

**IN THE COURT OF SH. SAMAR VISHAL, ADDITIONAL
SESSIONS JUDGE-02, SOUTH DISTRICT, SAKET, NEW
DELHI**

CNR no. DLST01-0018082021

Session Case No. 67/2021

In the matter of :

State

Versus

**Dhirender Prasad
S/o Late Sh. Mahadev
R/o H. No. A-228, Sanjay Colony
Bhati Mines, Maidan Garhi, Delhi
(permanent address- Village Barwalya,
PO Kaithagaon, Sheoratananj, Amethi
Uttar Pradesh)**

FIR No.	:	274/2020
Police Station	:	Maidan Garihi
Under Section	:	323/341/506 IPC & 3(1)(r) (s) and 3(2)(va) of SC/ST Act

Date of assignment	:	15.02.2021
Date on which arguments heard	:	23.02.2026
Date of decision	:	07.03.2026
Decision	:	Acquitted

JUDGMENT

1. The accused Dhirender Prasad has been prosecuted in the present case for the commission of offences punishable under Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989, as well as under Sections 341/323/506 of the Indian Penal Code 1860.

2. The FIR in the present case was registered on the complaint of the complainant Sh. Manoj Kumar on 09.11.2020, whereas the alleged incident is stated to have taken place on 01.11.2020. As per the complaint, on the said date at about 02:00 PM, the complainant was proceeding towards Chhattarpur for his personal work. When he crossed the Bhati Mines Bus Stand, the accused Dhirender Tiwari allegedly stopped him and addressed him in the following words: “*Juta kitna bhi mehanga ho, woh sir par nahi rakha jata, pairon mein hi rehta hai. Tu chamar hai, chamar hi rahega. Achhe kapde pehen kar tu hamare barabar nahi khada ho sakta aur main pandit hoon, pandit hi rahunga. Jyada teen-paanch karne ki jarurat nahi hai.*”

3. The complainant alleged that upon hearing these words he questioned the accused as to why he was abusing him at a public place where several persons were present. Thereafter, the accused allegedly started abusing him in filthy language and assaulted him, as a result of which the complainant sustained injuries on his hand. It is further alleged that the incident occurred in the presence of Rai Singh Raghav, Om Prakash Pandey, Mukesh, Ram Priya Thakur and certain other persons.

4. On the basis of the complaint Ex. PW1/A, the present FIR came to be registered and the matter was taken up for investigation. Upon completion of the investigation, the investigating agency filed the charge-sheet against the accused before the Court. This Court took cognizance of the offences on 26.02.2021

and summoned the accused to face trial. Thereafter, upon consideration of the material available on record and after hearing the parties, charges were framed against the accused on 11.07.2023 for the offences punishable under Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Sections 341/323/506 of the Indian Penal Code, 1860, to which the accused pleaded not guilty and claimed trial.

5. In order to prove its case, the prosecution examined eight witnesses in all. The accused, however, admitted certain documents under Section 294 of the Code of Criminal Procedure 1973, namely the MLCs of the complainant dated 01.11.2020 and 25.01.2021 (Ex. PA-1 and Ex. PA-4 respectively), as well as the verification report of the caste certificate (Ex. PA-5).

6. The most material witnesses in the present case are the complainant, who was examined as PW-1, and the alleged eye-witnesses namely Rai Singh Raghav (PW-2), Om Prakash Pandey (PW-3), Ram Priya Thakur (PW-4), and Mukesh (PW-5). The remaining witnesses examined by the prosecution are police officials who were associated with the investigation of the present case.

