

JUDGMENT

Brief facts of the case:

1. The story of the prosecution in brief is as under:-

The accused persons have been sent to face trial under Section 307/120B of Indian Penal Code (hereinafter called as IPC) on the allegations that on or before 19.10.2019, at about 03:00 a.m inside DDA Park, Johad Wala Park, Sector-8, Dwarka, New Delhi, accused persons namely Rinku Kumari @ Priya Kumari and Mukesh Kumar hatched a criminal conspiracy and in furtherance of their conspiracy, both the accused persons attacked Sudesh Kumar on his head, neck and chest with blade and broken beer bottles with intention to kill him with the intention or knowledge and under such circumstances, and if by the act of the accused persons, caused death, the accused persons would be guilty of murder and on the basis of the said allegations, the present FIR bearing no. 475/2019 was registered at Police Station Dwarka South.

2. After completion of the investigation, a charge-sheet against accused persons was filed before the court for the offence under Section 307/120B/34 IPC. After compliance with Section 207 of the Criminal Procedure Code (in short 'Cr.P.C'), the case was committed to the Sessions Court.

3. After hearing arguments, on 24.02.2023, charge was framed

against accused Rinku Kumari @ Priya Kumari for the offence punishable under Section 307 IPC and a separate charge was framed against the accused persons Rinku Kumari @ Priya Kumari and Mukesh Kumar for the offence punishable under Section 120B IPC, to which they pleaded “*Not Guilty*” and claimed trial, accordingly the case was fixed for prosecution evidence.

4. PW-1 is Sh. Sudesh Kumar, S/o Sh. Ran Singh, R/o RZF-365, Lohia Marg, Raj Nagar, Part-II, New Delhi. He is the injured in the present case and his testimony would be discussed at an appropriate stage.

5. PW-2 is Ms. Meena, W/o Sh. Sudesh Kumar, R/o RZF-365, Lohia Marg, Raj Nagar, Part-II, Palam Colony, New Delhi. She is the public witness / wife of the injured in the present case and her testimony would also be discussed at an appropriate stage.

6. PW-3 is Sh. Siddharth, S/o Captain V. P. Singh, R/o A-701, Hind Apartment, Sector-5, Dwarka, Delhi. Present Address: 4/33, Harley Street, Labrabor State Queens Land, Australia 4215 (the evidence of this witness was recorded through Video Conferencing and same was not objected by the Ld. defence counsel). He is also one of the public witness in the present case and his testimony would also be discussed at a later stage.

7. It is a matter of record that vide order dated 18.11.2025, as per

report, witness Sanjeevan Pal had expired and hence, he was dropped from the list of witnesses.

8. **PW-4 is Smt. Shanti, W/o Late Sh. Lakhmi Chand, R/o Plot no.90, Village Bagdola, Sector-8, Dwarka, New Delhi.** She is the complainant in the present case and her testimony would also be discussed at an appropriate stage.

9. **PW-5 is Sh. Dharmender, S/o Late Sh. Lakhmi Chand, R/o Plot no.130, Village Bagdola, Sector-8, Dwarka, New Delhi.** He is also one of the public witness in the present case and his testimony would also be discussed at a later stage.

10. Vide order dated 21.01.2026, statement of both accused persons under Section 294 Cr.P.C has been recorded wherein accused persons have admitted certain documents i.e FIR no. 475/19 as Ex. A-1, Certificate under Section 65 B of Indian Evidence Act as Ex. A-2, DD no.4A dated 19.10.2019 as Ex. A-3, DD no. 6A dated 19.10.2019 as Ex. A-4, MLC no. 9986 of Sudesh Kumar as Ex. A-5, MLC no.10119 of Priya @ Rinku as Ex. A-6, MLC no.15679 of Priya Kumar as Ex. A-7, MLC no.10126 of Priya Kumar as Ex. A-8, MLC no.16687 of Priya Kumar as Ex. A-9, MLC no.16740 of Priya Kumar as Ex. A-10, photographs of the spot as Ex. A-11 (colly), emergency response system form as Ex. A-12, RC no.266/21/19 as Ex. A-13, acknowledgment dated 04.12.2019 as Ex. A-14,

crime scene report dated 19.10.2019 as Ex. A-15, CAF and CDR of mobile no. 8700331900, 8700725992 and 8178683134 from 01.10.2019 to 19.10.2019 with location chart as Ex. A-16 (colly) and CAF and CDR of mobile no. 9268788680, 9210205242 and 92508120 from 01.10.2019 to 19.10.2019 with location chart as Ex. A-17 (colly). Accordingly, witnesses mentioned at serial no. 8, 9, 10, 11, 12, 13, 16 & 17 were dropped from the list of witnesses.

