

State vs Rajkumar @ Lala on 4 June, 2025

IN THE COURT OF SHRI RAVINDRA KUMAR PANDEY,
ADDITIONAL SESSIONS JUDGE-03, SOUTH DISTRICT
SAKET COURTS, NEW DELHI

SC No. 36/2023
CNR No. DLST01000618-2023
FIR No. 475/2022
PS: Ambedkar Nagar
State Vs. Raj Kumar @ Lala
U/s 307/201 IPC

04.06.2025

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| ID No. | : | 36/2023 |
| CNR No. | : | DLST01000618-2023 |
| Date of commission of offence | : | 11.09.2022 |
| Date of institution of the case | : | 28.11.2022 |
| Name of the complainant | : | Sh. Sonu S/o Sh. Aslam, R/o A-2nd/275, Madangir, New Delhi. |
| Name of accused and address | : | Raj Kumar @ Lala S/o Man Singh, R/o E-68, Dakshinpuri, New Delhi. |
| Offence complained of against the accused | : | U/s 307/201 IPC |
| Offence for which accused was charged | : | U/s 307 IPC |
| Plea of the accused | : | Pleaded not guilty |
| Final order | : | Convicted |
| Date of judgment | : | 04.06.2025 |

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State v. Raj Kumar @ Lala; FIR No. 475/2022; PS Ambedkar Nagar, page no. 1
JUDGMENT

1. The case of the prosecution in brief is that on 11.09.2022 at about 09.00 pm in front of House No. 343, near Park E-Block, Dakshinpuri, New Delhi within the jurisdiction of Police Station Dr. Ambedkar Nagar, the accused Raj Kumar @ Lal had caused grievous sharp injuries on the vital parts of the body of injured Kurban by using knife with intention and knowledge and under such circumstances to cause his death.

2. On the basis of information recorded vide DD No. 30-A dated 12.09.2022 as Ex. PW13/P-2 and on the basis of complaint Ex. PW1/A, the present FIR bearing no. 0475/2022 police station Ambedkar Nagar dated 12.09.2022 was registered. After the completion of investigation, the charge-sheet was filed before the Court.

3. After compliance of Section 207 Cr.P.C, the case was committed to the Court of Sessions and during the trial, the present case was assigned to this Court.

4. After hearing arguments on the point of charge, the accused Raj Kumar @ Lala was charged vide order dated 03.02.2023 for commission of offence punishable U/s 307 IPC to which he pleaded not guilty and claimed trial.

5. It is pertinent to mention here that during trial the statement of accused Raj Kumar @ Lala was recorded U/s 294 Cr.PC in which he had admitted the execution of the documents i.e. FIR No. 475/2022 as Ex. X-1, Certificate U/s 65-B of Indian Evidence Act as Ex. X-2, GD No. 109-A dated 11.09.2022 as Ex. X-3, GD No. 133-A dated 11.09.2022 as Ex. X-4 and GD No. State v. Raj Kumar @ Lala; FIR No. 475/2022; PS Ambedkar Nagar, page no. 2 RAVINDRA by RAVINDRA KUMAR KUMAR PANDEY Date: 2025.06.04 PANDEY 11:54:31 +0530 134-A dated 11.09.2022 as Ex. X-5 and witnesses regarding the execution of these documents were dropped being admitted.

6. In support of its case, the prosecution has examined fourteen witnesses namely PW1 Sh. Sonu/complainant, PW2 Kurban Ali/injured, PW3 Sh. Salim, PW4 Dr. Vivek Kumar, PW5 HC Kuldeep, PW6 Sh. Aditya Swaroop, PW7 ASI Arvind Kumar, PW8 ASI Vishram, PW9 Sh. Sahil, PW10 ASI Braham Prakash, PW11 HC Ramjan Ali, PW12 HC Dinesh Kumar, PW13 SI Bheem Singh and PW14 Sh. Saurabh Pathak, during the trial.

7. After the conclusion of prosecution evidence, the statement of accused U/s 313 Cr.P.C was recorded, in which all the incriminating evidence which came on the record, were put to the accused. The accused denied the same and claimed that he is innocent and he was falsely implicated in the present case. The accused Raj Kumar @ Lala has opted to lead his evidence towards his defence. However, vide order dated 29.04.2025, defence evidence was closed on request of the accused and accused did not lead any defence evidence.

8. I have heard Ld. Additional Public Prosecutor on behalf of State and Sh. Ajay Sharma, Ld. Counsel for accused Raj Kumar @ Lala. I have also gone through the material available on record including the testimonies of witnesses examined during trial and other evidence as produced during the trial.

9. Before discussing the rival submissions made on behalf of both the sides, it would be appropriate to discuss, in brief, the testimonies of prosecution witnesses examined during trial. The testimonies of prosecution witnesses are detailed as under:-

State v. Raj Kumar @ Lala; FIR No. 475/2022; PS Ambedkar Nagar, page no. 3
RAVINDRA KUMAR KUMAR PANDEY PANDEY Date:

2025.06.04 11:54:40 +0530 PUBLIC WITNESSES:-

10. PW-1 Sh. Sonu:- He is the complainant in the present case. He deposed that on 11.09.2022, he was present with his cousin Kurban at Dakshinpuri Park at about 08.30 pm and they both were smoking cigarette and were sitting on their bike. He had correctly identified the accused Raj Kumar @ Lala and deposed that accused came there alongwith his son aged around 6-7 years. He further deposed that the said child was crying and accused was following him and was asking his son as to who had beaten him.

10.1 He further deposed that the accused had started abusing them, therefore, Kurban had objected to the same. He deposed that accused had suddenly took out a knife and had started stabbing Kurban. He further deposed that initially, he thought accused was punching him but soon he had realized that he was stabbing Kurban. He deposed that he had picked up a stone and tried to hit the accused but the stone did not hit him. He further deposed that he ran towards his house to call his maternal uncle.

10.2 He further deposed that he alongwith son of his maternal uncle and other persons had returned to the spot where they found Kurban lying on the road in the pool of blood and in unconscious state.

10.3 He deposed that thereafter, police had arrived there and public took the injured Kurban to the hospital in the auto. He deposed that he was taken to the police station by the police. He deposed that in the police station, he was inquired and IO had recorded his statement as Ex. PW1/A and he had also visited the State v. Raj Kumar @ Lala; FIR No. 475/2022; PS Ambedkar Nagar, page no. 4 RAVINDRA by RAVINDRA KUMAR KUMAR PANDEY Date: 2025.06.04 PANDEY 11:54:48 +0530 place of incident with the police and had explained the spot. He had identified the site plan as Ex. PW1/B. 10.4 He further deposed that on the next day from the incident, the accused was found present in the police station and he had identified him as the offender. He further deposed that the police had arrested him and his personal search was conducted and memos as Ex. PW1/C and as Ex. PW1/D were prepared. He deposed that the father of the accused was also present in the police station at the time of his arrest.

10.5 During cross examination made on behalf of accused, he replied that he was employed with the employer who was in business of supply of Bakery Raw Material. He further replied that the said office was at Duggal Colony, Khanpur, New Delhi and his duty hours were from 10.00 am to 08.00 pm. He further replied that he had gone to the shop of Kurban Ali at about 08.00-08.30 pm on a motorcycle. He further replied that as of now, he did not remember the registration number of the said motorcycle. He voluntarily replied that the said motorcycle was not belonging to him.

10.6 He further replied that at the time of incident, the injured Kurban Ali was sitting on the aforesaid motorcycle and the blood stains had fallen on the said motorcycle. He further replied that the police official had taken the said motorcycle in their possession. He replied that the said motorcycle was got released through Court and he had signed certain documents in the Court before the release of said motorcycle. He further replied that the said motorcycle belongs to him.

10.7 He further replied that the police official had not State v. Raj Kumar @ Lala; FIR No. 475/2022; PS Ambedkar Nagar, page no. 5 RAVINDRA by RAVINDRA KUMAR KUMAR PANDEY Date: 2025.06.04 PANDEY 11:54:56 +0530 made any inquiry from the son of the accused in his presence. He replied that he had stated in his statement to the police that accused had taken out a knife and had stabbed injured Kurban Ali. The witness was confronted with his statement Ex. PW1/A, where it was recorded that accused had took out one knife like object and had started stabbing to the Kurban Ali.

10.8 He replied that he had never met with the accused Raj Kumar @ Lala prior to the incident of the present case. He further replied that the police had not seized the brick which he had used to hit the accused when he was stabbed Kubran Ali in order to save him. He further replied that he had visited and had explained the spot to the IO during the investigation.

10.9 He further replied that he did not remember if the police had also taken photographs of the spot. He replied that when the accused charged upon him, when he had thrown a half brick towards him and thereafter, he had ran away about 5-7 meters from the spot. He further replied that the spot was in the E- Block, Dakshin Puri and the distance between the spot and the main road Dakshin Puri was about five minutes walk. He denied the suggestion that the place of incident was some another place and not the place which was shown by him to the police.

10.10 He replied that the place of incident was a residential area having thick population. He further replied that there was some movement of public persons near the place of incident prior to the incident and some public persons were passing from the place of incident prior to the incident.

10.11 He further replied that he did not know as to whether CCTV camera were installed near the place of incident. He State v. Raj Kumar @ Lala; FIR No. 475/2022; PS Ambedkar Nagar, page no. 6 RAVINDRA by RAVINDRA KUMAR KUMAR PANDEY Date: 2025.06.04 PANDEY 11:55:03 +0530 further replied that during the incident, the public persons who were passing from the place of incident had started running away from near the spot. He further replied that he did not ask any public person for help at the time of incident to rescue Kurban Ali.

10.12 He replied that he had reached to his maternal uncle home within 3-4 minutes of the incident. He further replied that he had again returned alongwith his relative at the spot within 5-6 minutes.

10.13 He further replied that the police had inquired from the public persons near the place of incident. He replied that no one was ready to give any statement to the police. He further replied that in the site plan as Ex. PW1/B, the place of incident was marked as Mark A. 10.14 He denied the suggestion that accused did not cause any injury to the Kurban Ali by using any weapon of offence as alleged. He further denied the suggestion that some quarrel had took place with another person and accused was bonafide intervener to save the Kurban Ali. He further denied the suggestion that during the intervention, the accused had also sustained injury on his fingers. He further denied the suggestion that accused being BC of the area, he was falsely implicated in this case.

10.15 He denied the suggestion that he was not present at the spot neither he had witnessed the incident. He further denied the suggestion that he was planted witness by the police and by the victim. He further denied the suggestion that he deposed falsely.

State v. Raj Kumar @ Lala; FIR No. 475/2022; PS Ambedkar Nagar, page no. 7 RAVINDRA by RAVINDRA KUMAR KUMAR PANDEY Date: 2025.06.04 PANDEY 11:55:11 +0530

11. PW-2 Sh. Kurban Ali :- He was victim in the present case. He deposed that around 7-8 months back, he alongwith his cousin Sonu were present at Dakshinpuri E- Block and they had gone there to have cigarette in order to conceal from family. He further deposed that at about 08.30 pm, one boy came from a street while crying. He further deposed that his father was following him who was known to him as Lala, however, his name was Raj Kumar @ Lala started shouting as who had abused and thereafter, he had started manhandling with them.

