

**IN THE COURT OF SH. PANKAJ GUPTA,
PRINCIPAL DISTRICT & SESSIONS JUDGE,
SOUTH-WEST DISTRICT: DWARKA COURTS: NEW DELHI.**

Sessions Case No. 244/2026

CNR No.: DLSW01-004914-2026

State

Vs

**1. Chirag,
S/o Sh. Harinder,
R/o M-87, New Roshanpura, Najafgarh,
New Delhi.**

**2. Vikash,
S/o Sh. Laxmi Shah,
R/o M-87, New Roshanpura, Najafgarh,
New Delhi.**

FIR No.	: 572/2022
Police Station	: Najafgarh
Under Section	: 450/452/307/34 IPC

Date of committal to Sessions Court	:	04.04.2026
Date on which judgment reserved	:	22.07.2026
Date on which judgment pronounced	:	22.07.2026

JUDGMENT

1. This is a case under section 307/34 of Indian Penal Code, 1860 (IPC).
2. The case of the prosecution is that on 31.10.2022 at 05:00 AM, Rupak Kumar (the complainant) along with his family members had gone to a nearby Ghat to celebrate Chhath Puja. At about 06:30 AM, the complainant was playing with firecrackers when his friends Chirag and Vikash (both the accused), reached there and started fighting with the complainant. Some public persons intervened to resolve the dispute. Thereafter, the complainant came back to his house. After some time, both the accused reached at the house of the complainant and started abusing him and also threatened to kill him. In the meantime, the accused no.1 took out a knife and hit the same on the head of the complainant with the intention to kill him due to which the complainant sustained injuries. Thereafter, the complainant tried to run away from there. However, the accused no. 2 caught hold of the complainant and threw him due to which he became unconscious. Thereafter, family members of the complainant removed the complainant to the hospital and made a PCR call.

CHARGE

3. Charge under section 450/452/307/34 of Indian Penal Code, 1860 (IPC) was settled against both the accused. Both the accused pleaded not

guilty and claimed trial.

EVIDENCE

4. To discharge the onus, the prosecution has examined 05 witnesses.

PUBLIC WITNESSES

5. PW-4 Rupak Kumar (the complainant) deposed that on 31.10.2022, on the occasion of Chhath Pooja, he along with his family members went to a nearby park to celebrate the Chhath Pooja. When he was using his firecrackers, someone from the public objected and argued with him. Public persons intervened, and thereafter, he came back to his home. When he was resting, someone hit him with some object on his head, and he became unconscious. He did not know what had happened thereafter. He regained his consciousness in the hospital. One police official met him in the hospital and enquired about the incident. He did not know anything else. He made a statement Ex.PW4/A to the police. As such, he turned hostile.

6. PW-5 Deepak deposed that on 31.10.2022, on the occasion of Chhath Pooja, he along with his family members went to a nearby park for Chhath Pooja. When his brother PW4 was using firecrackers, someone from the public objected and argued with him. Public persons intervened, and thereafter, PW4 came back home. He also left the spot. He went to

fill CNG in his vehicle. When he came back home, he noticed that PW4 was lying on the bed in a pool of blood. He was unconscious. He immediately took him to the hospital. When PW4 regained consciousness in the hospital, he asked PW4 who had attacked him, but he told him that he could not see his assailants. During investigation, police seized the blood-stained bed-sheet vide seizure memo Ex.PW5/A. He did not know anything else. As such, he turned hostile.

POLICE WITNESSES

7. PW-2 HC Puran Mal proved DD entry Ex.PW2/A.

8. PW1 HC Neeraj proved copy of FIR Ex.PW1/A, endorsement on rukka Ex.PW1/B and copy of certificate under section 65B of Indian Evidence Act Ex.PW1/C.

9. PW3 Retd. ASI Satpal proved the Crime Team Report Ex. PW3A.

STATEMENT OF ACCUSED

10. PW4 and PW5, the star prosecution witnesses, have not supported the case of the prosecution and turned hostile on the allegations against both the accused. There is no incriminating evidence against both the accused either in the form of ocular, circumstantial, medical or forensic. Hence, the statement of the accused under section 313 Cr. PC has been dispensed

with.

11. I have heard ld. Addl. PP for the State and counsel for both the accused and have perused the material available on record.

12. PW4 and PW5 have not supported their earlier version. There is no evidence circumstantial, electronic, scientific or otherwise to even remotely confirm the first version of PW4 and PW5 and to substantiate the allegations made against both the accused before this court.

13. In view of the foregoing discussion, it can be held that the material eyewitness, i.e. PW4 and PW5 have turned hostile and there is no incriminating material against both the accused, either direct or circumstantial or medial or forensic or otherwise. Therefore, benefit of doubt is being given to both the accused. Hence, both the accused are held not guilty under section 450/452/307/34 IPC.

14. Accordingly, both the accused are acquitted for the offences under section 450/452/307/34 IPC.

**Announced in Open Court
on this 22nd day of July, 2026.**

**(PANKAJ GUPTA)
Principal District & Sessions Judge
South-West, Dwarka Courts
New Delhi/22.07.2026**