11. **PW-6 is W/HC Lalta, no. 2319/DW, posted at Dwarka District, Vigilance Branch.** She has accompanied the IO / SI Vikas and has deposed about the investigation conducted by IO. This witness was cross-examined by the Ld. counsel for the accused persons.

12. **PW-7 is SI Vikas, no. D-5399, IFSO, Special Cell, Delhi.** He is the Investigating Officer and deposed that on 19.10.2019, he was posted at Dwarka South as a Sub-Inspector and on that day, he was on night emergency duty and at about 04:00 AM, one PCR call was received upon which, he along with HC Suraj and W/Ct. Lalita reached the spot i.e Sector-8, Dwarka, Bagdola Village, where he met complainant Shanti Devi and accused Rinku Kumari @ Priya. He further deposed that he made inquiry from complainant Shanti Devi and during that time, he noticed that accused Rinku Kumari had also sustained injuries. He further deposed that thereafter, he sent accused Rinku Kumari for her medical treatment along with W/Ct. Lalita to DDU Hospital. He further deposed that during inquiry

from complainant Shanti Devi, he came to know that injured Sudesh had already been shifted to the hospital by PCR van. He further deposed that thereafter, at about 06:30 AM, he received information regarding the MLC of injured Sudesh from DDU Hospital, upon which he went to DDU Hospital and HC Suraj remained at the spot. He further deposed that he informed the crime team for inspection of the spot and directions were given to HC Om Prakash to accompany and assist the crime team during inspection of the spot. He further deposed that he reached DDU Hospital, where he came to know that injured Sudesh was unconscious and was not fit for statement. He further deposed that he collected the MLC of injured Sudesh and sealed cloth pullandas, and all the pullandas were seized vide seizure memo Ex. PW-7/A. He further deposed that he collected the MLC of accused Rinku Kumari and also seized the pullanda containing the clothes of accused Rinku Kumari, which had been handed over to him by the doctors and the same was seized vide seizure memo already Ex. PW-6/A. He further deposed that after discharge of accused Rinku Kumari, he brought her to the spot under the custody of W/Ct. Lalita. He further deposed that thereafter, he recorded the statement of Shanti as Ex. PW-1/A. He further deposed that thereafter, he prepared the rukka as Ex. PW-7/B and handed over the same to HC Suraj for registration of FIR and after the registration of FIR, HC Suraj returned to the spot and handed over to him the copy of FIR and original rukka. He further deposed that thereafter, he prepared the detailed site plan of the spot at the instance of HC Om Prakash as Ex. PW-7/C. He further deposed that HC Om Prakash also handed over

the sealed exhibits, which had been lifted by the crime team during inspection and seized by HC Om Prakash vide seizure memos Mark A1, A2, and A3. He further deposed that for detailed interrogation, he took custody of accused Rinku Kumari under the custody of W/Ct. Lalita. He further deposed that thereafter, they returned to the police station along with accused Rinku Kumari, and after interrogation, he arrested accused Rinku Kumari at PS Dwarka South vide arrest memo Ex. PW-7/D and her personal search was conducted vide memo Ex. PW-7/E. He further deposed that he recorded the disclosure statement of accused Rinku Kumari as Ex. PW-7/F. He further deposed that he had also seized one blood-stained kada from accused Rinku Kumari, which was kept in a plastic box, sealed with the seal of VK and seized vide seizure memo Ex. PW-7/G. He further deposed that thereafter, accused Rinku Kumari was produced before the Court and he obtained one day police custody remand. He further deposed that during PC remand, at the instance of accused Rinku Kumari, one scooty bearing no. DL9SBL5439 was recovered and the same was seized vide seizure memo Ex. PW-7/H. He further deposed that thereafter, at the instance of accused Rinku Kumari, he prepared the pointing out memo of the spot, which was Ex. PW-7/I. He further deposed that the exhibits were deposited in the malkhana and he recorded the statements of witnesses. He further deposed that on 20.10.2019, he again took accused Rinku Kumari to the spot and tried to recover pieces of beer bottle and piece of blade, however, nothing was recovered. He further deposed that he prepared Fard Adam Baramdagi, as Ex. PW-7/J. He further deposed that thereafter,