11.1 He further deposed that he was insisting that they had abused his child. He further deposed that while beating them, he took out a knife and stabbed him on his thigh, stomach and on his back repeatedly.

11.2 He further deposed that he had also stabbed him on his head. He deposed that on seeing him being stabbed with knife, Sonu stepped back and from there he had tried to hit a half brick upon accused Raj Kumar @ Lala to save him but when accused Raj Kumar @ Lala started running towards him, Sonu had ran away from the spot due to fear of knife.

11.3 He deposed that accused Raj Kumar @ Lala had again started stabbing him and in order to save himself, he had tried to snatch knife from him and during this scuffle, the knife fell down. He further deposed that he had picked up the knife and thrown away in order to save himself.

11.4 He further deposed that in this scuffle, accused Raj Kumar @ Lala had also sustained injury on his finger. He further deposed that he had lost his consciousness due to the injuries and regained his consciousness in the hospital after about two days.

State v. Raj Kumar @ Lala; FIR No. 475/2022; PS Ambedkar Nagar, page no. 8 RAVINDRA by RAVINDRA KUMAR KUMAR PANDEY Date: 2025.06.04 PANDEY 11:55:20 +0530 He further deposed that the police officials had met him in the hospital and had made inquiries from him. He deposed that he had narrated the whole incident in detail to the police and police had recorded his statement.

11.5 He further deposed that around two years back, he had lost his right leg in an accident. He had correctly identified the accused Raj Kumar @ Lala during his examination in the Court. He had correctly identified the case property i.e. clothes as Ex. PW2/MO1.

11.6 During cross examination made on behalf of accused, he replied that he usually used to close his provisional store by 11.00 pm to 11.30 pm every day during the year 2022. He further replied that prior to the incident, he had left his younger brother at the shop to look after the shop and he went

inside the gali to take smoke of cigarette.

11.7 He further replied that initially he went with his cousin brother Sonu to purchase goods for the shop at about 08.00 pm and after dropping the goods at his shop where his younger brother was present, he alongwith Sonu had gone in the street for smoking. He replied that they had returned to their shop after purchasing the goods at about 08.45 pm on that day and within five minutes, they went inside the gali for having smoke.

11.8 He further replied that the said street/gali where they went for smoke was across the road and it took about five minutes to reach there. He replied that the place of incident was thickly populated place. He further replied that no public person was sitting inside the gali at that time. He replied that public persons were passing by in the street.

State v. Raj Kumar @ Lala; FIR No. 475/2022; PS Ambedkar Nagar, page no. 9 RAVINDRA RAVINDRA KUMAR KUMAR PANDEY Date: 2025.06.04 PANDEY 11:55:26 +0530 11.9 He further replied that there was a park at the corner of the street where the incident took place. He replied that the wall of the park was at some distance from the exact place of incident. He denied the suggestion that the wall of the park was adjacent to the place of incident.

11.10 He replied that the wall of the park was quite high and inside view of the park was not visible from the place of incident. He further replied that the place of incident was having street light. He replied that he did not know whether there was any CCTV camera installed in the gali or near the place of incident.

11.11 He replied that at the time of incident, he was sitting on the motorcycle of his cousin Sonu. He further replied that the house of Sonu was not situated in the said gali where the incident took place. He replied that the house of Sonu situates in the area of Sangam Vihar.

11.12 He further replied that the Sonu was standing in front of him at the time of incident. He replied that after the incident, two-three persons came there. However, by that time, accused had already fled away from the place of incident.

11.13 He replied that the accused was known to him as he had heard earlier about him that he was BC of the area. He further replied that his statement was recorded by the police in the AIIMS Trauma Center. He further replied that he did not remember the date of recording of his statement by the police. He replied that he was discharged from the hospital after about 45 days of the incident.

11.14 He further replied that the police did not record the State v. Raj Kumar @ Lala; FIR No. 475/2022; PS Ambedkar Nagar, page no. 10 RAVINDRA by RAVINDRA KUMAR KUMAR PANDEY Date: 2025.06.04 PANDEY 11:55:35 +0530 statement of any person in his presence nor conducted any proceeding in his presence after his discharge.

11.15 He replied that accused was in drunken condition at the time of incident. He further replied that the police officials had not shown him any piece of stone or brick which Sonu had thrown upon the accused at the time of incident in order to save him.

11.16 He replied that he had no previous quarrel with the accused Raj Kumar @ Lala. He further replied that he was taken to the hospital by his family members and at that time, he was not conscious. He replied that he had lost his consciousness at the spot itself. He replied that he had lost his consciousness before Sonu left the spot for help. He replied that he did not know the proceeding conducted by police at the spot when he got admitted in the hospital by his family members as he was unconscious at that time.

11.17 He further replied that accused was not produced before him during his treatment in the hospital or after discharge from the hospital by the police officials for his identification.

11.18 He replied that he was not conscious when he was shifted from the Batra Hospital to the AIIMS for treatment. He further replied that the son of the accused was not known to him prior to the incident who was about 2-3 years old at the time of incident.

11.19 He denied the suggestion that accused had not caused any injury to him. He further denied the suggestion that accused was not having any knife at the time of incident. He further denied the suggestion that he had a quarrel with some State v. Raj Kumar @ Lala; FIR No. 475/2022; PS Ambedkar Nagar, page no. 11 RAVINDRA by RAVINDRA KUMAR KUMAR PANDEY Date: 2025.06.04 PANDEY 11:55:43 +0530 other person whereas accused was an innocent intervener who came to rescue him.

11.20 He further denied the suggestion that in order to save him, accused had sustained injuries on his fingers. He denied the suggestion that he did not know the name of assailant and the accused being BC, he named him in the present case in order to falsely implicate him. He denied the suggestion that he deposed falsely.

12. PW-3 Sh. Salim:- He deposed that on 11.09.2022, he was present in front of his shop of welding. He further deposed that on that day, at about 09.00-09.15 pm, his nephew namely Sonu had come to his shop and told him that Kurban had been stabbed by Lala @ BC. He further deposed that he immediately called the police at 100 number. He deposed that Sonu and Sahil had taken the injured Kurban to the Batra Hospital.

12.1 He further deposed that he also went to the hospital directly. He further deposed that Sonu had also told him that Kurban had been stabbed at E- Block, Dakshin Puri, New Delhi. He had correctly identified the accused during his examination in the Court.

12.2 He deposed that police officials had met him in connection with this case and had recorded his statement after inquiry.

12.3 During cross examination made on behalf of accused, he had replied that accused Raj Kumar @ Lala was known to him for about last ten years. He further replied that the house of accused Raj Kumar @ Lala was at a distance of five minutes on foot. He replied that police had recorded his State v. Raj Kumar @ Lala; FIR No. 475/2022; PS Ambedkar Nagar, page no. 12 RAVINDRA by RAVINDRA KUMAR KUMAR PANDEY Date: 2025.06.04 PANDEY 11:55:50 +0530 statement on 14.09.2022 in the police station. He replied that he had reached at the Batra Hospital at about 10.00 pm and in the hospital, the injured Kurban was inside and was not allowed to meet with anyone. He further replied that his family members were present outside the room. He replied that no police officials were present there at that time.

12.4 He further replied that he alongwith his family members had also escorted the police officials to the place of incident after few hours of the incident. He further replied that IO had recorded the statement of few persons at the spot. He replied that police had recorded the statement of his nephew. He further replied that he had remained at the spot only for about five minutes. He replied that after conducting spot investigation, the police officials had gone to the hospital and he did not notice any CCTV cameras installed at the spot.

12.5 He replied that he had called the police at about 09.15 pm and till the time, he remained there and police had not arrived. He replied that thereafter, he went to the hospital. He denied the suggestion that he deposed falsely.

MEDICAL WITNESSES/OFFICIAL WITNESSES

13. PW-4 Dr. Vivek Kumar:- He deposed that on 11.09.2022, he was working and posted as CMO at the Batra Hospital, New Delhi and on that day, he had examined the injured Qurban Ali vide MLC No. 16438 as Ex. PW4/P1. He deposed that in his opinion, the injuries sustained by Quarban Ali were grievous in nature caused by sharp weapon which also mentioned by him in the MLC itself.

13.1 During cross examination made on behalf of the State v. Raj Kumar @ Lala; FIR No. 475/2022; PS Ambedkar Nagar, page no. 13 RAVINDRA by RAVINDRA KUMAR KUMAR PANDEY PANDEY Date: 2025.06.04 11:55:58 +0530 accused, he replied that he had mentioned the detail of injuries in MLC as Ex. PW4/P1 on the basis of examination of the patient. He replied that he cannot say on the basis of MLC that exactly what weapon was used in causing injuries to the patient. He further replied that however, it was sharp edged weapon. He voluntarily replied that the weapon used in causing the injuries was not produced before him at the time of examination of the patient or later on.

13.2 He replied that he had not seized the clothes of the patient which the patient was wearing at the time of his examination. He replied that he cannot say for how many days, the patient was admitted in the hospital for treatment. He further replied that the discharge summary was not prepared by him. He replied that he cannot say whether the different weapons were used in causing the injury to the patient or the injuries were caused by one or same weapon. He denied the suggestion that he deposed falsely.

14. PW-6 Sh. Aditya Swaroop:-He deposed that he had been working as Medical Record Technician, JPNA Trauma Center, AIIMS, New Delhi since 22.05.2007. He deposed that he had been deputed by Faculty In-charge to identify the handwriting and signature of Dr. Rakesh Nayaka who had left the services of the hospital and his present whereabouts are not available with the AIIMS Hospital.

14.1 He deposed that he had seen Dr. Rakesh Nayaka writing and signing in his official course of duties and had also seen the record duly maintained in the hospital containing the signature of the above-said doctor. He deposed that the MLC No. State v. Raj Kumar @ Lala; FIR No. 475/2022; PS Ambedkar Nagar, page no. 14 RAVINDRA KUMAR KUMAR PANDEY Date:

PANDEY 2025.06.04 11:56:05 +0530 500334771 dated 11.09.2022 of injured Kurban was prepared by Dr. Rajesh Nayaka. He had identified the MLC as Ex. PW6/P-1. He had identified the authority letter to depose in the Court as Ex. PW6/P-2. He had identified the attested copies of the MLC and the Discharge Summary as Ex. PW6/P-3 and Ex. PW6/P-4.

14.2 During cross examination made on behalf of the accused, he replied that he was not present with Dr. Rakesh Nayaka when he had prepared the MLC as Ex. PW6/P-1. He denied the suggestion that he had wrongly identified the signature of Dr. Rakesh Nayaka as a matter of routine.

