

Item No. 6
SC No. 152/2026
State Vs. Ishwar Singh

12.03.2026

Present: **Sh. V.K. Swami, Ld. Addl. PP for the State.**
Ms. Sidhi Sharma, counsel for the accused Ishwar
Singh alongwith accused Ishwar Singh in person.
Proceedings against accused Anil Kumar already
stands abated vide order dated 09.01.2026.

I have heard Ld. APP for the State and counsel for the accused and have perused the material available on record.

Ld. APP for the State submits that the specific and serious allegations have been made in the charge-sheet against the accused which show that the accused with pre determined mind approached the victim/injured persons and inflicted head injuries with the danda on their head. Hence, he prays that the accused may be charged for the offence under section 307 IPC in addition to offences as mentioned in the charge sheet.

On the other hand, counsel for the accused submits that the subject incident had taken place in a spur of moment and therefore, merely because the injured persons sustained simple injuries on the head is not sufficient to charge the accused for the offence u/s 307 or 308 IPC. She also submits that the weapon of offence is not recovered. Hence, she prays that the accused may be discharged. In support of her submission, she relied upon the judgment passed by the Hon'ble Delhi High Court in case titled **"State Vs. Raju & Ors."** Passed in Criminal Revision Petition No.123/2017 decided on 21.09.2023.

Case of the prosecution is that on 07.04.2023 at about 11:30 PM, when the complainant Ramesh Kumar alongwith his friend Ashish Gupta reached at Shop namely Kaptan PCO near Dabri Police Station, the owner of the said shop who was under the influence of liquor, abused them. However, they boarded their vehicle and left that place. However, the owner of the said shop on his bike followed them and abused them. Thereafter, the said person alongwith his associate hit the danda on the head of the complainant and consequently, he fell down and started bleeding. Thereafter, the said person also hit the danda on the head of friend of the complainant namely Ashish Gupta due to which he also fell down. Thereafter, they flee from the spot. In the MLC of Ashish Gupta and Ramesh Kumar, head injuries sustained by them are mentioned.

In view of the foregoing discussion, it appears that the incident had not occurred in a spur of moment. The effect of the nature of injury i.e. simple as mentioned in the MLC and non recovery of weapon of offence is to be seen at the appropriate stage. Further, it is settled law each case is to be decided of its own case. Therefore, the judgment relied upon by counsel for the accused is of no benefit to the accused.

In view of the foregoing discussion and on perusal of the record, I am of the opinion that a prima-facie case u/s 341/307/34 IPC is made out against the accused. Accordingly, a separate charge for the same is framed to which accused pleaded not guilty and claim trial.

At the request of Ld. APP, let the witnesses whose names are mentioned at S. No. 1, 2, 3, 4 and 9 in the list of witnesses be summoned for 23.04.2026 and the witnesses whose names are mentioned at S. No. 5, 6, 7 and 8 in the list of witnesses be summoned for 24.04.2026.

Put up for PE on 23.04.2026 and 24.04.2026.

(PANKAJ GUPTA)
Principal District & Sessions Judge
South-West, Dwarka Courts
New Delhi/12.03.2026