7. PW-1 Manoj Kumar the complainant deposed that he has been residing at A-116, Sanjay Colony, Bhati Mines, Delhi with his family since the year 2009 and that he is educated up to 8th standard. He stated that on 01.11.2020 at about 02:00 PM, he left

his house on foot for Chhattarpur. On the way, he signaled a biker coming from behind and requested a lift, whereafter both of them proceeded towards Chhattarpur. When they reached near the Bus Stand, Sanjay Colony, Bhati Mines, he requested the biker to stop and thereafter got down from the motorcycle. When he took a left turn towards the gali, the accused Dhirender Tiwari was standing there. According to the witness, the accused wrongfully restrained him and said ***“juta jitna bhi mahanga ho jayega sar pe nahi rakha jayega, tu chamar hai chamar hi rahega.”*** The accused allegedly caught hold of his shirt and further abused him by saying ***“tu kitna bhi acha kapda pahan le, saale, maadarchod, bahan ke lawde, hamare barabar thodi khada ho payega teri aukat hai, mai pandit hu, pandit hi rahunga, tu chamar hai... chamar hi rahega, apni aukat me rah.”*** ***“saale, kab tak bachega tujhe khatam karunga.”*** PW-1 stated that due to the incident his face and left hand became swollen.

8. The witness further deposed that he made a call at 100 number and thereafter went to Police Chowki Sanjay Colony, Bhati Mines, where he narrated the incident to the police officials, but his complaint was not recorded and he was told to approach the ACP. He then went on his own to Safdarjung Hospital, where his medical examination was conducted. As no action was taken by the police, he subsequently approached PS Maidan Garhi and also submitted complaints in the offices of the ACP and DCP. He proved his written complaint as Ex. PW1/A bearing his signatures at point A. He further stated that he telephonically

informed the police about the spot of the incident.

9. During his deposition, the witness was shown the site plan, which he identified as bearing his signature at point A and the same was exhibited as Ex. PW1/B. He also stated that he belongs to the Chamar caste and that he had handed over a photocopy of his caste certificate to the police. The said caste certificate was exhibited as Ex. PW1/C, and the seizure memo thereof was exhibited as Ex. PW1/D, both bearing his signatures at point A. PW-1 also correctly identified the accused present in Court. He further stated that after registration of the present case, the accused pressurised him to withdraw the case.

10. In his cross-examination by the learned counsel for the accused, **complainant stated that he had known the accused Dhirender Tiwari for about three years prior to the incident. He denied the suggestion that any dispute existed between him and the accused before the date of the alleged occurrence.** The witness further stated that he could not explain the reason as to why the accused abused and assaulted him on 01.11.2020, adding voluntarily that it was a matter of the accused's mentality ("Accused ki kya maansikta hai").

11. PW-1 further deposed that Rai Singh Raghav, Om Prakash Pandey, Ram Priya Thakur and Mukesh were his neighbours and that he knew them even prior to the incident. According to him, all the said persons were present at the time of the incident and

they attempted to rescue him from the accused during the altercation. He denied the contrary suggestions put to him by the defence.

12. PW-2 Rai Singh Raghav deposed that he has been residing at House No. 146/1, Sanjay Colony, Bhati Mines, Maidan Garhi, New Delhi since the year 2017. He is a graduate and works in a security company whose office is situated at Fatehpur Beri, New Delhi. He stated that on 01.11.2020 at about 02:00 PM, when he reached near the Bus Stand, Sanjay Colony, he saw a heated exchange taking place between the accused Dhirender Prasad (whom he correctly identified in Court) and the complainant Manoj Kumar. According to the witness, the accused was abusing the complainant and making caste-based remarks by saying “*juta kitna bhi mehnga ho, sar par nahi rakha jata, pairon mein hi rehta hai, tum chamar ho, chamar hi rahoge.*” He further stated that when the complainant questioned the accused as to why he was abusing him, the accused again abused him by giving “*maa-behen ki gali*” and repeated casteist remarks by saying “*chamate apni aukat mein reh, jayada neta mat bann, tu kitne bhi ache kapde pehn le, tu chamar hai, chamar hi rahega aur main pandit hu, pandit hi rahunga.*” PW-2 further stated that many public persons gathered at the spot and asked the accused not to use such language. Thereafter, the accused pushed the complainant, due to which the complainant sustained an injury on his finger. The public persons present there intervened and separated them. The

complainant thereafter made a call to the police at 100 number, after which PW-2 left the spot.