14.3 He further denied the suggestion that he had not seen Dr. Rakesh Nayaka while writing and signing or that he had not worked with him at any point of time. He replied that he had no knowledge if the discharge summary was ever given to the IO of the case. He denied the suggestion that he deposed falsely.

15. PW-9 Sh. Sahil :- He deposed that on 11.09.2022, he was standing near the road after crossing the gali in which his house was situated. He further deposed that it was around 09.00 pm, Sonu who was son of his aunt (Bua) came there running from Dakshin Puri side and told him that someone had stabbed Kurban. He further deposed that he alongwith Sonu went to the spot i.e. in a Gali E- Block and found Kurban lying on the road and was profusely bleeding. He deposed that they took him to the Batra Hospital in an Auto.

15.1 He deposed that in the hospital, the injured Kurban was got admitted in the hospital for his treatment. He further deposed that Sonu had told him that he alongwith injured Kurban were smoking cigarette at the spot and at that time Raj Kumar @ State v. Raj Kumar @ Lala; FIR No. 475/2022; PS Ambedkar Nagar, page no. 15 RAVINDRA Digitally signed by RAVINDRA KUMAR KUMAR PANDEY Date: 2025.06.04 PANDEY 11:56:11 +0530 Lala who was the BC of the area came there and started abusing them. He further deposed that upon this, altercation took place between accused Raj Kumar @ Lala and he had stabbed injured Kurban with knife several times. He deposed that accused fled away from the spot after stabbing injured Kurban.

15.2 He further deposed that injured Kurban was referred to the AIIMS Trauma Center from the Batra Hospital. He had correctly identified the accused Raj Kumar @ Lala during his examination in the Court. He further deposed that later on IO had called him and recorded his statement after inquiry.

15.3 During cross examination made on behalf of the accused, he replied that he had not seen accused inflicting injury upon injured Kurban. He denied the suggestion that Sonu had not told him that accused Raj Kumar @ Lala had stabbed injured Kurban or that he deposed falsely in this regard.

15.4 He replied that one of his friend, whose name was also Sahil, was present with him at the corner of the gali when Sonu had informed him about the incident. He further replied that he had not made any PCR call nor his friend Sahil in his presence.

15.5 He replied that many public persons were present at the time when Sonu had informed him about the incident in the hospital. He further replied that since he was not having the mobile number of the family members of the injured Kurban, so he could not inform them from the hospital. He replied that the police had inquired him over the phone regarding the incident.

15.6 He replied that police had not recorded his statement. He further replied that he did not remember when the State v. Raj Kumar @ Lala; FIR No. 475/2022; PS Ambedkar Nagar, page no. 16 RAVINDRA by RAVINDRA KUMAR KUMAR PANDEY PANDEY Date: 2025.06.04 11:56:19 +0530 police had called him over the phone to make inquiry from him. He replied that injured Kurban had suffered stab injury on his stomach, hand and on face. He replied that he did not know the number of blow of knife sustained by injured Kurban.

15.7 He further replied that he cannot tell the exact number of stab injuries suffered by Kurban over the body part on which he had suffered the said injuries except as stated above. He replied that Sonu had met him alone at the corner of the Gali and no one else was present. He replied that at that time Sonu had not disclosed the name of offender who had stabbed Kurban. He denied the suggestion that accused has been falsely implicated in the present case at the instance of injured Kurban.

POLICE WITNESSES

16. PW-5 HC Kuldeep:- He deposed that on 11.09.2022, he was posted at Police Station Ambedkar Nagar as Head Constable and on that day, he was on attached emergency duty with ASI Bhim Singh from 04.00 pm to 12.00 midnight. He deposed that at about 11.00 pm, ASI Bhim Singh had received the call vide GD No. 109-A dated 11.09.2022 regarding stabbing at Second Floor, 274, Madangir, New Delhi. He further deposed that he accompanied ASI Bhim Singh and they went to the Second Floor, 274, Madangir, New Delhi, however, no one was found at the said address.

16.1 He further deposed that IO had called to the caller Sonu who informed to the IO that incident pertains to H.No. 343, E-Block, Dakshin Puri, New Delhi and they went to H.No. 343, E Block, Dakshin Puri, New Delhi. He further deposed that IO had made inquiries and inspected the spot and

one motorcycle was found standing there having blood stained and it was also State v. Raj Kumar @ Lala; FIR No. 475/2022; PS Ambedkar Nagar, page no. 17 RAVINDRA by RAVINDRA KUMAR KUMAR PANDEY PANDEY Date: 2025.06.04 11:56:25 +0530 informed that motorcycle was belonging to the attackers. 16.2 He deposed that they also met with the informant Sonu and IO had conducted inquiries with him. He deposed that it was revealed that injured was already shifted to the Batra Hospital by the relatives of the injured. He deposed that the attackers were not found at the spot.

16.3 He further deposed that IO had instructed him to remain at the spot and he himself went to the Batra Hospital and after sometime i.e. about one and half hour, IO had returned to the spot and had recorded the statement of the complainant Sonu and had prepared the rukka at about 08.45 am on 12.09.2022 on the instruction of the IO, he went to the police station alongwith rukka for registration of FIR.

16.4 He further deposed that he had returned to the spot with copy of FIR and original rukka. He deposed that he had handed over the copy of FIR and original rukka to the IO. 16.5 He further deposed that IO had called the Crime Team prior to his arrival at the spot and with the assistance of the Crime Team, IO had lifted the exhibits from the spot and sealed the same in the envelope having the seal of BS and seal after use was handed over to him.

16.6 He deposed that IO had seized the motorcycle bearing no. DL8SCD-2339 from the spot and thereafter, they returned to the police station and IO had deposited the case property in the police station.

16.7 During cross examination made on behalf of the accused, he replied that he had no knowledge about the owner of H.No. 343, E- Block, Dakshinpuri, New Delhi. He further replied that he did not know who was the owner of the motorcycle no.

State v. Raj Kumar @ Lala; FIR No. 475/2022; PS Ambedkar Nagar, page no. 18 RAVINDRA by RAVINDRA KUMAR KUMAR PANDEY PANDEY Date: 2025.06.04 PANDEY 11:56:32 +0530 DL8SCD-2339. He further replied that Sonu had informed them about the injured being shifted to the Batra Hospital. 16.8 He replied that IO had not asked any public person to join the investigation in his presence. He further replied that IO had recorded the statement of the complainant Sonu wherein he had disclosed the name of offender. He replied that he had no knowledge if the place of incident was covered by any CCTV camera installed there. He further replied that he had not signed the disclosure statement given by the accused. 16.9 He replied that he went to the police station with rukka at about 08.45 am and returned at the spot with the copy of the FIR and original rukka at about 09.15 am. He further replied that the crime team consisting of four officials had reached the spot on the call by the IO but he cannot tell their names and ranks.

16.10 He further replied that as on date, he cannot tell the exact number of exhibits lifted by the crime team, however, one motorcycle and other blood stains were lifted and seized by the IO. He further replied that the spot was photographed by the member of crime team.

16.11 He denied the suggestion that he had not joined the investigation of this case at any point of time or that he had not gone to the spot with the IO. He further denied the suggestion that he had not got the FIR registered from the police station as alleged by him. He denied the suggestion that he deposed falsely.

17. PW-7 ASI Arvind Kumar:- He deposed that on 12.09.2022, he was posted as ASI at Police Station Dr. Ambedkar Nagar and on that day he was on duty as Duty Officer from 12.00 midnight State v. Raj Kumar @ Lala; FIR No. 475/2022; PS Ambedkar Nagar, page no. 19 RAVINDRA by RAVINDRA KUMAR KUMAR PANDEY PANDEY Date: 2025.06.04 11:56:38 +0530 to 08.00 am.

17.1 He further deposed that at around 05.05 am, he had received one information from the AIIMS Trauma Center through Duty Constable regarding admission of injured Kurban in the hospital. He deposed that he reduced the said information into writing vide GD No. 17-A and had identified the attested copy of same as Ex. PW7/P-1.

17.2 During cross examination made on behalf of the accused, he denied the suggestion that the GD No. 17-A was anted date and ante time or the same was registered at the instance of the IO at later stage.

18. PW-8 ASI Vishram :-He deposed that on 11.09.2022, he was posted as ASI at Police Station Dr. Ambedkar Nagar and on that day, he was on patrolling duty alongwith Ct. Dinesh in the area of F-Block, Dakshin Puri, New Delhi and at around 10.15 pm, when they had reached near Subzi Mandi, one person had met them who was in injured condition and was bleeding also. He further deposed that injured told them that two persons had quarreled with him near the park in E-Block, Dakshin Puri during which he had suffered injuries. He further deposed that on inquiry, his name was disclosed as Raj Kumar @ Lala. 18.1 He deposed that they took him to the Safdarjung Hospital in the Auto. He further deposed that on the way, he had called the Duty Officer to inform him about the same and in return, he informed them that a DD regarding stabbing incident have been reported in the police station at above-said spot. 18.2 He further deposed that the Duty Officer further told them that they should not relive him after medical treatment and he should be brought to the police station being suspect. He State v. Raj Kumar @ Lala; FIR No. 475/2022; PS Ambedkar Nagar, page no. 20 RAVINDRA Digitally signed by RAVINDRA KUMAR KUMAR PANDEY Date: 2025.06.04 PANDEY 11:56:45 +0530 deposed that after the treatment of Raj Kumar @ Lala, they brought him to the police station and handed over to the IO ASI Bhim Singh.

18.3 He further deposed that IO had recorded the disclosure statement of accused Raj Kumar @ Lala as Ex. PW8/P-1. He deposed that accused was also arrested and his personal search was also conducted and memos as Ex. PW1/C and Ex. PW1/D were prepared.

18.4 He further deposed that the public witness had identified the accused as the offender at the time of his arrest. He had correctly identified the accused during his examination in the Court. He deposed that during investigation, IO had prepared the pointing out memo at the instance of the accused as Ex. PW8/P-2.

18.5 He further deposed that IO had also sealed the clothes and shoes of the accused being blood stained in the pullanda and had seized the same and seizure memo as Ex. PW8/P-2 was prepared. He had correctly identified the case property i.e. clothes and shoes as Ex. PW8/MO-1. 18.6 During cross examination made on behalf of accused, he replied that he did not remember the name of the victim in this case. He further replied that his statement was recorded by the IO after registration of FIR. He denied the suggestion that he was neither on duty nor he was patrolling in the area as stated by him herein above.

18.7 He replied that the accused had disclosed the name of person with whom he was quarreling but he did not remember the name of the said person. He further replied that the accused was bleeding from his palm. He replied that he alongwith Ct.

State v. Raj Kumar @ Lala; FIR No. 475/2022; PS Ambedkar Nagar, page no. 21 RAVINDRA Digitally signed by RAVINDRA KUMAR KUMAR PANDEY Date: 2025.06.04 PANDEY 11:56:52 +0530 Dinesh had taken the accused to the Safdarjung Hospital in an auto at about 10.15 pm. 18.8 He further replied that accused was arrested on 12.09.2022 in his presence at about 11.45 am. He further replied that IO had not taken the photographs or recorded the video of seizure proceedings of the clothes of the accused. He replied that IO had recorded his statement on 12.09.2022 at about 11.30 am. He again replied that at around 12.30 pm. 18.9 He denied the suggestion that no investigation was conducted in his presence or that he had signed all the memos while sitting in the police station at the instance of the IO. He denied the suggestion that he deposed falsely at the instance of the IO.

