

Columbia Hospital, ASI Ajit Singh found injured Vijay Paswan admitted vide MLC No. 6987/22 and inquired from him and recorded his statement. Thereafter, he returned to the spot and prepared the rukka and handed over to Ct. Mosin for registration of FIR, and after registration of FIR, Ct. Mosin returned to the spot and handed over the copy of FIR and original rukka to ASI Ajit Singh. Thereafter, ASI Ajit Singh prepared the site plan and called the crime team at the spot, which inspected the scene and prepared its report. The crime team lifted exhibits from the spot, one mobile phone (Nokia, blue and black), earth concrete, and blood gauze, all of which were sealed with the seal of 'AS' and seized, and thereafter the exhibits were deposited in the malkhana. On the same day, he along with Ct. Mosim and HC Anuj reached Salapur Khera, Bijwasan, New Delhi, where at the instance of a secret informer, they reached the house of accused Ajit Yadav, who was arrested and his personal search was conducted and his disclosure statement was recorded, and during personal search, one mobile phone (Vivo 1904, red and black) was recovered and seized. Thereafter, at the instance of the accused, one motorcycle bearing No. RJ05ST1448 was recovered and seized, and blood-stained shoes of the accused were also seized after sealing with the seal of 'AS'. Further, at the instance of the accused, an iron saria was recovered from the roof of his house, which was also sealed with the seal of 'AS' and seized. Thereafter, ASI Ajit Singh prepared the pointing out memo of the spot at the instance of the accused, and on his directions, HC Anuj went to Manipal Hospital, Palam Vihar, from where the doctor handed over the clothes of the injured Vijay and blood sample along with the sample seal of the hospital, both pullandas

being sealed with the seal of the hospital, which were handed over to ASI Ajit Singh by HC Anuj and seized. On 18.10.2022, the accused Ajit was produced before the Court and sent to judicial custody, and thereafter he recorded the statements of witnesses and prepared the charge sheet and filed the same before the Court.

2. After completion of the investigation, a charge-sheet against accused was filed before the court for the offence under Section 308 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 06.11.2023, charge was framed against accused for the offence punishable under Section 308 IPC, to which accused pleaded “*Not Guilty*” and claimed trial, accordingly the case was fixed for prosecution evidence.

4. PW-1 is Sh. Vijay Paswan, S/o sh. Ravinder Paswan, R/o H.no.4, Gali no.3, Salapur Khera, Bijwasan, New Delhi. He is the complainant in the present case and his testimony would be discussed at an appropriate stage.

5. PW-2 is Dr. Ashu Verma, Medical Officer, Saraswati Hospital, Gurugram, New Delhi. She has examined the patient / complainant Sh. Vijay and deposed that on 18.10.2022, she was posted at Saraswati Hospital as a Consultant Orthopaedics and on that day, patient Vijay was examined

and operated by her, and the nature of injuries sustained by the patient was grievous. She further deposed that as per the last follow-up, the patient was better and improving. She further deposed that, as per the medical documents of patient Vijay, he had sustained a fracture with laceration mid phalanx second finger, a fracture of the proximal phalanx with extensor tendon tear right thumb, and a repaired wound over the scalp. She further deposed that the medical documents of patient Vijay were taken on record as Ex. PW-2/A. She further deposed that on 24.11.2022, she had replied to the SHO, PS Kapashera, regarding the nature of injuries. The letter dated 24.11.2022, addressed to the SHO is Ex. PW-2/B. This witness was cross-examined by the Ld. defence counsel.

6. Vide order dated 27.01.2026, statement of accused under Section 294 Cr.P.C has been recorded wherein accused has admitted certain documents i.e FIR no. 472/2022 as Ex. A-1, crime scene report dated 17.10.2022 as Ex. A-2, photographs of spot as Ex. A-3 (colly), MLC no.6987/22 of Vijay as Ex. A-4, superdarinama as Ex. A-5, panchnama as Ex. A-6, RC no. 171/21/23 as Ex. A-7 and acknowledgment dated 17.10.2022 as Ex. A-8. Accordingly, witnesses mentioned at serial no.1, 3, 7 & 8 were dropped from the list of witnesses.

