

Naresh @ Naresh Sehrawat vs State on 3 February, 2025

Author: Prathiba M. Singh

Bench: Prathiba M. Singh, Dharmesh Sharma

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IN THE HIGH COURT OF DELHI AT NEW DELHI

CRL.A. 71/2019

NARESH @ NARESH SEHRAWAT

Through: Mr. Rajeev Dhawan
(M: 9953166066)

versus

STATE

Through: Mr. R S Cheema,
Akash Singh, M
Mr. Akshay N.,
8527020231) with
Kumar, SIT

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE DHARMESH SHARMA

ORDER

% 03.02.2025

1. This hearing has been done through hybrid mode.

2. These matters pertain to the 1984 riots. The present appeal has been filed by the Appellant-Naresh Sehrawat under Section 374 of Cr.P.C read with Section 482 Cr.P.C against the impugned judgment dated 14th November, 2018 and order on sentence dated 20th November, 2018 passed by ASJ, Patiala House New Delhi in SC No. 125/2017 arising out of FIR No. 141/93 filed by PS Vasant Kunj under Sections 302/307/326/395/396/436/452/147/148/149/143 IPC read with Section 120B IPC.

3. The background deserves to be captured to appreciate the merits of this case. This case arises from one of the incidents that took place on 1st November, 1984 which was a part of violations that transpired during the 1984 Delhi riots. Several FIRs were filed in view of the riots which included This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 06/02/2025 at 22:10:23 FIR No. 406/1984, FIR No.141/93. Both these FIRs allegedly arose from the same looting, injuring and murdering incidents that took place in the victims' store and houses at Mahipalpur on 1st November, 1984.

4. FIR No. 406/1984 filed by PS Mehrauli implicated one Mr. Jaipal Singh as the accused. The primary eyewitnesses are one Mr. Sangat Singh, and another Mr. Kuldeep Singh, who had initially given statements under Section 161 Cr.P.C on 13th November, 1984 along with one Mr. Surjeet Singh. They later testified in the trial as Prosecution Witnesses (hereinafter 'PW') 20 and 21 respectively. After a proper trial, the accused Mr. Jaipal Singh was acquitted by the Id. ASJ, Delhi in SC No.67/1985 vide judgment dated 20th December, 1986.

5. One Mr. Santhok Singh (hereinafter 'Complainant') had submitted a complaint before the Ranganath Mishra Committee which was constituted for inquiring into the riots. The FIR in the present case, being FIR No. 141/1993 filed by PS Vasant Kunj was based on the complaint of Mr. Santhok Singh. However, this case was disposed of by Id. Metropolitan Magistrate, Patiala House Courts New Delhi (hereinafter 'MM') vide order dated 9th February, 1994 upon the closure report being submitted by the State on the grounds of the accused could not be traced.

6. The Central Government, vide Order No. 13018/13/2014-Delhi-I (NC) dated 12th February, 2015 constituted a Special Investigation Team (hereinafter 'SIT') for investigating/re-investigating the cases of the 1984 Riots. The SIT re-initiated the investigation and filed the chargesheet in the present case implicating the Appellant and the co-accused Mr. Yashpal Singh, as accused persons in the same incident. Cognizance was taken in this case on 4th March, 2017. The same individuals, being Sangat Singh, Kuldeep Singh, This is a digitally signed order.

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7. The ASJ-04, Patiala House Courts, New Delhi vide the impugned judgment dated 14th November, 2018 convicted the Appellants. The relevant paragraphs of conviction read as under:

"163. Hence, both accused persons were active member of unlawful assembly and committed the offences of :-

house breaking after preparation for hurt, assault or wrongful restraint u/s 452 IPC; murder u/s 302 IPC; attempt to murder u/s 307 IPC; voluntarily causing hurt with dangerous weapons or means u/s 324 IPC; dacoity u/s 395 IPC; 'mischief by fire u/s 436 IPC, all read with section 149 IPC.

164. Both accused persons are accordingly held guilty for the offences u/s 324, 452, 436, 307, 302, 395 IPC, all read with section 149 IPC."