19. PW-10 ASI Braham Prakash:- He deposed that in the intervening night of 11/12-09-2022, he was posted as ASI/Photographer, Mobile Crime Team, South District, Sector 4, Pushp Vihar, New Delhi and upon receiving the call from Control Room, he alongwith HC Ajit Kumar, Finger Print Proficient and SI Balwant Singh, Incharge Crime Team, went to the spot at E-305, Dakshinpuri, Ambedkar Nagar, New Delhi. He further deposed that at the spot, IO ASI Bhim Singh and other police officials were present.

19.1 He further deposed that he had clicked 30 photographs of the spot at the direction of the IO from different angles through digital camera provided by department. He deposed that the report was prepared by Incharge SI Balwant Singh and later on he gave the electronic record of the photographs clicked by him to the IO. He had correctly identified the photographs as Ex. PW10/P1 to Ex. PW10/P-30.

State v. Raj Kumar @ Lala; FIR No. 475/2022; PS Ambedkar Nagar, page no. 22 RAVINDRA by RAVINDRA KUMAR KUMAR PANDEY Date: 2025.06.04 PANDEY 11:57:00 +0530 19.2 During cross examination made on behalf of the accused, he replied that he did not remember if he had also given the Certificate Under Section 65-B of the Indian Evidence Act to the IO qua the photographs clicked by him by using official digital camera.

19.3 He denied the suggestion that he had not visited the place of incident. He further denied the suggestion that he had not clicked the photographs of the spot. He further denied the suggestion

that the photographs identified by him were forged and fabricated. He denied the suggestion that he deposed falsely.

20. PW-11 HC Ramjan Ali :- He deposed that on 14.10.2022, he was posted as Head Constable at Police Station Dr. Ambedkar Nagar and was working as MHC(M) and on that day on the directions of the IO ASI Bhim Singh, he had collected the sealed exhibits of the present case from the Malkhana to deposit the same with RFSL Chanakya Puri, New Delhi and he took the sealed exhibits to RFSL vide RC No. 218/21/22 as Ex. PW11/P-1 and deposited the aforesaid exhibits with RFSL, Chanakya Puri New Delhi in duly sealed condition without tampering against the acknowledgment. He had identified the acknowledgment as Ex. PW11/P-2. He deposed that he had deposited the acknowledgment receipt in the Malkhana. 20.1 During cross examination made on behalf of the accused, he replied that he did not remember whether he had made any departure entry before leaving the police station to the RFSL, Chanakyapuri, New Delhi.

20.2 He denied the suggestion that he had never visited the RFSL, Chanakyapuri, New Delhi. He further denied the suggestion that he had never deposited any case property with the State v. Raj Kumar @ Lala; FIR No. 475/2022; PS Ambedkar Nagar, page no. 23 RAVINDRA RAVINDRA KUMAR KUMAR PANDEY Date: 2025.06.04 PANDEY 11:57:29 +0530 RFSL, Chanakyapuri. He denied the suggestion that he deposed falsely at the instance of the IO.

21. PW-12 HC Dinesh Kumar :- He deposed that on 11.09.2022, he was posted as constable at Police Station Ambedkar Nagar and on that day, he alongwith ASI Vishram was on patrolling duty in the area of F-Block, Dakshin Puri, New Delhi near Subzi Mandi during the night time. He further deposed that at about 10.15 pm, one person met them who was in injured condition and he disclosed that he had sustained injury in the quarrel with two persons.

21.1 He deposed that he had disclosed his name Raj Kumar @ Lala. He further deposed that the said injured was taken to the Safdarjung Hospital in an auto for his treatment. He deposed that in the meantime, ASI Vishram had conversation with the Duty Officer and it was revealed that a stabbing incident had been taken place and said call was marked to ASI Bheem Singh.

21.2 He further deposed that ASI Vishram had conversation with ASI Bheem Singh and ASI Bheem Singh had asked ASI Vishram to bring the injured Raj Kumar in the police station after treatment being suspect. He further deposed that after the treatment, the aforesaid injured Raj Kumar @ Lala was brought to the police station after treatment and was produced before ASI Bheem Singh and in the police station, Raj Kumar was interrogated by ASI Bheem Singh and the accused Raj Kumar @ Lala had disclosed that he had quarrel with two persons namely Sonu and Kurban Ali during which he had used knife to cause injuries upon the body of Kurban Ali, whereas Sonu had fled away to save himself.

State v. Raj Kumar @ Lala; FIR No. 475/2022; PS Ambedkar Nagar, page no. 24 RAVINDRA by RAVINDRA KUMAR KUMAR PANDEY Date: 2025.06.04 PANDEY 11:57:43 +0530 21.3 He deposed that in the meantime, Sonu had also reached at the police station and he had identified the accused Raj Kumar @ Lala as the offender who had also caused stab injuries to Kurban Ali. He

further deposed that accused Raj Kumar @ Lala was arrested and his personal search was conducted and memos as Ex. PW1/C and Ex. PW1/D were prepared.

21.4 He deposed that IO had recorded the disclosure statement of the accused Raj Kumar @ Lala as Ex. PW8/P-1. He further deposed that accused had also pointed out the place of incident and the pointing out memo as Ex. PW8/P-2 was prepared. He had correctly identified the accused Raj Kumar @ Lala during his examination in the Court. He further deposed that IO had recorded his statement in this regard. 21.5 During cross examination made on behalf of the accused, he had replied that IO had neither asked him nor collected any document from him in relation to his patrolling duty on 11.09.2022. He replied that accused Raj Kumar had not disclosed the names of the persons with whom he had quarreled when he met them for the first time. He replied that ASI Vishram had not recorded the statement of Raj Kumar in his presence. He further replied that the place where the accused Raj Kumar met them, falls in the thickly populated area. 21.6 He replied that neither ASI nor he had requested any public person while taking the accused Raj Kumar to the hospital. He further replied that ASI Vishram had contacted the Duty Officer about the injured Raj Kumar being taken to the hospital in injured condition. He replied that ASI Vishram had not made any PCR call in this regard.

State v. Raj Kumar @ Lala; FIR No. 475/2022; PS Ambedkar Nagar, page no. 25 RAVINDRA by RAVINDRA KUMAR KUMAR PANDEY Date: 2025.06.04 PANDEY 11:57:52 +0530 21.7 He replied that the weapon of offence i.e. knife was not recovered during investigation in his presence. He denied the suggestion that he alongwith ASI Vishram was not on the patrolling duty on 11.09.2022 or that accused Raj Kumar has been falsely implicated in the present case despite being injured in the present case. He denied the suggestion that he signed all the memos while sitting in police station without actually joining the investigation of this case at the instance of the IO of the case. He denied the suggestion that he deposed falsely.

22. PW-13 SI Bheem Singh :- He deposed that on 11.09.2022, he was working and posted as ASI at Police Station Dr. Ambedkar Nagar and on that day, he was on emergency duty from 04.00 PM to 12.00 midnight. He further deposed that on receiving DD No.109, he alongwith HC Kuldeep went to the spot at A-II/274, Madangeer, New Delhi, where he came to know that incident had taken place at E Block Dakshin Puri in front of H.No. 343 near the park.

22.1 He further deposed that they went to the place near the park at the spot, where they came to know that injured have been taken to the Batra Hospital by his family members. He further deposed that at the spot, eye witness Sonu was also present and he had also saw the blood scattered at the ground. 22.2 He further deposed that he left HC Kuldeep at the spot for his safe custody and went to the Batra hospital where injured Kurban Ali was initially examined and have been referred to the AIIMS Hospital after his MLC. He further deposed that he had collected the MLC of injured and had also seized the sealed pullanda given by the doctor with the hospital seal stated to be containing blood stained of injured Kurban.

State v. Raj Kumar @ Lala; FIR No. 475/2022; PS Ambedkar Nagar, page no. 26 RAVINDRA by RAVINDRA KUMAR KUMAR PANDEY PANDEY Date: 2025.06.04 11:57:59 +0530 22.3 He

deposed that he had seized the same and seizure memo as Ex. PW-13/P1 was prepared. He further deposed that the information was received from AIIMS Trauma Centre regarding arrival of injured Kurban there and therefore, he went to the AIIMS Trauma Center. He further deposed that there injured Kurban was found under treatment and he was declared unfit for statement by the doctor on duty. He further deposed that thereafter, he had returned to the spot and the spot was got inspected from crime team. He further deposed that he had also recorded the statement of eye witness Sonu as Ex.PW1/A. He further deposed that he had prepared the rukka and got the FIR registered through HC Kuldeep.

22.4 He had identified the rukka as Ex.PW13/P2. He further deposed that after the inspection and photograph of the spot, he had also lifted the exhibits from the spot including one motorcycle bearing no. DL8SCT-2339, Yamaha FZ. He further deposed that the exhibits were also sealed in the separate pullandas. He had identified the seizure memo of motorcycle and the seizure memo of other exhibits as Ex.PW13/P3 & Ex.PW13/P4. He further deposed that he had prepared the site plan at the instance of the eye witness Sonu as Ex. PW1/B. 22.5 He deposed that in the meantime, he had received the information that ASI Vishram had apprehended the accused involved in the present incident and he had been taken to the hospital for his medical examination. He further deposed that he had asked ASI Vishram to bring the apprehended person namely Raj Kumar @ Lala to the police station after medical examination and treatment and thereafter, he had returned to the police station with sealed pullandas/case properties and deposited State v. Raj Kumar @ Lala; FIR No. 475/2022; PS Ambedkar Nagar, page no. 27 RAVINDRA by RAVINDRA KUMAR KUMAR PANDEY Date: 2025.06.04 PANDEY 11:58:07 +0530 the same in the Malkhana. He further deposed that in the police station, ASI Vishram came in the police station alongwith Ct. Dinesh and had produced the accused Raj Kumar @ Lala before him.

22.6 He further deposed that he had interrogated the accused Raj Kumar @ Lala and he was arrested and his personal search was conducted and memos as Ex.PW1/C & Ex.PW1/D were prepared. He further deposed that he had also recorded his disclosure statement as Ex. PW8/P1. He further deposed that during investigation, the accused had also pointed out the place of incident and he had prepared the pointing out memo as Ex. PW8/P2 in this regard. He had correctly identified the accused Raj Kumar @ Lala during his examination in the Court. 22.7 He deposed that accused was produced before the court concerned and he was taken on one day police custody remand for recovery of weapon of offence i.e. knife as per rules and during police custody remand, efforts were made to recover the weapon of offence but the same could not recovered. He deposed that on the next day, the accused was again produced before the court concerned and he was sent to judicial custody. He deposed that he had recorded the statement of witnesses who had joined the investigation with him and of the injured Kurban Ali in the hospital, when he was declared fit for statement by the doctor. He deposed that during investigation, he also got the blood sample collected of the injured Kurban Ali and the accused Raj Kumar @ Lala from the hospital and seized the sealed blood samples and seizure memo as Ex.PW13/P5 & Ex.PW13/P6 were prepared.