13. In his cross-examination, PW-2 stated that he had known the accused for about three years prior to the incident, as both the accused and the complainant were residing in the same locality. **He stated that there was no prior dispute between the complainant and the accused before the present incident.** He further deposed that the complainant had called the police between 02:00 PM and 03:00 PM in his presence, though the PCR officials did not reach the spot while he was present there. He stated that he left the place of occurrence thereafter and did not know what happened subsequently. He further stated that after the incident he had not spoken to the accused and denied the suggestion that he had called the accused in the last week prior to his deposition. The witness denied the suggestion that he was deposing falsely.

14. PW-3 Om Prakash Pandey deposed that he has been residing at House No. F-70, Sanjay Colony, Bhati Mines, Maidan Garhi, New Delhi since his childhood. He is educated up to the 8th standard and works as a driver, though at the time of the incident he was working as a vegetable vendor. He stated that on the first day of a month in the year 2020, while he was present at his house, he heard noise from outside and came out to see what had happened. He then saw a heated exchange taking place between the accused Dhirender Prasad (whom he correctly identified in Court) and the complainant Manoj Kumar. According to him, the accused was making caste-based remarks against the complainant

by saying “juta kitna bhi mehnga ho, sar par nahi rakha jata, pai-ro mein hi rehta hai, tum chamar ho, chamar hi rahoge.” The accused further stated “tu kitne bhi ache kapde pehn le, tu chamar hai, chamar hi rahega aur main pandit hu, pandit hi rahunga, tum pandit ki barabari nahi kar sakte.” The witness stated that many public persons had gathered there and they pacified the parties, after which he went back inside his house. He further deposed that he was later called by the police and his statement was recorded.

15. During his examination, the learned Additional Public Prosecutor sought permission to put leading questions to the witness as he had not mentioned the exact month of the incident. Upon being permitted, the witness admitted that the incident had taken place on 01.11.2020. In his cross-examination, PW-3 stated that he had known the accused for about 2–4 years prior to the incident. He stated that there was no money transaction pending between him and the accused, though he also stated that at the time of the incident there was a money transaction pending between them. He further stated that he could not tell the exact time of the incident but it had taken place around noon. According to him, the accused had met him about half an hour prior to the incident at his house to discuss the money transaction. He stated that the distance between his house and the place of occurrence was about 50–60 metres. The witness further stated that he did not intervene to pacify or separate the complainant and the accused. He also stated that he went to the police station in the evening after

the incident, where he and the accused only discussed the money transaction, after which he returned to his place. The witness denied the suggestion that he was deposing falsely.

16. PW-4 Ram Priya Thakur deposed that he has been residing at House No. D-125, Sanjay Colony, Bhati Mines, Maidan Garhi, New Delhi for about 10–12 years. He is 10th pass and is working as a security guard in a company M-5 situated at Sultanpur, Delhi. He stated that on 01.11.2020 at about 02:00 PM, he had gone to the market at Sanjay Colony, Maidan Garhi to purchase paint. When he reached near the bus stand, he saw that many public persons had gathered there and both the complainant Manoj Kumar and the accused Dhirender Prasad (correctly identified in Court) were present. He asked the persons present there as to what had happened and they told him that a quarrel and heated exchange were going on between the complainant and the accused. However, the witness stated that no quarrel took place in his presence, and thereafter he left the spot. He further deposed that after two to three days he was called by the police and was inquired about the incident. He also stated that he knew both the complainant and the accused as they were residing in the same locality.

17. Since the witness did not support the prosecution case in material particulars, the learned Additional Public Prosecutor sought permission to cross-examine him, which was allowed by the Court. During such cross-examination, the witness denied having stated to the police in his statement under Section 161 of

the Code of Criminal Procedure, 1973 (Mark PW4/A) that when he reached near the bus stand he saw heated arguments between the accused and the complainant, or that the accused was abusing the complainant and making caste-based remarks such as “juta kitna bhi mehnga ho, sar par nahi rakha jata, pairon mein hi rehta hain, tum chamar ho, chamar hi rahoge, ache kapde pehn kar bhi tu hamare barabar nahi khada ho sakta, kyunki main Pandit hoon, Pandit hi rahunga.” He also denied having stated that the accused further made casteist remarks “chamate apni aukat mein reh, jayada neta mat bann, tu chamar hai, chamar ki aukat mein reh.” He was confronted with the relevant portions of his previous statement where such facts were recorded.