accused Rinku Kumari was sent to judicial custody. He further deposed that on 31.10.2019, he went to DDU Hospital and recorded the statement under Section 161 Cr.P.C. of injured Sudesh. He further deposed that on 03.11.2019, he again obtained one day police custody remand of accused Rinku Kumari and during PC remand, he recorded the supplementary disclosure statement of accused Rinku Kumari, as Ex. PW-7/K. He further deposed that on 27.11.2019, he prepared the site plan at the instance of injured Sudesh, as Ex. PW-7/L. He further deposed that he recorded the statements of witnesses and the exhibits were sent to FSL vide RC No. 266/21/19 as Ex. A-13. He further deposed that he got verified the RC of vehicles bearing no. DL9SBL5439 and DL1Z6080, and the vehicle particulars were Mark 4 & 5. He further deposed that thereafter, he obtained the certified copy of JIO CAF, CDR, and location chart of the mobile phones of accused Rinku Kumari and Jyoti Sharma, as Ex. A-16 (colly). He further deposed that CAF, CDR, and location chart of the mobile phone (IDEA) of accused Mukesh Kumar, Rinku, and Sudesh as Ex. A-17 (colly), and CAF, CDR, and location chart of the mobile phone (JIO) of accused Mukesh Kumar as Ex. A-17 (colly). He further deposed that he recorded the statements of witnesses and thereafter, he prepared the charge sheet and filed the same before the Court. This witness was also cross-examined by the Ld. defence counsel.

13. It is a matter of record that vide order dated 14.03.2026, witnesses Anuj Patwal and Sanjeevan were ordered to be summoned

through DCP Office for 28.04.2026. It is also a matter of record that on 28.04.2026, the record revealed that witness Sanjeevan Pal had already been dropped from the list of witnesses on 18.11.2025. Further, as per report, witness Anuj Patwal was again unserved despite the fact that he was ordered to be summoned through DCP Office and since all the relevant witnesses were examined and 08 witnesses were dropped from the list of witnesses on 21.01.2026, it was observed by the Court that the public witnesses had not supported the case of the prosecution and hence, no purpose would be served by examining the other witnesses. Accordingly, prosecution evidence was closed and matter was posted for recording statement of accused persons.

14. Vide order dated 16.05.2026, statement under Section 313 Cr.P.C of accused persons were recorded wherein the accused persons stated that they were innocent and had not committed any offence. They further opted not to lead any defence evidence.

15. I have heard the arguments advanced by Sh. Brijesh Kumar, Ld. Addl. PP for the State as well as the Ld. counsel for the accused persons and have perused the entire record.

16. The accused persons are facing trial before this Court for the offence under Sections 120B IPC and accused Rinku Kumari @ Priya Kumari is also facing trial for the offence under Section 307 IPC, based on

allegations that on 19.10.2019, both accused persons hatched a criminal conspiracy to attack Sudesh Kumar with intent to kill him. Further, accused Rinku Kumari @ Priya Kumari in furtherance of her conspiracy with accused Mukesh, attacked Sudesh Kumar on his head, neck and chest with blade and broken beer bottles with intention to kill him.