22.8 He further deposed that on 14.10.2022, the case State v. Raj Kumar @ Lala; FIR No. 475/2022; PS Ambedkar Nagar, page no. 28 RAVINDRA KUMAR KUMAR PANDEY PANDEY Date:

2025.06.04 11:58:17 +0530 property was got sent to RFSL, Chanakyapuri, New Delhi through HC Ramzan Ali vide road certificate as per rules. He deposed that he had collected all the necessary documents and completed the file in all respect and prepared the main (1 st) charge-sheet against the accused and filed in the court as per rules.

22.9 The identity of the case properties i.e. clothes of the accused, victim, motorcycles from which the blood samples were lifted has not been disputed as the case properties have already been exhibited during the examination of the other witnesses related to their seizure of the case properties. 22.10 He deposed that upon receiving the RFSL report and exhibits from the RFSL, Chanakyapuri, he had prepared the supplementary charge-sheet against the accused and filed in the court as per rules.

22.11 During cross examination made on behalf of accused, he replied that he did not remember at what time, the call was received and at what time, they had reached the spot, however, it was around after ten minutes of receiving of the information. He further replied that the call was received during night time. He replied that the distance between police station and the spot was about 2 kms. He further replied that they had gone to the spot on his personal motorcycle. 22.12 He replied that around 8-10 public persons were also present at the spot at the time when they had reached there. He further replied that one eye witness Sonu was examined in this case from the said public persons, whereas the other public persons stated that they had reached the spot after the incident.

He further replied that no CCTV cameras were found installed at State v. Raj Kumar @ Lala; FIR No. 475/2022; PS Ambedkar Nagar, page no. 29 RAVINDRA by RAVINDRA KUMAR KUMAR PANDEY Date: 2025.06.04 PANDEY 11:58:24 +0530 the place of incident.

22.13 He replied that he left the spot to went to the Batra Hospital after about half an hour of his reaching the spot, however, he cannot tell the time as to at what time, he left the spot or at what time, he had reached the Batra Hospital. He replied that the staff of the Batra Hospital had informed him that injured Kurban had been referred to the AIIMS Hospital at the time of receiving the MLC. He replied that he did not record the name of the staff who had told him about the same. He replied that he did not remember the time when he left the Batra Hospital, however, it took him about 1/2-one hour in the proceedings in the Batra Hospital.

22.14 He replied that he did not remember at what time, he had reached to the AIIMS Trauma Center. He further replied that the injured was in the red zone at that time. He replied that he did not remember at what time, he had left from AIIMS Trauma Center, however, he had remained there for about 30 minutes. 22.15 He replied that he did not remember at what time, he had reached the spot, however, it was early morning. He replied that when he had reached back at the spot, HC Sandeep, eye witness Sonu and members of crime team had also reached there. 22.16 He further replied that there were around four-five officials in the crime team, but he cannot tell their names. He replied that the spot was photographed by the members of the crime team and around 30

photographs were clicked. 22.17 He replied that he did not remember at what time, HC Kuldeep was sent to police station for registration of the FIR. He further replied that HC Kuldeep returned at the spot from police station after about one hour. He replied that the crime State v. Raj Kumar @ Lala; FIR No. 475/2022; PS Ambedkar Nagar, page no. 30 RAVINDRA KUMAR KUMAR PANDEY Date:

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team members had lifted the exhibits from the spot on his directions. He replied that the exhibits were sealed by him with the seal of BS.

22.18 He replied that he did not remember at what time, he had received the information about the apprehension of the accused by ASI Vishram. He replied that it was also informed to him that the accused had been taken to Safdarjung Hospital for his medical examination.

22.19 He replied that he returned back at the police station at about 09.00-09.30 am with the sealed pullandas/case property. He further replied that soon after his reaching at the police station, ASI Vishram and Ct. Dinesh had reached there alongwith accused Raj Kumar @ Lala. He replied that he had interrogated the accused in the presence of ASI Vishram and Ct. Dinesh. 22.20 He replied that he did not remember the date when he had recorded the statement of injured Kurban Ali. However, the same was recorded at the AIIMS Trauma Center at the noon time. He further replied that no one else was present when he had recorded the statement of injured Kurban. 22.21 He replied that he used to visit Trauma Center regularly to know about the fitness of the injured in this case and when the doctor declared him fit for statement, he had recorded his statement. He further replied that he had used to visit daily to AIIMS Trauma Center at different times. He replied that it was not fixed time for him to visit the Trauma Center to know about the fitness of the injured.

22.22 He replied that no departure entry was made by him for his visits to the AIIMS Trauma Center in this regard. 22.23 He denied the suggestion that he did not remember State v. Raj Kumar @ Lala; FIR No. 475/2022; PS Ambedkar Nagar, page no. 31 RAVINDRA by RAVINDRA KUMAR KUMAR PANDEY Date: 2025.06.04 PANDEY 11:58:46 +0530 the dates and the time of investigation as he had not conducted the investigation properly and fairly. He further denied the suggestion that all the investigation was conducted by him while sitting in the police station by preparing several memos. He denied the suggestion that he had not seized any case property in this case or that the same were manipulated at later stage. He denied the suggestion that accused has been falsely implicated in this case without proper investigation and evidence on record collected by him during the investigation.

23. PW-14 Sh. Saurabh Pathak :- He deposed that on 14.10.2022, 15 sealed parcels were received in the office of the RFSL and the same were marked to him for examination. He further deposed that the seals on the parcels were intact and tallied with the sample seals. He deposed that he had opened the parcels and he had examined the exhibits and had prepared his detailed report no. RFSL DLH/778/BIO/297/2022 dated 29.08.2023 as Ex. PW13/P-7.

23.1 During cross examination made on behalf of the accused, he denied the suggestion that the report was prepared as per the convenience of the IO at his instance. Arguments on behalf of the State through Ld. Additional Public Prosecutor for the State

24. It is submitted on behalf of the State that prosecution has duly proved the fact that the knife which was used in the commission of offence was recovered from the possession of the accused or at his instance. It is further submitted that victim/PW2 Kurban Ali himself deposed regarding the incident of the present case and he had identified the accused as the same person who caused stab injuries to him. It is further submitted that other State v. Raj Kumar @ Lala; FIR No. 475/2022; PS Ambedkar Nagar, page no. 32 RAVINDRA KUMAR KUMAR PANDEY Date:

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prosecution witness PW1/Sonu had also witnessed the incident and he corroborated the version of the victim PW2 regarding the incident. It is further submitted that the witness PW4 Dr. Vivek Kumar had proved the contents of the MLC regarding the nature of injury received in the incident.

24.1 It is further submitted that public witnesses, police witnesses and medical evidence regarding the injuries caused to the victim are sufficient and duly proved to convict the accused Raj Kumar @ Lala regarding the commission of offence punishable U/s 307 IPC. It is further submitted that accused is liable to be convicted for offence punishable U/s 307 IPC and is liable to be sentenced as per law.

ARGUMENTS ON BEHALF OF THE ACCUSED/DEFENCE, THROUGH LD COUNSEL FOR DEFENCE

25. It is submitted on behalf of the accused that the incident took place in front of H.No. 343, near Park E Block, Dakshinpuri, however, the said address is neither belonging to the victim nor to the accused and no witness from the said house was associated in the investigation. It is further submitted that witness Sonu /complainant was cousin of the injured Kurban Ali. Hence, he was interested witness of the prosecution and he deposed falsely against the accused in order to falsely implicate him in the present case.

25.1 It is further submitted that the weapon of offence was disclosed as knife like object in the statement of the complainant Sonu recorded U/s 161 Cr.PC. However, in his statement recorded in the Court, he disclosed that the said weapon of offence as knife which is an improvement from his previous version. It is further submitted that no knife was State v. Raj Kumar @ Lala; FIR No. 475/2022; PS Ambedkar Nagar, page no. 33 RAVINDRA by RAVINDRA KUMAR KUMAR PANDEY Date: 2025.06.04 PANDEY 11:59:12 +0530 recovered during investigation of the case. 25.2 It is further submitted that place of incident was crowded place and a public place. However, no witness from the public were associated in the investigation. It is further submitted that witness Sonu did not ask any public person for help at the time of alleged incident to rescue the injured Kurban Ali and this shows that Sonu was a planted witness.

25.3 It is further submitted that witness Sonu deposed that no CCTV camera was installed near the place of incident. It is further submitted that witness Sonu deposed that he did not knew the accused Raj Kumar prior to the incident. 25.4 It is further submitted that the spot was photographed by the police during the investigation. However, the exhibits collected from the spot were never send to the FSL to ascertain that the spot was having blood stains of any person. 25.5 It is further submitted that in the examination in chief of witness PW1 Sonu, he deposed that on the next day of the incident, he had visited to the Police Station and accused was found present in the Police Station and he had identified the accused as offender of the present case and document of the arrest were prepared.

25.6 It is further submitted that as per the testimony of PW13/IO, the accused was apprehended by ASI Vishram and he was produced before the IO in the Police Station by ASI Vishram and he was arrested in the Police Station. However, witness PW13 did not disclose that he got identified the accused through the witness PW1 Sonu.

25.7 It is further submitted that during cross examination of PW13, it came on record that when he reached at the spot, 8- State v. Raj Kumar @ Lala; FIR No. 475/2022; PS Ambedkar Nagar, page no. 34 RAVINDRA Digitally signed by RAVINDRA KUMAR KUMAR PANDEY Date: 2025.06.04 PANDEY 11:59:20 +0530 10 public persons were present at the spot and witness Sonu was examined from those public persons at the spot. However, no such disclosure was made by witness Sonu that he was examined at the spot by the IO of the case and infact witness Sonu disclosed that he had identified the accused in the Police Station and not at the spot.

25.8 It is further submitted that witness Sonu also did not disclose that any document were prepared at the spot by the IO in his presence. During cross examination of PW13, the witness failed to disclose the place where he had recorded the statement of injured Kurban Ali.

25.9 It is further submitted that witness Kurban Ali/PW-2 deposed in his cross examination that police official had not got verified any piece of brick or stone which was allegedly thrown by witness Sonu against the accused in order to save the injured Kurban Ali. It is further submitted that witness himself deposed that he become unconscious after the incident. 25.10 It is further submitted that no TIP by the police was conducted and witness Kurban Ali/PW-2 himself admitted that he was not having any previous dispute with the accused prior to the incident of the present case.