18. The witness denied the suggestions that he had been won over by the accused, that he was deliberately suppressing the true facts to save the accused, or that he was deposing falsely under pressure. The defence counsel chose not to cross-examine the witness despite opportunity.

19. PW-5 Mukesh deposed that he has been residing at House No. B-167, Sanjay Colony, Bhati Mines, Maidan Garhi, New Delhi for the last 30–35 years. He is 10th pass and works as a tailor by profession. He stated that on 01.11.2020 in the noon time, while he was going to meet an acquaintance at Aloo Mod near Bhati Mines, he reached near the Bus Stand, Sanjay Colony, where he saw a heated exchange taking place between the complainant Manoj Kumar and the accused Dhirender Prasad (whom he correctly identified in Court). According to the witness, the accused was abusing the complainant and making

caste-based remarks by saying “juta kitna bhi mehnga ho, sar par nahi rakha jata, pairon mein hi rehta hain, tum chamar ho, chamar hi rahoge.” The accused further stated “tu kitne bhi ache kapde pehn le, tu chamar hai, chamar hi rahega aur main pandit hu, pandit hi rahunga.” PW-5 stated that many public persons had gathered at the spot. Thereafter, he left the place. He further stated that he was later called by the police and was inquired about the incident. He also stated that he had known both the accused and the complainant for many years as they were residing in the same locality.

20. In his cross-examination, PW-5 stated that he had known the accused and the complainant for about 10–15 years. He stated that he did not know whether any money transaction dispute existed between them prior to the incident. He further deposed that he attempted to pacify the accused and the complainant, but they did not listen to him. According to him, the PCR officials reached the spot in his presence, and he also went to the police post along with the complainant Manoj. He further stated that he did not visit the police station thereafter. The witness denied the suggestions that he was not present at the spot, that the accused did not utter any casteist remarks in his presence, or that he was deposing falsely.

21. PW-6 deposed that on 09.11.2020, while posted as Duty Officer at PS Maidan Garhi, he received the rukka from ACP Ranbir Singh at about 11:00 PM and registered FIR No. 274/2020. He proved the computerised copy of the FIR Ex. PW6/A, his endorsement on the rukka Ex. PW6/B, and the

certificate under Section 65B of the Indian Evidence Act Ex. PW6/C.

22. PW-7 deposed that on 20.11.2020 he joined the investigation with the IO. On that day, the complainant handed over a photocopy of his caste certificate to the IO, which was seized through seizure memo already Ex. PW1/D, bearing his signatures.

23. PW-8 deposed that in November 2020, while posted as ACP Mehrauli, the complainant Manoj Kumar submitted a written complaint Ex. PW1/A on 03.11.2020. After preliminary enquiry, he prepared rukka Ex. PW8/A on 09.11.2020, on the basis of which the present FIR was registered. On 10.11.2020, he visited the spot of incident and prepared the site plan at the instance of the complainant. He also examined the witnesses Rai Singh Raghav, Om Prakash Pandey, Mukesh and Rampriya Thakur and recorded their statements under Section 161 Cr.P.C.

24. He further deposed that the complainant produced his medical documents from Safdarjung Hospital, including MLC and X-ray plates, which were seized during investigation, and later the injury was opined to be simple in nature. The complainant also produced his caste certificate, which was seized and later verified from the concerned Tehsildar, confirming that the complainant belongs to a Scheduled Caste. After completion of investigation, he filed the charge-sheet before the Court.

