



(VIA VIDEO CONFERENCE),

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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CRL.L.P. 70/2022

STATE NCT OF DELHI

..... Petitioner

Through: Ms. Rajni Gupta, APP for the State
with SI Sandeep Yadav PS Inderpuri.

versus

RAMESH @UDAI @ UDDA & ORS.

..... Respondents

CORAM:

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

% 03.02.2022

CRL.M.A. 2140/2022 (for exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

CRL.L.P. 70/2022

1. This is a petition filed by the petitioner – State under Section 378 Cr.P.C. challenging the impugned judgment dated 31.01.2020 passed by learned Additional Sessions Judge, whereby respondents have been acquitted of the charges under Sections 307/34 IPC in FIR No. 241/2017.

2. It is submitted by learned APP for the State that the learned Trial Court has miserably failed to appreciate the testimonies of PW1, PW2 and PW3 who are the eye witnesses of the incident in the right earnest and only on the basis of some minor inconsistencies here and there, learned ASJ has arrived at a conclusion that they are not believable. It is further submitted that in the opinion of PW6 - the doctor to whom recovered knife was shown, stated that injuries suffered by PW1 were possible with the said knife. It is



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further submitted that PW7 and PW9, who are the doctors who have treated the injured, have opined the nature of injuries as grievous. It is further submitted that the testimonies of the eye witnesses are totally corroborating with the medical evidence. It is further submitted that one another thing which weighed on the mind of learned ASJ is that recovered knife has not sent to FSL. On this, learned APP submits that even if the knife was not sent to FSL, but there is enough evidence on record in the form of medical evidence and testimonies of eye witnesses to bring home the guilt of the accused persons.

3. Issue notice of the petition to the respondents on steps being taken by the petitioner – State by all permissible modes, returnable on 23rd May, 2022.

RAJNISH BHATNAGAR, J

FEBRUARY 3, 2022

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