25.11 It is further submitted that witness PW1 disclosed that police had made inquiries from him in the Police Station and recorded his statement, on the other hand, witness PW5 HC Kuldeep deposed that complainant Sonu met them at the spot and IO had conducted inquiries with him at the spot which is contradictory to the statement of PW1/complainant. Similarly, IO PW13 also deposed that he had examined the witness Sonu at the spot which is contrary to the statement of witness Sonu himself State v. Raj Kumar @ Lala; FIR No. 475/2022; PS Ambedkar Nagar, page no. 35 RAVINDRA by RAVINDRA KUMAR KUMAR PANDEY PANDEY Date: 2025.06.04 11:59:34 +0530 who deposed that he was examined by the police and his statement was recorded by the police in the Police Station.

26. Heard the submission of both the parties. Perused the record of the chargesheet including the statement of witnesses and other material placed on record.

THE REASON FOR DECISION

27. In order to prove the charge for offence punishable U/s 307 IPC against the accused Raj Kumar @ Lala S/o Man Singh, the prosecution has mainly relied upon the testimony of injured/victim Kurban Ali/PW2 and complainant Sonu/PW1 apart from the other witnesses related to the investigation of the present case.

27.1 As per the case of prosecution on 11.09.2022 at around 09.00 pm in front of H.No. 343, near Park of E- Block, Dakshinpuri, New Delhi within the jurisdiction of PS Ambedkar Nagar, the victim Kurban Ali/PW2 and complainant Sonu/PW1 were sitting on their bike and in the meantime, one boy came from the street and the accused was following that boy and accused had started abusing the victim Kurban Ali and witness Sonu and he had manhandled with them and he took out one knife and stabbed to the victim Kurban Ali on his thigh, stomach and on his back.

27.2 It is further alleged that when witness Sonu had tried to rescue the victim while throwing of brick upon the accused, then accused had chased him and due to the same, the witness Sonu had ran away from the spot.

27.3 As per the complaint Ex. PW1/A lodged by witness PW1/Sonu, the incident took place when witness Sonu and State v. Raj Kumar @ Lala; FIR No. 475/2022; PS Ambedkar Nagar, page no. 36
RAVINDRA KUMAR KUMAR PANDEY PANDEY Date:

2025.06.04 11:59:40 +0530 injured Kurban Ali were smoking ciggerate near the park near the H.No. 343, E- Block, Dakshinpuri, New Delhi. It is alleged in the complaint that one small child came there while crying alongwith his father/accused and accused had made inquiries from the said child while pointing towards the complainant Sonu and victim Kurban Ali as to whether they had beaten the said child. The accused had also abused the victim Kurban Ali and witness Sonu to which the victim Kurban Ali had opposed.

27.4 It is alleged that accused took out the knife and had attacked upon the victim Kurban Ali. It is averred that witness Sonu had tried to rescue the victim Kurban Ali and he had thrown one brick piece towards the accused which did not hit the accused and thereafter, the accused had started moving towards the witness Sonu and witness Sonu had started fleeing away from that place.

27.5 It is alleged further that thereafter, the accused had again came towards the victim Kurban Ali and had started hitting the victim Kurban Ali and had dragged the victim Kurban Ali to some distance. It is alleged that witness Sonu went to the house of his maternal uncle while raising the alarm and when he again return to the spot, he found that victim Kurban Ali was lying unconscious. It is alleged that the witness

Sonu came to know the name of accused Raj Kumar @ Lala at the spot.

27.6 The witness Sonu/PW1 when examined in the Court, he reasserted the averment made in the complaint and deposed on the same lines as mentioned in the complaint.

27.7 The witness PW1 Sonu is the witness who had explained the circumstances in which the offence was committed State v. Raj Kumar @ Lala; FIR No. 475/2022; PS Ambedkar Nagar, page no. 37 RAVINDRA by RAVINDRA KUMAR KUMAR PANDEY Date: 2025.06.04 PANDEY 11:59:47 +0530 by the accused against the victim Kurban. The witness PW1 had also deposed about the motive behind the commission of offence by the accused against the victim and circumstances just before the incident and circumstances after the incident of the present case.

27.8 The relevancy, admissibility and evidentiary value of the testimony of last seen witness, eye witnesses and other circumstantial evidence is well discussed in various judicial pronouncements of Hon'ble Supreme Court of India.

Hon'ble Supreme Court of India in case titled as "Nizam & Anr. vs. State of Rajasthan", Crl. Appeal No. 413/2007, decided on 04.09.2015, discussed the law regarding last seen theory. It was observed:

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"Elaborating the principle of "last seen alive" in State of Rajasthan vs. Kashi Ram, (2006) 12 SCC 254, this Court held as under:-

"23. It is not necessary to multiply with authorities. The principle is well settled. The provisions of Section 106 of the Evidence Act itself are unambiguous and categorical in laying down that when any fact is especially within the knowledge of a person, the burden of proving that fact is upon him. Thus, if a person is last seen with the deceased, he must offer an explanation as to how and when he parted company. He must furnish an explanation which appears to the court to be probable and satisfactory. If he does so he must be held to have discharged his burden. If he fails to offer an explanation on the basis of facts within his special knowledge, he fails to discharge the burden cast upon him by Section 106 of the Evidence Act. In a case resting on circumstantial evidence if the accused fails to offer a reasonable explanation in discharge of the burden placed on him, that itself provides an additional link in the chain of circumstances proved against him. Section 106 does not shift the burden of proof in a criminal trial, which is always upon the prosecution. It lays down the rule that when the accused does not throw any light upon facts which are specially within his knowledge and which could not State v. Raj Kumar @ Lala; FIR No. 475/2022; PS Ambedkar Nagar, page no. 38 RAVINDRA by RAVINDRA KUMAR KUMAR PANDEY Date: 2025.06.04 PANDEY 11:59:54 +0530 support any theory or hypothesis compatible with his innocence, the court can consider his failure to adduce any explanation, as an additional link which completes the chain. The principle has been succinctly stated in Naina Mohd., Re. (AIR 1960 Mad 218)" The

above judgment was relied upon and reiterated in Kiriti Pal vs. State of West Bengal, (2015) 5 Scale 319."

Further, in Ramreddy Rajeshkhanna Reddy & Anr vs State Of Andhra Pradesh, Appeal (Crl.) 997 of 2005, Hon'ble Supreme Court of India had held as follows:-

"It is now well-settled that with a view to base a conviction on circumstantial evidence, the prosecution must establish all the pieces of incriminating circumstances by reliable and clinching evidence and the circumstances so proved must form such a chain of events as would permit no conclusion other than one of guilt of the accused. The circumstances cannot be on any other hypothesis. It is also well-settled that suspicion, however, grave may be, cannot be a substitute for a proof and the courts shall take utmost precaution in finding an accused guilty only on the basis of the circumstantial evidence. [See Anil Kumar Singh v. State of Bihar, (2003) 9 SCC 67 and Reddy Sampath Kumar v. State of A.P. (2005) 7 SCC 603].

The last-seen theory, furthermore, comes into play where the time gap between the point of time when the accused and the deceased were last seen alive and the deceased is found dead is so small that possibility of any person other than the accused being the author of the crime becomes impossible. Even in such a case courts should look for some corroboration."

In case of State of U.P. v. Satish, Appeal (Crl.) 256-257 of 2005, with regard to last-seen theory following was held:

"The last seen theory comes into play where the time-gap between the point of time when the accused and the deceased were seen last alive and when the deceased is found dead is so small that possibility of any person other than the accused being the author of the crime becomes impossible. It would be difficult in some cases to positively establish that the deceased was last seen with the accused when there is a long gap and possibility of other persons coming in between exists. In the absence of any other State v. Raj Kumar @ Lala; FIR No. 475/2022; PS Ambedkar Nagar, page no. 39 RAVINDRA by RAVINDRA KUMAR KUMAR PANDEY Date: 2025.06.04 PANDEY 12:00:02 +0530 positive evidence to conclude that the accused and the deceased were last seen together, it would be hazardous to come to a conclusion of guilt in those cases. In this case there is positive evidence that the deceased and the accused were seen together by witnesses."

LEGAL POSITION ON CIRCUMSTANTIAL EVIDENCE

28. Hon'ble Supreme Court of India in the judgment titled as " Anwar Ali and Another Vs. The State of Himachal Pradesh", Crl Appeal No. 1121/2016 dated 25.09.2020 has held as under:-

" 5.4 It is also required to be noted and it is not in dispute that this is a case of circumstantial evidence. As held by this Court in catena of decisions that in case of a circumstantial evidence, the circumstances, taken cumulatively, should form a chain so complete that there is no escape from the conclusion that within all human probability the crime was committed by the accused and none else and the circumstantial evidence in order to sustain conviction must be complete and incapable of explanation of any other hypothesis than that of the guilt of the accused and such evidence should not only be consistent with the guilt of the accused but should be inconsistent with his innocence. In the case of Babu (supra), it is observed and held in paragraphs 22 to 24 as under:

"22. In Krishan Vs. State (2008) 15 SCC 430, this Court after considering a large number of its earlier judgments observed as follows: (SCC p. 435, para 15) "15. ... This Court in a series of decisions has consistently held that when a case rests upon circumstantial evidence, such evidence must satisfy the following tests:

(i) the circumstances from which an inference of guilt is sought to be drawn, must be cogently and firmly established;

(ii) those circumstances should be of definite tendency unerringly pointing towards guilt of the accused;

(iii) the circumstances, taken cumulatively, should form a chain so complete that there is no escape from the conclusion that within all human probability the crime was committed by the accused and none else; and

(iv) the circumstantial evidence in order to sustain conviction must be complete and incapable of explanation of any other hypothesis than that of the guilt of the accused and such evidence State v. Raj Kumar @ Lala; FIR No. 475/2022; PS Ambedkar Nagar, page no. 40 RAVINDRA by RAVINDRA KUMAR KUMAR PANDEY Date: 2025.06.04 PANDEY 12:00:30 +0530 should not only be consistent with the guilt of the accused but should be inconsistent with his innocence. (See Gambhir Vs. State of Maharashtra (1982) 2 SCC 351)"

In Sharad Birdhichand Sarda Vs. State of Maharashtra (1984) 4 SCC 116 while dealing with circumstantial evidence, it has been held that the onus was on the prosecution to prove that the chain is complete and the infirmity or lacuna in prosecution cannot be cured by false defence or plea. The conditions precedent before conviction could be based on circumstantial evidence, must be fully established. They are:

(SCC p. 185, para 153)

(i) the circumstances from which the conclusion of guilt is to be drawn should be fully established. The circumstances concerned "must" or "should" and not " may be"

established;

(ii) the facts so established should be consistent only with the hypothesis of the guilt of the accused, that is to say, they should not be explainable on any other hypothesis except that the accused is guilty;

(iii) the circumstances should be of a conclusive nature and tendency;

(iv) they should exclude every possible hypothesis except the one to be proved; and

(v) there must be a chain of evidence so complete as not to leave any reasonable ground for the conclusion consistent with the innocence of the accused and must show that in all human probability the act must have been done by the accused.

A similar view has been reiterated by this Court in *State of U.P Vs. Satish* (2005) 3 SCC 114 and *Pawan Vs. State of Uttaranchal* (2009) 15 SCC 259.