25. After the prosecution evidence was concluded, the accused was examined under Section 313 of the Code of Criminal

procedure, 1973 and all the incriminating evidence appearing against him was put to him. The accused stated that the present case is false. He stated that Om Prakash Pandey owed him about Rs.84,000/-, out of which some amount had been repaid and about Rs.30,000/- was still due. According to the accused, on the day of the incident he had gone to the house of Om Prakash Pandey to demand the remaining amount as the marriage of his daughter was fixed for 08.12.2021. He further stated that Om Prakash Pandey called Manoj Kumar (complainant), Raghav Rai, Mukesh Kumar, Ketan Sharma and Ram Priya Thakur, who all came to the house of Om Prakash Pandey. The accused claimed that he became frightened and when he attempted to leave, they assaulted and beat him. He further stated that he went to the police station, where the matter was compromised. However, after he left, those persons allegedly called the police at 100 number and subsequently filed the present case against him. The accused further stated that all the witnesses have falsely deposed against him, as they belong to the same village and had assaulted him because he was demanding his money back.

26. The learned Additional Public Prosecutor submitted that the prosecution has successfully proved the guilt of the accused beyond reasonable doubt. It was argued that the testimony of the complainant PW-1 Manoj Kumar clearly establishes that on 01.11.2020 the accused Dhirender Prasad wrongfully restrained him, assaulted him and intentionally humiliated him by using caste based remarks in a public place. PW-1 has categorically deposed that the accused abused him by saying “juta jitna bhi

mehnga ho sar par nahi rakha jata, tu chamar hai chamar hi rahega” and also uttered further abusive words such as “tu kitna bhi acha kapda pahan le... mai pandit hu pandit hi rahunga... tu chamar hai... chamar hi rahega”. It is submitted that these statements clearly demonstrate intentional insult and humiliation on the basis of caste in public view.

27. It was further argued that the testimony of PW-1 is corroborated by independent public witnesses PW-2 Rai Singh Raghav, PW-3 Om Prakash Pandey and PW-5 Mukesh, all of whom have supported the prosecution case in material particulars. These witnesses have consistently stated that they saw a heated altercation between the complainant and the accused and that the accused uttered casteist remarks such as “tum chamar ho, chamar hi rahoge” and “tu kitne bhi ache kapde pehn le... tu chamar hai... chamar hi rahega aur main pandit hu pandit hi rahunga”. It is argued that the presence of these witnesses at the spot is natural as they are residents of the same locality. Their testimonies lend strong corroboration to the version of the complainant.

28. The learned prosecutor further submitted that the medical evidence also supports the prosecution case. The MLC and subsequent medical opinion has been admitted by the accused which show that the complainant had sustained simple injuries, which corroborates his version that the accused had physically assaulted him.

29. It was further argued that the caste certificate of the complainant has been verified during investigation and the verification report has been admitted by the accused which confirms that the complainant belongs to a Scheduled Caste. Thus, the essential ingredients of the offence under the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 stand satisfied.

30. The learned Additional Public Prosecutor also contended that the defence has failed to bring out any material contradiction or infirmity in the testimonies of the prosecution witnesses. The defence suggestion that the case has been falsely instituted due to a monetary dispute is a mere bald assertion, which has not been substantiated by any evidence. The accused has also not led any defence evidence to support his version. It is therefore argued that the testimonies of the prosecution witnesses are trustworthy and sufficient to establish the guilt of the accused. The accused is therefore liable to be convicted for the offences punishable under Sections 341, 323 and 506 of the Indian Penal Code 1860 and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

31. Per contra, the learned counsel for the accused argued that the prosecution has failed to prove its case beyond reasonable doubt and that the present case is the result of a false implication arising out of a monetary dispute. It was argued that even according to the prosecution witnesses, there was no previous dispute between the complainant and the accused. However, the cross-examination of PW-3 Om Prakash Pandey reveals that

there was a money transaction between him and the accused, and that the accused had met him shortly before the incident to discuss the said transaction. This, according to the defence, supports the version of the accused that he had gone to demand his money and was thereafter falsely implicated.