7. **PW-3 is Ms. Lalita, W/o Sh. Ajit Yadav, R/o Pankaj Ka Makaan, Gali no.6, Salapur Khera, Bijwasan, Delhi.** She is the wife of the complainant and her testimony would also be discussed at an appropriate stage.

8. **PW-4 is ASI Ajit Singh, no. 6118/RD, PS KNK Marg, Sector-16, Rohini, Delhi.** He is the Investigating Officer and deposed that on 16.10.2022, he was on emergency duty and upon receiving DD No. 143A, he along with Ct. Mosin reached the spot, where it was revealed that the injured had already been shifted to Columbia Hospital, Palam Vihar. He further deposed that thereafter he proceeded to Columbia Hospital, while Ct. Mosin remained at the spot. He further deposed that upon reaching Columbia Hospital, he found injured Vijay Paswan admitted vide MLC No. 6987/22. He further deposed that he inquired from the injured and recorded his statement, as Ex. PW-1/A. He further deposed that thereafter, he returned to the spot and prepared the rukka as Ex. PW-4/A and handed over to Ct. Mosin for registration of FIR and after registration of FIR, Ct. Mosin returned to the spot and handed over the copy of FIR and original rukka to him. He further deposed that thereafter he prepared the site plan as Ex. PW-4/B. He further deposed that he called the crime team at the spot, which inspected the scene and prepared its report, already Ex. A-2. He further deposed that the crime team lifted exhibits from the spot i.e one mobile phone (Nokia, blue and black), earth concrete, and blood gauze and all three exhibits were sealed with the seal of 'AS' and seized vide seizure memos Ex. PW-4/C1, Ex. PW-4/C2 and Ex. PW-4/C3 respectively. He further deposed that thereafter the exhibits were deposited in the malkhana. He further deposed that on the same day, he along with Ct. Mosin and HC Anuj reached Salapur Khera, Bijwasan, New Delhi, where at the instance of a secret informer, they reached the house of accused Ajit Yadav, who was

arrested vide arrest memo Ex. PW-4/D and his personal search was conducted vide memo Ex. PW-4/D1. He further deposed that he recorded the disclosure statement of the accused as Ex. PW-4/D2. He further deposed that during the personal search, one mobile phone (Vivo 1904, red and black) was recovered and seized vide memo Ex. PW-4/E. He further deposed that thereafter, at the instance of the accused, one motorcycle bearing No. RJ05ST1448 was recovered and seized vide memo Ex. PW-4/F. He further deposed that blood-stained shoes of the accused were also seized after sealing with the seal of 'AS' vide memo Ex. PW-4/G. He further deposed that at the instance of the accused, an iron saria was recovered from the roof of the house of the accused, which was sealed with the seal of 'AS' and seized vide seizure memo Ex. PW-4/G. He further deposed that thereafter, he prepared the pointing out memo of the spot at the instance of the accused as Ex. PW-4/H. He further deposed that thereafter, on his directions, HC Anuj went to Manipal Hospital, Palam Vihar, from where the doctor handed over the clothes of the injured Vijay and blood sample of the injured along with sample seal of the hospital. He further deposed that both pullandas were sealed with the seal of the hospital and were handed over to him by HC Anuj, which he seized vide seizure memos Ex. PW-4/I1 and Ex. PW-4/I2. He further deposed that on 18.10.2022, the accused Ajit was produced before the Court and was sent to judicial custody. He further deposed that he recorded the statements of witnesses and thereafter prepared the charge sheet and filed the same before the Court. This witness was cross-examined by the Ld. defence counsel.

9. Vide order dated 11.02.2026, additional statement of accused under Section 294 Cr.P.C has been recorded wherein accused has admitted certain documents i.e FSL result dated 22.08.2025 as Ex. A-9 and Allelic Data as Ex. A-10. Accordingly, one witness was dropped from the list of witnesses.

10. **PW-5 is HC Anuj Chaudhary, no. 1052/SW, PS Vasant Vihar, New Delhi.** He has joined the investigation with PW-4 IO / ASI Ajit Singh as well as Constable Mosin and deposed about the investigation conducted by him as well as by the IO. This witness was cross-examined by the accused.