5.5 Even in the case of *G. Parshwanath* (supra), this Court has in paragraphs 23 and 24 observed as under:

"23. In cases where evidence is of a circumstantial nature, the circumstances from which the conclusion of guilt is to be drawn should, in the first instance, be fully established. Each fact sought to be relied upon must be proved individually. However, in applying this principle a distinction must be made between facts called primary or basic on the one hand and inference of facts to be drawn from them on the other. In regard to proof of primary facts, the Court has to judge the evidence and decide whether that evidence proves a particular fact and if that fact is proved, the question whether that fact leads to an inference of guilt of accused person should be considered. In dealing with *State v. Raj Kumar @ Lala*; FIR No. 475/2022; PS Ambedkar Nagar, page no. 41 RAVINDRA RAVINDRA KUMAR KUMAR PANDEY Date: 2025.06.04 PANDEY 12:00:37 +0530 this aspect of the problem, the doctrine of benefit of doubt applies. Although, there should not be any missing links in the case, yet it is not essential that each of the links must appear on the surface of the evidence adduced and some of these links may have to be inferred from the proved facts. In drawing these inferences, the court must have regard to the common course of natural events and to human conduct and their relations to the facts of the particular case. The court thereafter has to consider the effect of proved facts.

24. In deciding the sufficiency of the circumstantial evidence for the purpose of conviction, the court has to consider the total cumulative effect of all the proved facts, each one of which reinforces the conclusion of guilt and if the combined effect of all these facts taken together is conclusive in establishing the guilt of the accused, the conviction would be justified even though it may be that one or more of these facts by itself or themselves is/are not decisive. The facts established should be consistent

only with the hypothesis of the guilt of the accused and should exclude every hypothesis except the one sought to be proved. But this does not mean that before the prosecution can succeed in a case resting upon circumstantial evidence alone, it must exclude each and every hypothesis suggested by the accused, howsoever, extravagant and fanciful it might be. There must be a chain of evidence so complete as not to leave any reasonable ground for the conclusion consistent with the innocence of the accused and must show that in all human probability the act must have been done by the accused, where various links in chain are in themselves complete, then the false plea or false defence may be called into aid only to lend assurance to the court".

In Shivaji Chintappa Patil Vs. State of Maharashtra, Crl. Appeal No. 1348/2013 dated 02.03.2021, Hon'ble Apex Court observed as under:

"11. The law with regard to conviction on the basis of circumstantial evidence has been very well crystallized in the judgment of this Court in the case of Sharad Birdhichand Sarda Vs. State of Maharashtra:-

"153. A close analysis of this decision would show that the following conditions must be fulfilled before a case against an accused can be said to be fully established: (1) the circumstances from which the conclusion of guilt is to be drawn should be fully established.

It may be noted here that this Court indicted that the State v. Raj Kumar @ Lala; FIR No. 475/2022; PS Ambedkar Nagar, page no. 42 RAVINDRA Digitally RAVINDRA signed by KUMAR KUMAR PANDEY Date: 2025.06.04 PANDEY 12:00:45 +0530 circumstances concerned "must or should" and not "may be"

established. There is not only a grammatical but a legal distinction between " may be proved" and " must be or should be proved" as was held by this Court in Shivaji Sahabrao Bobade Vs. State of Maharashtra (1973) 2 SCC 793 where the observations were made: [SCC para 10, p. 807; SCC (Cri) p. 1047.

"19.... Certainly, it is a primary principle that the accused must be and not merely may be guilty before a Court can convict and the mental distance between ' may be' and 'must be' is long and divides vague conjectures from sure conclusions."

(2) the facts so established should be consistent only with the hypothesis of the guilt of the accused, that is to say, they should not be explainable on any other hypothesis except that the accused is guilty.

(3) the circumstances should be of a conclusive nature and tendency, (4) they should exclude every possible hypothesis except the one to be proved, and (5) there must be a chain of evidence so complete as not to leave any reasonable ground for the conclusion consistent with the innocence of the accused and must show that in all human probability the act must have been done by the

accused.

154. These golden principles, if we may say so, constitute the panchsheel of the proof of a case based on circumstantial evidence."

Further, in State of Odisha Vs. Banabihari Mohapatra and Anr., Special Leave Petition (Crl.) No. 1156/2021, dated 12.02.2021, Hon'ble Supreme Court held as under:-

"35. Before a case against an accused can be said to be fully established on circumstantial evidence, the circumstances from which the conclusion of guilt is to be drawn must fully be established and the facts so established should be consistent only with the hypothesis of guilt of the accused. There has to be a chain of evidence so complete, as not to leave any reasonable doubt for any conclusion consistent with the innocence of the accused and must show that in all human probability, the act must have been done by the Accused.

36. In Shanti Devi v. State of Rajasthan reported in (2012) 12 SCC 158, this Court held that the principles for conviction of the accused based on circumstantial evidence are:

"10.1. The circumstances from which an inference of guilt is sought to be proved must be cogently or firmly established.

State v. Raj Kumar @ Lala; FIR No. 475/2022; PS Ambedkar Nagar, page no. 43 RAVINDRA by RAVINDRA KUMAR KUMAR PANDEY PANDEY Date: 2025.06.04 12:00:57 +0530 10.2. The circumstances should be of a definite tendency unerringly pointing towards the guilt of the accused. 10.3. The circumstances taken cumulatively must form a chain so complete that there is no escape from the conclusion that within all human probability, the crime was committed by the accused and none else.

10.4. The circumstantial evidence in order to sustain conviction must be complete and incapable of explanation of any other hypothesis than that of the guilt of the accused and such evidence should not only be consistent with the guilt of the accused but should be inconsistent with his innocence."

37. Keeping the above test in mind, we have no iota of doubt that the Trial Court rightly acquitted the Accused Respondents. There is a strong possibility that the accused, who was as per the opinion of the doctor who performed the autopsy, intoxicated with alcohol, might have accidentally touched a live electrical wire, may be while he was asleep. The impugned judgment of the High Court dismissing the appeal on the ground of delay does not call for interference under Article 136 of the Constitution of India.

38. It is well settled by a plethora of judicial pronouncement of this Court that suspicion, however strong cannot take the place of proof. An accused is presumed to be innocent unless proved guilty

beyond reasonable doubt. This proposition has been reiterated in *Sujit Biswas v. State of Assam* reported in AIR 2013 SC 3817.

In *Kali Ram v. State of Himachal Pradesh* reported in AIR 1973 SC 2773, this Court observed:-

"Another golden thread which runs through the web of the administration of justice in criminal cases 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 his innocence, the view which is favourable to the accused should be adopted. This principle has a special relevance in cases where in the guilt of the accused is sought to be established by circumstantial evidence."

In the case titled as "*Anjan Kumar Sharma Vs. State of Assam*" (2017) 14 SCC 359, it was observed:

"(1) The circumstances from which the conclusion of guilt is to be drawn should be fully established. The circumstances concerned 'must' or 'should' not and 'may be' established;

(2) The facts so established should be consistent only with the hypothesis of the guilt of the accused, that is to say, they should not be explainable on any other hypothesis except that the accused is guilty;

State v. Raj Kumar @ Lala; FIR No. 475/2022; PS Ambedkar Nagar, page no. 44 RAVINDRA by RAVINDRA KUMAR KUMAR PANDEY Date: 2025.06.04 PANDEY 12:01:07 +0530 (3) The circumstances should be of a conclusive nature of tendency;

(4) They should exclude every possible hypothesis except the one to be provided; and (5) There must be a chain of evidence so complete as not to leave any reasonable ground for the conclusion consistent with the innocence of the accused and must show that in all human probability the act must have been done by the accused (See: *Sharad Birdhichand Sarda v. State of Maharashtra* (1984) 4 SCC 116; *M G Agarwal v. State of Maharashtra* AIR 1963 SC 200)."

The principles with regard to appreciation of circumstantial evidence have also been explained in *Gagan Kanojia Vs. State of Punjab* (2016) 13 SCC 516.

Therefore, the principle, as laid down in aforesaid judicial dicta, is that in cases based on circumstantial evidence, circumstances from which the conclusion of guilt is drawn should be fully proved and such circumstances must be conclusive in nature. Moreover, all the circumstances should be complete, forming a chain and there should be no gap left in the chain of evidence. The various circumstances in the chain of events must be such so as to rule out the reasonable likelihood of innocence of the accused. The missing of important link snaps the chain of circumstances and the other circumstances cannot in any manner establish the guilt of accused beyond all reasonable doubts.

29. In the present case, the accused Raj Kumar @ Lala had took the defence that the police had not made any inquiries from the son of the accused in the presence of the witness/PW1 complainant. The accused also took the defence that witness/PW1 had disclosed in his complaint that accused took State v. Raj Kumar @ Lala; FIR No. 475/2022; PS Ambedkar Nagar, page no. 45 RAVINDRA KUMAR KUMAR PANDEY Date:

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out one knife and had started stabbing to the victim Kurban Ali. However, in his complaint Ex. PW1/A, the witness/PW1 had mentioned the detail of the weapon of offence as knife like object. The accused also took the defence that police did not seized the brick which was used by witness /PW1 against the accused when accused was stabbing the victim Kurban Ali in order to rescue the victim Kurban Ali. However, these defence of the accused does not hold any merit in view of the specific averment of the witness/PW1 about the mode and manner of the commission of the offence by the accused against the victim and the detail about the motive of the commission of offence by the accused against the victim. The witness PW1 Sonu/complainant was the witness who was present with the victim Kurban Ali at the time of incident and he had narrated the incident in detail during his examination in the Court and no material contradiction came during the cross examination of the witness PW1 Sonu.

The legal position in regard to the reliability of the chance witness has already been settled in case titled as " State of Punjab Vs. Surja Ram" 1995, SCC (Cri) 937 , in which it was held that when the presence of chance witness at the scene of occurrence is confirmed by other materials on record and his name is mentioned in the FIR as a witness to the occurrence, his evidence cannot be discarded on the ground that he was a chance witness. Similarly, in case titled as "State of UP Vs. Roop Singh", 1995 SCC (Cri) 1043, it was held that even though the witness to the chance witness but he gives cogent reasons for his presence near the seen of occurrence, the evidence of chance witness is not unreliable.

In the present case, the witness/complainant PW1 State v. Raj Kumar @ Lala; FIR No. 475/2022; PS Ambedkar Nagar, page no. 46 RAVINDRA by RAVINDRA KUMAR KUMAR PANDEY Date: 2025.06.04 PANDEY 12:01:31 +0530 Sonu has duly explained the circumstances in which he was present with the injured/victim PW2, the circumstances in which he left the spot and he had also explained the circumstances after the commission of the offence. Hence, he is a reliable witness and his testimony cannot be discarded.