17. The prosecution case hinges significantly on the testimonies of PW-1 Sh. Sudesh Kumar, the injured, PW-2 Smt. Meena, the wife of the injured, PW-3 Sh. Siddharth, the public witness, PW-4 Smt. Shanti, the complainant and PW-5 Smt. Dharmender, the public witness. On 25.10.2025, **PW-1 is Sh. Sudesh Kumar** deposed he was working as a property dealer and knew accused Mukesh for the last 20-25 years. He further deposed that he had money transactions with accused Mukesh. He further deposed that in the year 2018, Mukesh had borrowed a sum of Rs. 5 lakhs from him on 2% interest. He further deposed that he had given Rs. 5 lakhs to Mukesh in three installments. He further deposed that he had given Rs.2 lakhs to Mukesh in December, 2018, another installment of Rs. 2 lakhs in the month of February, 2019, and Rs. 1 lakh in August, 2019. He further deposed that after taking the money, Mukesh had refunded only the interest on the borrowed amount till August, 2019, however, after August, 2019, Mukesh had not paid any further interest. He further deposed that later on, accused Mukesh refunded the amount of Rs. 5 lakhs. He further deposed that they had only money transactions and he did not know anything about the present case. He identified accused Mukesh and Rinku Kumari being

his neighbours.

This witness was turned hostile and he was cross-examined by the Ld. Addl. PP for the State at length wherein Ld. Addl. PP for the State had put various suggestions to this witness and he denied most of them. This witness was also cross-examined by the Ld. counsel for both accused persons.

18. Now, another witness whose testimony is beneficial for the prosecution case is PW-2 Smt. Meena, the wife of the injured and she deposed that her marriage was solemnized with Sudesh in the year 2010 and it was the second marriage of Sudesh, as his first wife had expired due to illness. She further deposed that she had two children, one son and one daughter and Sudesh already had two more children from his first wife, one son and one daughter. She further deposed that Sudesh was running a property dealing business and also operated Taxi No. DL1Z-6080. She further deposed that she did not remember the exact date, month, and year, however, one day at about 11:00 AM, her husband Sudesh along with his mother Murti Devi had proceeded from Palam to his Village Patwas, District Charkhi Dadri, Haryana, in the aforesaid taxi. She further deposed that Sudesh had told her that he would return to Delhi within 1–2 days. She further deposed that on 19.10.2019, at about 06:00–06:30 AM, she came to know through one friend of Sudesh that her husband Sudesh was hospitalized at DDU Hospital. She further deposed that thereafter, she went to the hospital where she found that her husband Sudesh had been admitted.

Ld. Addl. PP for the State put leading questions from this witness wherein she admitted as correct that her husband Sudesh had left Delhi on 18.10.2019 at about 05:30 AM along with his mother Murti Devi to drop her at his native place and Sudesh had told her that he would return on Saturday night or Sunday morning. She also admitted as correct that she came to know that one lady had cut the throat of her husband. This witness was cross-examined by the Ld. counsel for the accused persons.

19. Now, coming to the deposition of PW-3 Sh. Siddharth, who deposed that in the year 2019, he was working in Google Company. He further deposed that he did not remember the exact date of the incident, however, in the year 2019. He further deposed that he also did not remember the month, but it was winter season and at about 2:00–3:00 A.M., he was returning from his office along with his friends Anuj and Manish, and they were going to drop Manish. He further deposed that in the meantime, they saw one person running and one lady was chasing him. He further deposed that the said person fell down and the lady was pushing the head of that person on the road. He further deposed that at that time they were in the car. He further deposed that he opened the door of his car but did not get down from the car. He further deposed that he came to know that something wrong had happened to that person and he saw that blood was oozing from the body of that person. He further deposed that he made a call at 100 number and stated all the facts to the police. He further deposed that he got frightened and left the place. He further deposed that he could

not identify that lady as it was dark.

This witness was cross-examined by the Ld. Addl. PP for the State as he was resiling from his previous statement. This witness was also cross-examined by the Ld. counsel for the accused persons.