32. It was further argued that the prosecution evidence is inconsistent and unreliable. PW-3 Om Prakash Pandey himself admitted that he did not intervene or separate the parties, which casts doubt on his presence and the manner of occurrence. Moreover, PW-4 Ram Priya Thakur did not support the prosecution case and clearly stated that no quarrel took place in his presence, thereby materially weakening the prosecution version.

33. The learned defence counsel further argued that the investigation conducted by the police was defective and unfair. The Investigating Officer admitted during cross-examination that no inquiries were made from nearby shopkeepers or neighbours, and that the GD entry of the PCR call was not collected, which are important lapses in the investigation.

34. It was also submitted that the alleged incident took place in a public place, yet the prosecution failed to examine any independent neutral witness apart from persons who were already known to the complainant and belonged to the same locality. According to the defence, this creates serious doubt regarding the credibility of the prosecution case.

35. The defence further relied upon the statement of the accused under Section 313 Cr.P.C., wherein the accused explained that Om Prakash Pandey owed him money, and that when he went to demand the same, the complainant and others gathered and assaulted him. The accused stated that the matter was initially compromised at the police station but thereafter the complainant and his associates falsely implicated him in the present case by making a PCR call. It was therefore argued that the prosecution evidence suffers from material contradictions, interested witnesses and a hostile witness, and that the defence version appears more probable in the circumstances. The learned defence counsel submitted that the prosecution has failed to establish the essential ingredients of the alleged offences beyond reasonable doubt and prayed that the accused be acquitted of all the charges.

36. I have given my thoughtful consideration to the entire evidence on record, and I find that the prosecution has failed to establish the guilt of the accused beyond reasonable doubt. It is an admitted position that the material witnesses examined by the prosecution, namely PW-2 Rai Singh Raghav, PW-3 Om Prakash Pandey and PW-5 Mukesh, are residents of the same locality and were known to the complainant from prior to the alleged incident. It is well settled that there is no rule of law that the testimony of interested or related witnesses cannot be relied upon. However, such evidence is required to be examined with due care and caution as such witnesses may have a natural inclination to support the version of the complainant. Their

evidence, therefore, must inspire confidence and ordinarily requires closer scrutiny before it can be safely relied upon for the purpose of recording a conviction.

37. This aspect assumes greater significance in the present case in view of the fact that there was a delay of about eight days in the registration of the FIR. The incident is alleged to have taken place on 01.11.2020 whereas the FIR was registered on 09.11.2020. Such delay provided sufficient time for deliberation and consultation before setting the criminal law in motion. When the witnesses cited as eyewitnesses are persons already known to the complainant, the possibility of their being introduced after due deliberation cannot be completely ruled out. The acquaintance of these witnesses with the complainant, coupled with the delay in registration of the FIR, therefore casts a shadow of doubt on the spontaneity of the prosecution version.

38. Further, from the evidence of the complainant itself, it appears that he was passing through the road near Bhati Mines and was proceeding towards Chhatarpur when the accused suddenly stopped him and the alleged incident took place. The nature of the incident, as alleged, is essentially of verbal abuses and it appears to have occurred within a short span of time. The complainant himself was taken by surprise and there was no prior indication that such an incident would occur. In such circumstances, it becomes doubtful as to how all the said witnesses also happened to be present at the very same spot at the relevant time and witnessed the occurrence simultaneously. This coincidence appears to be unnatural.

39. Significantly, the alleged incident is stated to have taken place near a bus stand at a public place where, as per the prosecution itself, several public persons had gathered. Despite this, no independent or neutral public witness has been examined by the prosecution to corroborate the version of the complainant. In these circumstances, the testimony of the aforesaid witnesses, who are admittedly known to the complainant and belong to the same locality, cannot be treated as that of wholly independent witnesses and requires cautious appreciation before being relied upon.