29.1 The prosecution has also relied upon the testimony of victim Kurban Ali in order to prove the charge U/s 307 IPC against the accused Raj Kumar @ Lala. The victim Kurban Ali/PW2 had also narrated the incident in detail and had specified the mode and manner of commission of offence by the accused against him. The victim Kurban Ali/PW2 had also disclosed about the motive behind the commission of offence and circumstances in which the offence was committed by the accused against the victim Kurban Ali.

29.2 The accused took the defence during the cross examination of PW2/Kurban Ali while saying that accused was in drunken condition at the time of incident. The accused also took the defence that he was not having any knife at the time of alleged incident. The accused also took the defence that witness had quarreled with some other person and accused had intervened to rescue the victim/witness PW2 and in that process, the accused had sustained injuries on his fingers. However, such defence of the accused establishes the fact of the case that accused was present at the spot at the time of incident and he had also received the injuries in the incident as detailed in the testimonies of the police witnesses PW8 ASI Vishram and PW12 HC Dinesh Kumar who disclosed in their testimonies that on 11.09.2022 at around 10.15 pm, they met with the accused Raj Kumar @ Lala and at that time, he was in injured condition. It State v. Raj Kumar @ Lala; FIR No. 475/2022; PS Ambedkar Nagar, page no. 47 RAVINDRA Digitally RAVINDRA signed by KUMAR KUMAR PANDEY Date: 2025.06.04 PANDEY 12:01:43 +0530 also corroborates the case of prosecution that accused was brought to the police station by police officials/witness PW8 ASI Vishram and witness HC Dinesh Kumar/PW12, when they had received information from the Duty Officer of PS Ambedkar Nagar regarding the incident of the present case where he was arrested by IO of the case.

29.3 It is the case of the prosecution that accused was known to the victim Kurban/PW2 prior to the incident and the complainant/PW1 Sonu came to know about the identity detail of the accused at the spot when he again returned to the spot alongwith his other relatives. The defence as taken by the accused does not hold any merit in view of the specific averment of the victim PW2 Kurban Ali regarding the mode and manner of commission of offence, motive behind the commission of offence and weapon of offence used by the accused in the commission of offence.

29.4 The prosecution has also duly proved the fact that after the incident, the witness PW3 Salim went to the spot alongwith the complainant on the basis of information given by the complainant/PW1 about the incident to him. The prosecution has also duly proved that the information about the incident was given to the police by PW3 Salim while dialing at 100 number.

29.5 The prosecution has also duly proved through PW9 and PW1 that injured/victim Kurban Ali was shifted to the Batra Hospital initially after the incident.

29.6 The prosecution has corroborated the incident by examining witness PW9 Sahil who also went to the spot on the basis of information given by PW1/complainant Sonu and at the State v. Raj Kumar @ Lala; FIR No. 475/2022; PS Ambedkar Nagar, page no. 48 RAVINDRA KUMAR KUMAR PANDEY PANDEY Date:

2025.06.04 12:01:53 +0530 spot, he found the victim Kurban lying on the road while profusely bleeding and victim was taken to the Batra Hospital in an auto from where he was referred to AIIMS Trauma Center. During the cross examination of PW9 Sahil, the accused took the defence that no independent public witness were associated during the investigation of the case at the spot by the police despite availability. The accused also took the defence that accused was falsely implicated in the present case. However, the defence as taken by the accused are vague in nature and does not hold any merit in view of the specific averment of PW9 regarding the

circumstances after the incident took place when he arrived to the place of incident and no material infirmity is found in the statement of PW9 Sahil to discard his testimony.

29.7 The prosecution has duly proved through the testimony of PW4 Dr. Vivek Kumar about the contents of MLC No. 16438 Ex. PW4/P1 pertaining to the injured Kurban. He specifically deposed that the nature of injuries which were caused to the victim Kurban were grievous in nature caused by sharp weapon. The contents of the MLC Ex. PW4/P1 establishes the fact that multiple injuries were caused on the body of the victim Kurban. The detail of injury as mentioned in the MLC Ex.

PW4/P1 corroborate the case of prosecution that multiple injuries were caused to the victim in the incident by sharp edged weapon. The official record of the treatment related document/MLC and Discharge Summary were also duly proved by prosecution through the witness PW6 Sh. Aditya Swaroop, Medical Record Technician, JPNA, Trauma Center, AIIMS, New Delhi who produced and proved the original record of the MLC Ex. PW6/P1 dated 11.09.2022 bearing no. 500334771 (computer generated) State v. Raj Kumar @ Lala; FIR No. 475/2022; PS Ambedkar Nagar, page no. 49 RAVINDRA KUMAR KUMAR PANDEY PANDEY Date:

2025.06.04 12:02:01 +0530 and Discharge Summary exhibited as Ex. PW6/P3 and Ex. PW6/P4. The accused has failed to bring on record any material contradiction in testimony of the witnesses related to the treatment of the victim Kurban or document prepared at the time of treatment of the victim Kurban.

29.8 The prosecution has duly proved the fact that in the said incident, the victim Kurban had received multiple stab injuries caused by sharp edged weapon and nature of injuries caused to the victim were grievous and injuries were caused on the vital body parts of the victim.

29.9 The registration of the FIR bearing no. 475/2022 Ex.

X1 and Certificate U/s 65-B of the Indian Evidence Act Ex. X2 and the information registered in the police station through GD No. 109-A dated 11.09.2022 Ex. X3, GD No. 133-A dated 11.09.2022 Ex. X4 and GD No. 134-A dated 11.09.2022 Ex. X5 has not been disputed by the accused in his statement recorded U/s 294 Cr.PC.

29.10 The initial investigation in the present case was conducted by IO/PW13 SI Bhim Singh who alongwith HC Kuldeep/PW5 went to the spot on the receipt of the information of the incident through GD No. 109-A dated 11.09.2022 and this fact has been duly proved by the prosecution through the examination of IO/PW13 SI Bhim Singh and PW5 HC Kuldeep and no material contradiction came on record during the cross examination of these witnesses.

29.11 As per the statement of PW13, the complainant witness Sonu/PW1 met with the IO at the spot and IO had also noticed the scattered blood on the ground. He had also received State v. Raj Kumar

@ Lala; FIR No. 475/2022; PS Ambedkar Nagar, page no. 50 RAVINDRA by RAVINDRA KUMAR KUMAR PANDEY Date: 2025.06.04 PANDEY 12:02:15 +0530 information that victim was initially shifted to the Batra Hospital from where he was referred to AIIMS Trauma Center and IO went to the AIIMS Trauma Center. During the investigation, the IO had collected the MLC of the injured and other exhibits as handed over by the doctors including the blood stained clothes of the victim and IO had seized the same and had prepared memo Ex. PW13/P1 and this fact has been duly proved by the prosecution and no material contradiction came on record during the trial through the cross examination of PW13.

The witness IO/PW13 had deposed specifically that he inquired at AIIMS Trauma Center and he found that injured was unfit for making any statement and therefore, had returned to the spot and got inspected the spot with the crime team.

29.12 The witness IO/PW13 had also deposed that he had recorded the statement of the eye witness Sonu and he had identified the said statement of the eye witness as Ex. PW1/A and on the basis of the statement of the eye witness/complainant Sonu, he had prepared the rukka Ex. PW13/P2 and he had identified the said rukka during his examination in the Court and these facts has been duly proved by prosecution and no material contradiction came on record during the cross examination of PW13 by the accused.

The prosecution through the witness IO/PW-13 had also proved that after inspection of the spot and after photography of the spot, he had lifted the exhibits from the spot including the motorcycle bearing no. DL8SCT-2339 Yamaha FZ and had prepared the memo to that effect Ex. PW13/P3 and Ex. PW13/P4. He also deposed and proved that he had prepared the State v. Raj Kumar @ Lala; FIR No. 475/2022; PS Ambedkar Nagar, page no. 51 RAVINDRA by RAVINDRA KUMAR KUMAR PANDEY PANDEY Date: 2025.06.04 12:02:22 +0530 site plan at the instance of eye witness Sonu and he had identified the said site plan as Ex. PW1/B. The accused has failed to bring on record any material contradiction during the cross examination of the witness PW13/IO.

29.13 The prosecution has also duly proved that IO had received information regarding the apprehension of the accused by another police official ASI Vishram/PW8 and he had asked the said police official ASI Vishram to bring the accused Raj Kumar @ Lala to the police station after his medical examination. The arrest of the accused by IO/PW-13 has been duly proved by the prosecution and no material contradiction came on record to discard the testimony of the IO/PW13 SI Bhim Singh and the testimony of PW8 ASI Vishram regarding the mode and manner of apprehension of the accused.

29.14 The accused put his defence during cross examination of IO PW13 that no public witnesses were associated during the investigation neither any CCTV footage was found to be installed near the place of incident. However, the defence of the accused does not hold any merit as IO has duly proved the investigation conducted by him and no material contradiction came on record during the cross examination of the IO/PW13.

29.15 The photographs of the place of incident having blood stained at the place of incident and blood stained on the motorcycle and other vehicle standing near the place of incident and other articles lying near the place of incident have been duly proved by prosecution through the examination of witness PW10 ASI Bhram Parkash who was working as ASI Photographer with State v. Raj Kumar @ Lala; FIR No. 475/2022; PS Ambedkar Nagar, page no. 52 RAVINDRA by RAVINDRA KUMAR KUMAR PANDEY PANDEY Date: 2025.06.04 12:02:34 +0530 the Mobile Crime Team South District and he had identified the photographs Ex. PW10/P1 to Ex. PW10/P13 and no material contradiction came on record during the cross examination of PW10 by the accused.

29.16 The prosecution has also duly proved the RFSL result Ex. PW13/P7 bearing no. RFSLDLH/778/Bio/297/2022 dated 29.08.2023 through the witness PW14 Sourabh Pathak, Junior Forensic/Chemical Examiner, Biology, RFSL, Chanakyapuri, New Delhi. The RFSL result has duly proved that the blood stained found at the spot were having same DNA profile as collected from the victim at AIIMS Hospital.

30. In view of the above discussion, the Court is of the considered view that accused Raj Kumar @ Lala S/o Man Singh had caused multiple injuries to the victim Kurban while using the knife like sharp object on his vital parts on 11.09.2022 at about 09.00 pm in front of H.No. 343, near park E Block, Dakshinpuri, New Delhi with such intention or knowledge and under such circumstances that if by the said act caused the death of the victim/injured, he would be guilty of murder and the case of prosecution against the accused regarding the charge of offence punishable U/s 307 IPC is duly proved beyond the reasonable doubt. Accordingly, the accused Raj Kumar @ Lala S/o Man Singh is hereby held guilty and convicted for charge of offence punishable U/s 307 IPC. Digitally signed RAVINDRA by RAVINDRA KUMAR KUMAR PANDEY Announced in the open Court, PANDEY Date: 2025.06.04 12:02:40 +0530 On 04th June, 2025. (Ravindra Kumar Pandey) ASJ:03/South/Saket Courts, New Delhi:04.06.2025 State v. Raj Kumar @ Lala; FIR No. 475/2022; PS Ambedkar Nagar, page no. 53