20. Now, I would discuss the testimony of PW-4 Smt. Shanti, the complainant who deposed that on 18.10.2019, at about 03:30 AM, she suddenly heard the noise of a quarrel outside her house, and when she looked outside, she saw one person lying on the road in a pool of blood and one lady sitting near him, quarreling with him. She further deposed that she asked the said lady that the injured person had sustained injuries and she should take him to some hospital, upon which the lady replied that she was taking him to the hospital and asked her to go inside. She further deposed that thereafter, she went inside her house. She further deposed that after some time, she again heard the noise of quarrel, and when she again came at her house, she saw that the same lady was sitting on the legs of the injured person, who was lying on the road and the lady had caught hold of his neck and after seeing her, left his neck. She further deposed that at that time, the injured person told her that 'Tai mai Sudesh hu, mujhe bacha lo, ye aurat mujhe jaan se maar degi, isne mera gala kaat dia hai' and when she carefully saw the injured person, she found that he was Sudesh, who used to visit her house several years back and used to run a kabadi shop near her neighbourhood. She further deposed that at that time, Sudesh also told her that the lady had attacked him with the intention to kill him. She further

deposed that immediately thereafter, she went inside the house to call her son Dharmender and in the meantime, PCR also reached there and the said lady ran away from the spot. She further deposed that injured Sudesh was shifted to the hospital by the PCR. She further deposed that the IO obtained her thumb impression on her statement, but the same was not read over to her. She further deposed that she could not identify the accused persons as it was dark and the incident had taken place at about 04:00 AM in the morning.

This witness was cross-examined by the Ld. Addl. PP for the State as she was resiling from her previous statement wherein she denied most of the suggestions put to her. This witness was also cross-examined by the Ld. counsel for the accused persons.

21. PW-5 Sh. Dharmender deposed that he was running a grocery shop in the name of Dharmender Store and they had 3-4 plots in Bagdola and his mother was residing at plot no. 90 and a few tenants were also residing at the said plot. He further deposed that on 19.10.2019 at about 04:30 AM, his mother came to him at plot no. 130 in a trembling condition and informed him that one lady had attacked Sudesh, who was lying on the road in front of plot no.90 upon which he immediately reached plot no.90 on his bike at about 04:30 AM and by that time, the police, ambulance, and PCR had also reached there. He further deposed that thereafter, Sudesh was shifted to DDU Hospital in an ambulance. He further deposed that he did not know anything further about the present case and he could not identify

any of the assailants as he had not seen the incident or the accused persons.

This witness was also cross-examined by the Ld. Addl. PP for the State as he was resiling from his previous statement wherein he denied most of the suggestions put to him. This witness was also cross-examined by the Ld. counsel for the accused persons.

22. In the present case, PW-1, being the injured witness, was the most material witness for the prosecution. In his examination-in-chief, he deposed that he had merely financial dealings with accused Mukesh and that the entire amount of ₹5 lakhs had already been returned. He further deposed that apart from such monetary transactions, he did not know anything about the present case. He specifically denied that on 31.10.2019, the Investigating Officer recorded his statement Mark X. He explicitly deposed that he never visited the house of the accused Mukesh for demanding money and denied receiving any call from accused Rinku for settlement. He further deposed that he never went to Singla Restaurant, never met accused Rinku there and no such incident of accompanying her in his car or proceeding towards Bagdola village or Jhor Wala Park ever took place. He further deposed that he never met accused Mukesh at any park, nor consumed liquor with him, thereby completely negating the alleged circumstances leading to the incident. He further deposed that no quarrel or altercation ever took place between him and the accused persons. Most importantly, he categorically deposed that no attack was ever made upon him by the accused persons. He further deposed that he did not

receive any injury due to any knife or sharp weapon and specifically denied that accused Rinku inflicted any injury upon him. Instead, he explained that he sustained injuries due to a fall from his motorcycle. He further deposed that the accused persons were not involved in any incident and that he was never attacked by them. He further deposed that he had good relations with the accused persons and remained in contact with them. Significantly, when the accused persons were pointed out in Court as assailants, PW-1 failed to identify them and reiterated that they were not involved.

23. As far as the testimony of PW-2 Smt. Meena, is concerned, she is admittedly not an eye-witness to the incident. Her entire knowledge regarding the occurrence is largely hearsay in nature, as she herself stated that she came to know about the alleged assault through others. Her evidence is confined to facts, such as the departure of her husband and his subsequent hospitalization. Moreover, she does not attribute any role to either of the accused persons. Her deposition is completely silent on any role played by the accused persons.