40. Another circumstance which creates doubt regarding the prosecution version is that the prosecution has failed to explain the reason or motive behind the alleged conduct of the accused. Neither the complainant nor any of the prosecution witnesses has disclosed any prior dispute, provocation or circumstance which could have led the accused to suddenly abuse the complainant in the alleged manner. The case of the prosecution is that the accused, without any apparent reason, stopped the complainant on the road and started hurling caste related abuses and assaulted him. In the absence of any background or motive being placed on record, such conduct on the part of the accused appears somewhat unnatural and difficult to readily accept.

41. It is true that proof of motive is not always an indispensable requirement for establishing an offence when there is otherwise clear and convincing evidence on record. However, in cases where the prosecution evidence itself is not wholly free from doubt, the absence of motive assumes significance and

becomes a relevant circumstance while appreciating the overall probability of the prosecution story.

42. In the present case, even during cross-examination of the complainant, a suggestion was put on behalf of the accused that there existed some dispute between the complainant and the accused prior to the alleged incident. The defence attempted to suggest that there was some prior disagreement between the parties which might have led to the present case being lodged. However, the complainant denied the existence of any such dispute and stated that he could not tell why the accused had abused and beaten him on that day. Thus, even the complainant himself has not been able to assign any reason for the alleged conduct of the accused.

43. It is also noteworthy that the other prosecution witnesses, namely PW-2 Rai Singh Raghav, PW-3 Om Prakash Pandey and PW-5 Mukesh, were admittedly known to both the complainant and the accused as they belonged to the same locality. Despite this familiarity, none of them has thrown any light on the background of the incident or disclosed any circumstances which could explain why the accused would behave in the alleged manner. The complete absence of any evidence regarding the motive or surrounding circumstances leading to the alleged occurrence further weakens the prosecution case and makes the version put forward by the prosecution appear doubtful.

44. The defence put forth by the accused in his statement under Section 313 of the Code of Criminal Procedure, 1973 also

appears to be plausible in the facts and circumstances of the present case. The accused has stated that there was a monetary dispute between him and PW-3 Om Prakash Pandey and that when he went to demand the outstanding amount, several persons including the complainant gathered and a quarrel ensued between them. This explanation finds some support from the cross-examination of PW-3 Om Prakash Pandey himself. During cross-examination, PW-3 admitted that there had been a money transaction between him and the accused and that the accused had met him about half an hour prior to the incident at his house to talk about the said money transaction. He further stated that when he went to the police station in the evening, both he and the accused were discussing the issue of the money transaction.

45. These admissions lend some credence to the defence version put forward by the accused that the dispute between the parties may have originated on account of the monetary dealings between him and PW-3. The accused has further stated in his statement under Section 313 Cr.P.C. that when he went to the house of PW-3 Om Prakash Pandey to demand his money, several persons including the complainant gathered there, and on seeing them he became frightened and attempted to leave, whereupon he was allegedly assaulted by them. According to him, the matter was later taken to the police station where a compromise was effected, but thereafter the present case was lodged against him.

46. It is also noteworthy that PW-3 has stated that the distance between his house and the place of occurrence is merely about

50–60 meters. This circumstance also lends some support to the defence version that the dispute may have originated near or around the residence of PW-3 in connection with the monetary transaction between them. In view of these circumstances and the admissions made during the cross-examination of PW-3, the defence version cannot be said to be wholly improbable or devoid of substance. Rather, it introduces a reasonable possibility that the incident may have arisen out of a prior monetary dispute between the parties, thereby creating doubt regarding the prosecution version.

47. It is also pertinent to note that PW-4 Ram Priya Thakur, who was cited as an eyewitness by the prosecution, did not support the prosecution case and stated that no quarrel took place in his presence. His testimony further weakens the prosecution version regarding the manner of the alleged incident.

48. Another circumstance which casts doubt on the prosecution case is the delay in the registration of the FIR. The alleged incident is stated to have taken place on 01.11.2020, whereas the FIR in the present case came to be registered only on 09.11.2020. Although the complainant has stated that he had called the police at number 100 and had approached the police earlier, no documentary record such as the PCR call details or the relevant DD entry has been placed on record by the prosecution to substantiate this claim. Even the Investigating Officer admitted during his evidence that he had not collected the GD entry regarding the alleged PCR call made by the complainant.

