

**IN THE COURT OF SH. SANJAY GARG-II,
PRINCIPAL DISTRICT & SESSIONS JUDGE, SHAHDARA,
KARKARDOOMA COURTS, DELHI**

**Sessions Case No. 28/2026
CNR No. DLSH01-000567-2026**

State	Vs.	1. Aakash, S/o Sh. Man Singh, R/o F-1/46, Gali No. 2, Sunder Nagri, Nand Nagri, Delhi.
		2. Prince Thomas @ Lucky, S/o Sh. Ashok Thomas, R/o E-4/118, Nand Nagri, Delhi.
		3. Pradeep @ Plumber, S/o Sh. Moji Lal Soni, R/o E-5/90, Nand Nagri, Delhi.

FIR No.	:	604/2025
Police Station	:	Nand Nagri
Under Sections	:	110/3(5) BNS

Chargesheet presented on : 10.12.2025
Judgment reserved on : 30.03.2026
Judgment pronounced on : 02.04.2026

J U D G M E N T

1. Accused Aakash, Prince Thomas @ Lucky and Pradeep @ Plumber are facing trial for the commission of offence punishable under Section 110 read with Section 3(5) BNS.

2. The case of the prosecution as borne out from the chargesheet is that on 05.10.2025 at about 10:32 p.m., a PCR call regarding an incident of assault at Hira Tent House, E-2 Block, Nand Nagri, Delhi was received at PS Nand Nagri vide DD No. 113A. The same was assigned to HC Rohit Palsania, who along with HC Arvind reached the spot, where they came to know that the complainant/injured had already been taken to Jeevan Jyoti Clinic & Hospital, Dilshad Garden, Delhi. Accordingly, they went to the said hospital and obtained the MLC of the complainant/injured Sh. Akash, S/o Sh. Satish Kumar. Since the complainant/injured was in severe pain, he told HC Rohit Palsania that he would give his statement after the treatment.
3. On 07.10.2025, the complainant/injured Sh. Akash visited the police station and got his statement recorded. In his statement, the complainant stated that on 05.10.2025 at about 10:00 p.m., he was having a party with Sagar and Lokesh in a shop named Hira Tent House. When the complainant saw accused Pradeep @ Plumber passing by, the complainant invited him to the party and accused Pradeep joined them with his companion i.e. accused Prince Thomas @ Lucky. During the party, an argument took place between the complainant and accused Prince Thomas. Accused Prince Thomas left the shop and came back with his associates including accused Aakash, S/o Sh. Man Singh. Thereafter, the accused persons gave beatings to the complainant and one of them repeatedly hit him with a pointed iron object on his head. Alleging

that the accused persons had assaulted him with an intention to kill, the complainant sought action against them.

4. On the basis of the statement of the complainant, FIR under Section 110/3(5) BNS was registered. During the course of investigation, HC Rohit Palsania prepared the site plan of the spot at the instance of the complainant and recorded his supplementary statement, wherein the complainant stated that when the accused Prince Thomas returned to the shop, he was accompanied with accused Aakash and one unknown boy, who was addressed by the accused Prince Thomas as Sonu and that while the accused Pradeep and Prince Thomas caught hold of him, accused Aakash assaulted with the clutch wire of motorcycle.
5. On 11.10.2025, accused Aakash and Prince Thomas had joined investigation pursuant to the notice under Section 35(3) BNSS and their disclosure statements were recorded. Accused Aakash got recovered the clutch wire of motorcycle used in the commission of offence and the seizure memo in that regard was prepared.
6. On 15.10.2025, accused Pradeep also joined investigation pursuant to the notice under Section 35(3) BNSS and his disclosure statement was recorded. Final opinion on the MLC of the complainant was obtained in which the doctor opined the nature of injuries as simple. Despite efforts, the whereabouts of accused

Sonu could not be traced. After completion of investigation, the chargesheet was filed before the Ld. MM on 10.12.2025.

7. After compliance of the provisions of Section 207 CrPC, the chargesheet was committed to the Sessions Court for trial.
8. On 25.02.2026, the charge for the commission of offence punishable under Section 110 read with Section 3(5) BNS was framed against the accused persons to which they pleaded not guilty and claimed trial.
9. Besides the Duty Officer SI Vinod Singh (PW1), the prosecution examined the complainant Sh. Akash and his parents Sh. Satish Kumar and Smt. Babita, who had taken the complainant to Jeevan Jyoti Clinic & Hospital, as PW2 to PW4. The prosecution also examined Sh. Lokesh and Sh. Sagar, who were stated to be the eye witnesses of the incident, as PW5 and PW6 respectively. Since the complainant Sh. Akash as well as the eye witnesses Sh. Lokesh and Sh. Sagar did not support the case of the prosecution, the remaining prosecution evidence was closed.
10. I have heard the Ld. Addl. PP for the State and the Ld. Counsel for the accused persons. The material on record has also been perused.
11. Complainant Sh. Akash (PW2) was the prime witness of the case of the prosecution. In his testimony, the complainant deposed that

on 05.10.2025 at about 10:00 p.m., when he was present in Hira Tent House, some persons came and quarreled with him. He deposed that the said persons gave beatings to him and ran away. He also deposed that the said persons were not known to him and failed to identify the accused as the assailants. Since the complainant did not support the case of the prosecution, he was cross-examined by the Ld. Chief PP for the State. In the said cross-examination, the complainant admitted his signature on the initial statement dated 07.10.2025 (Ex. PW2/A) but stated that he was not aware about the contents thereof as the same were not read over to him. He denied that any such statement was made by him to the police or that on the date of incident, he was partying with Sh. Lokesh and Sh. Sagar in Hira Tent House. Though the complainant stated that the accused persons were known to him but denied that they had given beatings to him and inflicted injuries on his head with the clutch wire of motorcycle.

12. Sh. Lokesh and Sh. Sagar, who are stated to be the eye witnesses of the incident, have been examined by the prosecution as PW5 and PW6 respectively. Both of them deposed that they did not know anything about the case and that their statements were not recorded by the police. They were also cross-examined by the Ld. Chief PP for the State but nothing incriminating against the accused persons could be elicited therefrom.

13. Apart from the said witnesses, the prosecution has examined the parents of the complainant namely Sh. Satish Kumar and Smt. Babita as PW3 and PW4 respectively. However, the testimonies of the parents of complainant do not throw any light on the alleged incident and they merely deposed that after the incident, they had taken the complainant to Jeevan Jyoti Clinic & Hospital for treatment. The testimony of PW1 Duty Officer SI Vinod Singh is also formal in nature.
14. Since the complainant/injured Sh. Akash as well as the eye witnesses Sh. Lokesh and Sh. Sagar did not support the case of the prosecution, it would have been a futile exercise to examine the remaining prosecution witnesses, who were formal in nature. The prosecution evidence was thus closed. As no incriminating evidence came on record against the accused persons, their statement under Section 313 CrPC were also dispensed with.
15. In the light of the above discussion, the prosecution has failed to bring home the guilt of the accused persons. Accordingly, the accused Aakash, Prince Thomas @ Lucky and Pradeep @ Plumber are acquitted of the charge for the commission of offence punishable under Section 110 read with Section 3(5) BNS.

Pronounced in the open court
on 02.04.2026

(SANJAY GARG-II)
Principal District & Sessions Judge,
Shahdara, Karkardooma Courts, Delhi