24. PW-3 Sh. Siddharth, although projected as an eye-witness, categorically stated that he does not remember the exact date or month of the incident, except that it occurred in the year 2019 during winter. Most importantly, he has failed to identify the accused persons in Court despite being shown to him during examination through video conferencing. He clearly stated that due to darkness and lapse of time, he could not identify

the lady. Additionally, the witness resiled from portions of his earlier statement.

25. PW-4 Smt. Shanti, though projected as a material witness, however after going through her testimony, at the outset, while she claims to have witnessed certain parts of the incident, her deposition suffers from serious inconsistencies and improvements. Most significantly, she has failed to identify the accused persons in Court, despite being shown to her. Further, she has categorically denied the material portions of her previous statement Ex. PW-1/A. Most importantly, she has taken a clear stand that due to darkness, she could not see the face of the assailant, and thus cannot identify her. In addition, in her cross-examination by defence, she has specifically admitted as correct that accused persons were not the assailants. Further, she also deposed that she did not know the accused persons, prior to the incident and saw them for the first time in Court.

26. Now, coming to the deposition of PW-5, who reached only after being informed by his mother. Thus, his knowledge about the occurrence is purely hearsay, which has no evidentiary value in proving the commission of the offence or the identity of the assailant. Crucially, he has categorically denied having seen any assailant at the spot. He specifically stated that by the time he reached, police and PCR had already arrived, and he did not witness the occurrence. This completely disconnects him from the incident in terms of direct evidence. Further, during cross-examination

by the prosecution, he resiled from his previous statement Ex. PW-5/A. Hence, as per his testimony, nothing had happened in his presence. The testimony of PW-5 Sh. Dharmender does not support the prosecution case and, in fact, creates serious doubt regarding the involvement of the accused persons.

27. The mere examinations of the deposition of PW-1 Sh. Sudesh Kumar, the injured, PW-2 Smt. Meena, the wife of the injured, PW-3 Sh. Siddharth, the public witness, PW-4 Smt. Shanti, the complainant and PW-5 Smt. Dharmender, the public witness reveal that the prime witnesses turned hostile and did not support the case of the prosecution. In the present case, neither the complainant nor the eye-witnesses identified the accused persons as the assailants who attacked Sh. Sudesh Kumar. Notably, the above witnesses did not support the case of the prosecution resulting in the collapse of the case of the prosecution and prosecution has failed to prove the case beyond reasonable doubt.

28. At this stage, it would be relevant to go through the judgment, titled as '*Allrakha K. Mansuri Vs. State of Gujrat*' 2002 (1) CR (Cr.P.C) 748 (c), wherein it is held that the golden thread which runs through the web of administration of justice in criminal case is that if two views are possible on the evidence adduced in the case, one pointing to the guilt of the accused and the other to innocence, the view favorable to accused should be adopted. The paramount consideration of the Court should be to

avoid miscarriage of justice.

29. Now turning to the remaining witnesses, comprised of police officials associated with the investigation, their testimony largely details the procedural aspects of the case from recording the FIR to filing the charge sheet. However, these statements do not provide any incriminating evidence related to the actual commission of the alleged offence and, therefore, bear no impact on the charges framed against the accused persons.

30. The record reveals a glaring absence of evidence to establish the culpability of the accused persons in the commission of the charged offence. The prosecution has unequivocally failed to meet the standard of proof beyond a reasonable doubt and benefit of doubt is required to be given to the accused persons. Hence, considering the overall facts and circumstances of the present and given the above observations, accused persons are acquitted of the offence punishable under Sections 120B IPC and accused Rinku Kumari @ Priya Kumari is also acquitted for the offence punishable under Section 307 IPC by giving them the benefit of doubt.

31. The accused persons are directed to furnish bail bonds in terms of Section 437A Cr.P.C in the sum of Rs.30,000/- each. At the request of the accused persons, their previous bail bonds are extended in terms of Section 437A Cr.P.C and shall remain in force for six months from today.

32. File be consigned to Record room, after due compliance.

**Announced in open Court today
on 01st July, 2026**

**(Deepak Wason)
Additional Sessions Judge-04:
SW District: Dwarka Courts:
New Delhi**