Singh recorded U/s. 161 CrPC on 12/07/2024;
- vi) **Ex. A-6** : Photocopies of judicial file of case FIR No. 565/2024 (Colly.);
- vii) **Ex. A-7** : Statement of Constable Rakesh recorded U/s. 161 CrPC on 12/07/2024; &
- viii) **Ex. A-8** : Factum of preparation of supplementary charge-sheet in present case.

14. All the incriminating evidence that came on record in the deposition of prosecution witnesses was put in detail to accused Chandan Kumar and Sajan Kumar and their statements U/s. 313 CrPC (now U/s. 351 BNSS) were recorded separately. Both accused denied all incriminating evidence and asserted that they were innocent and were not present at the spot at the time of incident. They asserted that they were apprehended from street, outside their respective house and were falsely implicated in the present case by the interested witnesses. The accused persons did not avail of the opportunity to lead defence evidence.

15. I have heard the detailed final arguments from both sides. The findings are as under:-

16. The case against accused Chandan Kumar and Sajan Kumar is that on 25/03/2024, at about 01:00PM, at JJR Camp, Okhla Phase-II, in front of E-40/1 Company, they, in furtherance of their common intention, alongwith CCL 'V' (name withheld) caused grievous stab injury in abdomen of complainant/victim Ram Lal, with knife.

17. PW1/victim Ram Lal was the sole eye-witness to the incident, however, he did not support the prosecution case. He deposed that on 25/03/2024 when he alongwith his daughter was going to his home and reached in front of E-40/1 company, JJR Camp, Okhla Phase-II, New Delhi, he saw that a quarrel was going on in between some unknown persons, and when he tried to intervene, they stabbed him with knife. He stated that he did not see who had stabbed him. PW1 was cross-examined by Ld. Addl. PP.

In cross-examination by Ld. Addl. PP, PW1 denied that on 25/03/2024 when he alongwith his daughter was present at E-40/1 Company, Okhla Phase-II, New Delhi, accused Sajan, Chandan Kumar alongwith CCL 'V' and their other associates assaulted him with knife. He denied that accused Sajan caught hold of him from his neck and stabbed him in his abdomen. He denied that accused Chandan and CCL 'V' also caught hold of him and their associates battered him. He denied that he deliberately did not identify the accused persons as they had won them over.

In cross-examination by Ld. Defence Counsels, PW1 admitted that the police obtained his signature on blank papers and he never named accused Chandan Kumar and Sajan Kumar as the offenders in his statement to police. He replied that accused Chandan and Sajan were not involved in present case.

18. In view of hostile testimony of PW1/victim Ram Lal, the identity of accused Chandan Kumar and Sajan Kumar as the offenders remained unestablished. He denied the suggestion that the accused persons won him over and, therefore, he deliberately did not depose against them.

19. Further, PW2 Vishal @ Billu, PW3 Kusum and PW5 Hari Singh were not witness to the incident and they deposed nothing incriminating against the accused persons, whereas, the testimony of PW4 Mahender, brother of victim, is of not much relevance as he is a hearsay witness. He was not present at the spot at the time of incident. PW4 Mahender was the person who, on receipt of call about the incident from some unknown person, reached the spot i.e. Okhla Phase-II and while rushing his brother i.e. victim Ram Lal to AIIMS Trauma Centre, his brother told him that he was attacked by one Sajan with knife.

The remaining witnesses pertained only to investigation but could not prove the incident. In view of hostile testimony of key prosecution witness i.e. PW1/victim Ram Lal, who did not support the prosecution case, the charge remained unproved against accused Chandan Kumar and Sajan Kumar.

20. As a result of foregoing observation and analysis, accused Chandan Kumar and Sajan Kumar are acquitted of the charged offence U/s. 307/34 IPC. However, they shall furnish fresh bail bonds U/s. 481 BNSS (earlier Section 437-A CrPC).

21. File be consigned to record room on completion of all necessary formalities.

**Announced in the open court
dated: 15.07.2026**

**(VISHAL SINGH)
ADDL. SESSIONS JUDGE-05,
SOUTH-EAST, SAKET COURTS,
NEW DELHI**