11. It is a matter of record that vide order dated 20.03.2026, Constable Mosin was dropped from the list of witnesses as he had joined the investigation with the PW-4 ASI Ajit Singh and PW-5 HC Anuj Chaudhary, who were already examined. On the same day, prosecution evidence was closed as all the material witnesses were examined and matter was adjourned for recording statement of accused persons.

12. Vide order dated 01.06.2026, statement under Section 313 Cr.P.C of accused was recorded wherein the accused stated that he was innocent and had not committed any offence. He further opted not to lead any defence evidence and matter was posted for final arguments.

13. 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 and have perused the entire record.

14. The accused is facing trial before this Court for the offence under Sections 308 IPC, based on allegations that on 16.10.2022, he hit iron rod on the head of the complainant Vijay Paswan.

15. The prosecution case hinges significantly on the testimonies of PW-1 Sh. Vijay Paswan, the complainant and PW-3 Ms. Lalita, the wife of the complainant. On 25.04.2025, **PW-1 is Sh. Vijay Paswan** deposed that in the year 2022, he was supplying Rohri Crusher to Akash Enterprises situated in front of V2 Mall, Kapashera. He further deposed that for the last 10–12 days in the year 2022, masonry work was going on at Competent Farm, Salapur Khera, and during that time, one lady namely Lalita, wife of accused Ajit Yadav, used to come to his room to fetch water and they exchanged their phone numbers. He further deposed that on 16.10.2022 at about 08:00 PM, Lalita called him and informed that she was unwell and sought his help to take her to a doctor for treatment, stating that she was standing near Kura Ghar, Competent Farm. He further deposed that thereafter he went to Kura Ghar where Lalita met him and they proceeded towards Bijwasan. He further deposed that when they reached at Chatt Ghatt, he suspected that someone might attack him and wanted to return, however Lalita stopped him. He further deposed that he returned back and reached Farm No. 41, and in the meantime, accused Ajit came on a motorcycle and attacked him on his head multiple times with an iron rod.

He identified the accused in the Court. He further deposed that he became unconscious and the accused fled away thinking that he had died, and that he sustained injuries on his head and other parts of his body. He further deposed that after about one hour, when he regained consciousness, he returned to his room, from where his employer took him to Columbia Hospital, Palam Vihar, Gurugram, where he received treatment. He further deposed that at Columbia Hospital, the IO recorded his statement Ex. PW-1/A. Further examination of the witness was deferred for want of case property.

On 22.11.2025, this witness was further examined-in-chief and he identified the case property. However, his cross-examination was deferred due to unavailability of the counsel for the accused.

On 27.01.2026, this witness was cross-examined wherein he admitted as correct that the complaint Ex. PW-1/A was not in his handwriting and was written by the IO himself and the same was not read over to him. He also admitted as correct that on 25.04.2025, he had deposed before the Court at the instance of the IO. He further deposed that the accused was not involved in any incident with him and had never caused any injury to him. He further deposed that on 16.10.2022 at about 08:00 PM, Lalita had called him and informed that she was ill and sought his help, and he went to Kura Ghar where Lalita met him and they went towards Bijwasan. He further deposed that when they reached at Chatt Ghatt, the husband of Lalita namely Ajit came on a motorcycle and took Lalita away and he remained there. He further deposed that he was in a drunken condition and while returning home on foot, he fell down on the road and at

that time, one person came and tried to snatch his mobile phone and also beaten him, due to which he sustained injuries on his head and hand. He admitted as correct that the accused Ajit never attacked him and he received injuries due to falling and due to beatings given by an unknown person who tried / attempted to snatch his mobile phone. He further deposed that after about one hour, when he regained consciousness, he returned to his room, from where his employer took him to Columbia Hospital, Palam Vihar, Gurugram, where he received treatment. He admitted as correct that he had not named accused Ajit, even in the alleged history recorded in his MLC and that the accused is innocent.