8. The Appellant was then inter alia sentenced to life imprisonment vide order on sentence dated 20th November, 2018. The relevant paragraphs on sentence read as under:

60. In view of aforesaid discussion of the court, convict Yashpal Singh is sentenced to death for the offence u/s 302 IPC. Convict Naresh Sherawat is sentenced to life imprisonment for the offence u/s 302 IPC. Fine of Rs. 10.00 lakhs is also imposed upon each of the convicts u/s 302 IPC for each death caused i.e. the death of Avtar Singh and Hardev Singh (total fine of Rs.20.00 lakhs each against each convict). This fine amount shall be paid as compensation to the surviving family members of the deceased Hardev Singh and Avtar Singh. If there is no surviving family member or the amount is not otherwise distributed for any other reason, same shall be deposited in the account of Delhi This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 06/02/2025 at 22:10:24 Victim Compensation Scheme through Delhi Legal Services Authority, New Delhi.

61. Both convicts are also sentenced to rigorous imprisonment for 03 years and a fine of Rs.3.00 lakhs each u/s 324 IPC, rigorous imprisonment for 07 years and a fine of Rs. 3.00 lakhs each u/s 452. IPC, life imprisonment and a fine of Rs.3.00 lakhs each u/s 436 IPC, life imprisonment and a fine of Rs.5.00/- lakhs each u/s 307 IPC and life imprisonment and fine of Rs.1.00 lakhs each u/s 395 IPC"

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9. Thus, these appeals have been preferred by the Appellant against the impugned judgment and order on sentence. Today, the Appellant has filed the following three applications: -

CRL.M.A. 3227/2025 (for recalling the witnesses)

10. This is an application under Section 311 Cr.P.C. read with Section 348 Bharatiya Nagarik Suraksha Sanhita, 2023, for recalling the prosecution witnesses PW-1 Sangat Singh, PW-3 Kuldeep Singh, PW-4 Surjeet Singh and PW-7 Santokh Singh, for further cross-examination.

11. The Id. Counsel for the Appellant submits that there are contradictory statements of the above-named witnesses that are recorded in the following orders/judgments, which the impugned judgement dated 14th November, 2018 does not appreciate -

Judgment dated 20th December, 1986 in SC No.67/1985 (arising from FIR No. 406/1984) Order dated 9th February 1994 disposing of FIR No.141/93 based on This is a digitally signed order.

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Hence, he argues that the said contradictions justify the case of the Appellant to recall and re-examine the said witnesses.

12. It is seen that the impugned judgment was rendered after a full trial, where the Appellant was duly represented by a defence counsel and had been given adequate opportunity to cross-examine the said witnesses.

13. In fact, the learned Sessions Judge has recorded the names of the learned APPs, SIT Counsels as also the defence counsel, who ably assisted in the timely conclusion of the trial.

14. After seven years, there is no ground made out either to recall the witnesses or to permit the Appellant to once again cross-examine them, considering adequate opportunity was already afforded to the Appellant.

15. Insofar as the alleged contradictions in the two judgements are concerned, the findings/observations in both the judgements would be considered for their true purport and intent at the time of hearing of the final appeal in this matter.

16. The application is disposed of in the above terms. CRL.M.A. 3228/2025 (For filing additional evidence)

17. This is an application filed by the Applicant under Section 391 of Cr.P.C read with Section 432 BNSS, 2023 seeking permission to file additional evidence and defence evidence in this case.

18. The Appellant seeks to place on record the affidavit of one Sh. Satyapal and one Sh. Ram Kumar, whose evidence he wishes to lead as defence evidence.

19. For the reasons stated above, and considering the fact that the Appellant has had an adequate opportunity to lead defence evidence even during the This is a digitally signed order.

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20. The present application is completely misconceived and therefore dismissed.

21. The application is disposed of.

CRL.M.A. 3226/2025 (For early hearing)

22. Insofar as the early hearing is concerned, since the Appellant has been sentenced to rigorous imprisonment for life and the matter is listed on 25th February 2025, the prayer for early hearing is dismissed.

23. The application is, accordingly, disposed of.

24. List on the date already fixed i.e., 25th February, 2025.

25. Let the status report, if any, be filed by the next date of hearing. Latest Nominal Roll be requisitioned from the concerned Jail Superintendent.

PRATHIBA M. SINGH, J.

DHARMESH SHARMA, J.

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