49. In these circumstances, the delay in registration of the FIR remains insufficiently explained. It is well settled that delay in lodging the FIR is not necessarily fatal to the prosecution case; however, where such delay is not satisfactorily explained, it assumes significance while assessing the credibility of the prosecution version. The delay creates a possibility of deliberation, consultation and embellishment before the lodging of the complaint. In the present case, when this delay is considered along with the fact that the material witnesses cited by the prosecution are persons already known to the complainant, the possibility of the prosecution story being shaped after due deliberation cannot be completely ruled out. This circumstance therefore casts a shadow of doubt on the spontaneity and reliability of the prosecution case.

50. In view of the above circumstances—namely the absence of any independent public witness despite the alleged incident having taken place at a public place, the inconsistencies in the testimonies of the prosecution witnesses regarding the alleged casteist abuses, the absence of any clear motive for the alleged conduct of the accused, the plausible defence set up by the accused in his statement under Section 313 Cr.P.C., the fact that one of the cited eyewitnesses did not support the prosecution case, and the unexplained delay in the registration of the FIR—I am of the considered opinion that the prosecution has not been able to establish its case beyond reasonable doubt.

51. The criminal law requires the prosecution to prove the guilt of the accused with cogent, reliable and convincing

evidence. In the present case, the cumulative effect of the aforementioned circumstances creates reasonable doubt regarding the veracity of the prosecution version. Where two views are possible, the one favourable to the accused must necessarily be adopted.

52. Accordingly, the benefit of doubt must go to the accused. The accused Dhirender Prasad is therefore acquitted of the charges under Sections 341, 323 and 506 of the Indian Penal Code, 1860 and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

**Announced in the open Court
on 07.03.2026**

**(Samar Vishal)
ASJ-02/South District
Saket / New Delhi
07.03.2026**

APPENDIX

1. Chart of Witnesses Examined on behalf of Prosecution

Prosecution Witnesses No.	Name of Witness	Description
1	Manoj Kumar	Complainant
2	Rai Singh Raghav	Public witness
3	Om Prakash Pandey	Public witness
4	Ram Priya Thakur	Public witness
5	Mukesh	Public witness
6	HC Ram Niwas	Duty Officer
7	Inspector Ram Singh	Police witness
8	ACP Ranbir Singh	Investigating Officer

2.Chart for Exhibited Documents

Exhibit No.	Description of the Exhibit	Proved by / Attested by
Ex.PW1/A	Complaint	PW1
Ex.PW1/B	Site plan	PW1
Ex.PW1/C	Caste certificate of complainant	PW1
Ex.PW1/D	Seizure memo of the caste certificate	PW1
Ex.PW6/A	Computerized copy of FIR	PW6
Ex.PW6/B	Endorsement on rukka	PW6
Ex.PW6/C	Certificate under section 65B of Indian Evidence Act	PW6
Ex.PW8/A	Rukka	PW8
Ex.PW8/B	Statement of witness Ram Priya	PW8
Ex.PW8/C	Notice	PW8
Ex.PW8/D	Seizure of MLC and X-ray plate	PW8
Ex.PW8/E	Request letter	PW8
Ex.PW8/F	Notice	PW8
Ex.PW8/G	Reminder of notice	PW8

**3. Chart of admitted documents by accused under section 294
Cr.P.C**

Sr No.	Description of the documents	Exhibit
1	MLC of Manoj Kumar dated 01.11.2020	Ex.PA-1
2	Two X Ray plates of Manoj Kumar	Ex.PA-2 and Ex.PA-3
3	MLC of Manoj dated 25.01.2021	Ex.PA-3
4	Verification report of caste certificate of Manoj Kumar	Ex.PA-5

Certified that this judgment including appendix contains 27 pages and each page bears my signatures.

**(Samar Vishal)
ASJ-02/South District
Saket / New Delhi
07.03.2026**