This witness was cross-examined by the Ld. Addl. PP for the State as he was resiling from his previous statement wherein he deposed that on 17.10.2022, the IO recorded his statement as Ex. PW-1/A in the hospital, and volunteered that the statement was recorded by the IO himself and he had not named Ajit therein. He denied the suggestion that on 16.10.2022, when he reached Farm No.41, accused Ajit came on a motorcycle and attacked him with an iron rod due to which he received injuries on his head and hand, and upon confrontation with Ex. PW-1/A, he denied the same. The attention of the witness was drawn to his earlier examination dated 25.04.2025 (recorded in the Court), wherein he had implicated the accused and stated that such statement was made at the behest of the IO and that he was not aware of the consequences as he is a poor labourer. The attention was drawn to his statement dated 22.11.2025, wherein he had identified the iron rod and he stated that he had identified the case property at the instance of the IO and volunteered that accused Ajit

never attacked him and had only taken his wife, and that he was attacked / assaulted by an unknown person, who tried to snatch his mobile while he was under the influence of liquor. He denied the suggestion that he was deliberately not stating the true facts or that he was under any threat, coercion or had been won over by the accused.

This witness was cross-examined by the Ld. defence counsel on 27.01.2026 wherein he specifically deposed that he had made the correct statement without any force, coercion or threat.

16. Now, another witness whose testimony is beneficial for the prosecution case is PW-3 Ms. Lalita, the wife of the complainant and she deposed that construction work was going on at Competent Farm, Salapur Khera and for about 10–12 days prior to the incident, she had been going there for work, where Vijay Paswan was also working. She further deposed that on 16.10.2022, she telephonically called Vijay Paswan and asked him to come near Kura Ghar, Competent Farm. She further deposed that thereafter Vijay Paswan came there and met her, and thereafter both of them went towards Bijwasan and reached at Chatt Ghatt. She further deposed that at that time, Ajit came there on a motorcycle and took her away from the spot, while Vijay Paswan remained there. She further deposed that she did not know what happened with Vijay Paswan thereafter, as she had already left the spot with her husband Ajit.

This witness was cross-examined by the Ld. Addl. PP for the State, as he was resiling from her previous statement wherein she denied that her statement had been recorded by the Investigating Officer on

18.10.2022 Mark XA. She also denied the suggestion that Vijay Paswan used to tease and abuse her for 2-3 days prior to the incident due to which, she wanted to teach him a lesson. She also denied the suggestion that on 16.10.2022, Vijay Paswan had called her husband Ajit 2–3 times or that Vijay had called her near Competent Farm, Kura Godown at about 09:20 PM, and upon being confronted with statement Mark XA where it was so recorded, she denied the same. She also denied the suggestion that Ajit had told her that he would go near the gate of Kachra Farm or that thereafter she went to the gate of Kachra Ghar where Vijay met her and took her towards Chatt Ghat, and upon being confronted with Mark XA, she denied the same. She also denied the suggestion that she had informed her husband Ajit telephonically or that her husband came there on a motorcycle bearing no. RJ05ST144A or that upon seeing Ajit, Vijay left her there and tried to return back, and upon being confronted with Mark XA, she denied the same. She also denied the suggestion that her husband Ajit tried to stop Vijay Paswan or that Vijay did not stop and went towards Competent Farm. She also denied the suggestion that her husband chased Vijay on a motorcycle and stopped him near Farm No. 4041 and attacked him with an iron saria, and upon being confronted with Mark XA, she denied the same. She also denied the suggestion that she intervened in the quarrel or that thereafter her husband took her from the spot or that after reaching at her house, hid the iron saria (which was being used by her husband Ajit for beating Vijay) on the roof of the house, and upon being confronted with Mark XA, she denied the same. She voluntarily stated that she did not know how Vijay Paswan received injuries, as she along with her husband had

already left the spot and till that time, Vijay had not sustained any injury, however, he was under the influence of liquor at that time. She denied the suggestion that she was deliberately not stating the true facts or that she was under any threat, coercion imparted upon her by the accused persons, or had been won over by the accused persons.

This witness was cross-examined by the Ld. defence counsel wherein she specifically admitted as correct that the accused was not involved in any incident.

17. At the outset, although in his examination-in-chief dated 25.04.2025, PW-1 Sh. Vijay Paswan implicated the accused by alleging that the accused Ajit had attacked him with an iron rod, however, in his cross-examination dated 27.01.2026, he has taken U-turn and totally demolished the case of the prosecution on the most material aspect, i.e the identity and role of the assailant. He explicitly deposed that the accused was not involved in any incident with him and had never caused any injury to him. He further deposed that on the relevant date, although he had met Lalita, the accused merely came and took her away, and no quarrel or assault took place at that point. He further deposed that he was under the influence of liquor and, while returning, he fell down and was also assaulted by an unknown person who attempted to snatch his mobile phone, due to which he sustained injuries. He further deposed that the accused Ajit never attacked him and that the injuries were not attributable to him. He admitted as correct that he had not named the accused even in the alleged history recorded in his MLC and categorically stated that the accused is innocent.

Significantly, he admitted that his complaint Ex. PW-1/A was not written by him and was prepared by the IO and was not read over to him. He further deposed that his earlier deposition before the Court implicating the accused was made at the instance of the IO, thereby casting a serious shadow on the voluntariness and truthfulness of the prosecution version. Even the identification of the alleged weapon of offence was stated to have been done at the instance of the IO, which further weakens the case of the prosecution. When confronted by the Ld. Addl. PP, he denied all suggestions regarding the involvement of the accused and disowned the incriminating portions of his previous statement. He maintained that he was not under any threat, coercion, or inducement and that he was deposing truthfully in Court. In his cross-examination by the defence, he reaffirmed that his present testimony (made on 27.01.2026) was voluntary and correct. The complainant, being the star witness, has not only turned hostile but has also exonerated the accused of the offence. The contradictions between his examination-in-chief and cross-examination are not minor discrepancies but go to the root of the prosecution story, rendering it wholly unreliable.

18. Now, coming to the testimony of PW-3 Ms. Lalita, in her examination-in-chief, she did not attribute any incriminating role to the accused. She specifically deposed that on 16.10.2022, she had called Vijay Paswan near Kura Ghar and thereafter both of them proceeded towards Bijwasan and reached Chatt Ghatt. She further deposed that at that time, her husband Ajit came on a motorcycle and took her away from the spot, while Vijay Paswan remained there. She further deposed that she did not know

what transpired thereafter, as she had already left with her husband. Thus, her version is conspicuously silent on any alleged assault and does not establish the presence of the accused at the place of occurrence at the relevant time in connection with any offence. During her cross-examination by the Ld. Addl. PP, she completely resiled from the prosecution story and denied the contents of her alleged previous statement Mark XA. She explicitly deposed that her statement was never recorded by the Investigating Officer and denied all suggestions regarding any prior dispute, motive, or plan involving Vijay Paswan. She further deposed that no such incident took place wherein her husband chased or assaulted Vijay Paswan with any iron saria, and she specifically denied that any such weapon was used or subsequently concealed. She further deposed that when she left the spot with her husband, Vijay Paswan had not sustained any injury and was under the influence of liquor. She voluntarily stated that she did not know how Vijay Paswan later received injuries. In her cross-examination by the defence, she categorically admitted that the accused was not involved in any incident. Hence, this witness also turned hostile and exonerated the accused of the offence.

19. 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.

20. The mere examinations of the deposition of PW-1 Sh. Vijay Paswan & PW-3 Ms. Lalita 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 as the assailant who attacked Sh. Vijay Paswan. 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.

21. Now turning to the remaining witnesses, comprised of police officials and medical professionals associated with the investigation, their testimony largely details the procedural aspects of the case from recording the FIR to filing the charge sheet, as well as the medical assessment. 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.

22. The record reveals a glaring absence of evidence to establish the culpability of the accused 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. Hence, considering the overall facts and circumstances of the

present and given the above observations, accused is acquitted of the offence punishable under Sections 308 IPC by giving them the benefit of doubt.

23. The accused is directed to furnish bail bonds in terms of Section 437A Cr.P.C in the sum of Rs.20,000/-. At the request of the accused, his previous bail bonds are extended in terms of Section 437A Cr.P.C and shall remain in force for six months from today.

24. **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**