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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.L.P. 86/2017**

STATE (GNCT OF DELHI)

..... Petitioner

Through

Ms.Kusum Dhalla, APP for State with
Inspector Jaswant Singh, P.S.
Shahdara

versus

VICKY @ LADDU

..... Respondent

Through

Ms. Inderjeet Sidhu, Advocate
(DHCLSC)

CORAM:

JUSTICE S. MURALIDHAR

JUSTICE VINOD GOEL

ORDER

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08.12.2017

CrI.M.A.No. 2509/2017 (delay)

1. For the reason stated in the application, the delay is condoned and the application is disposed of.

CrI.L.P.No. 86/2017

2. This is an appeal against the judgment dated 4th October 2016 passed by the learned Additional Sessions Judge, North East, Karkardooma Courts, acquitting the Respondent of the offence under Sections 307/341/34 IPC.

3. The case of the prosecution is set out in para 1 of the impugned judgment which reads as under:-

"1. On 11.9.2012, at about 11.45 pm, complainant/injured Roop Ram was learning riding

rickshaw from his elder brother Naim Singh and while pulling the rickshaw, he reached near Hira Sweets, Babarpur and struck against one of the four boys going ahead on which they all started abusing him. Naim Singh objecting to their abuses on which all the four boys started quarreling with Naim Singh and the complainant and thereafter, two of them caught hold of the complainant and one caught Naim Singh and accused Laddu stabbed in the abdomen of complainant with some knife like object and on seeing blood oozing out, all the four boys fled away from there. Someone called the police which reached at the spot and took injured Roop Ram to GTB Hospital where he was medically examined and his statement was recorded, on the basis of which present case was registered for the offences punishable under Section 307/341/34 IPG. On 21.9.2012, accused Vicky @ Ladoo was arrested and was identified by SC No. 44809/2015 - FIR No. 270/7012 PS Shahdara attested the complainant and his brother as the assailant and one of those boys who had a scuffle with them. Knife, used in the incident was recovered at the instance of said accused from his house. Subsequently, another accused namely Karan @ Sajan was arrested on 03.12.2012 but he could not be identified during the TIP proceedings by the complainant and his brother held on 15.12.2012. Accordingly said accused was discharged vide order dt. 18.12.2012. Remaining two accused namely Rajeev and Annu were also arrested later on but were also discharged as they too could not be identified during TIP proceedings by the complainant and his brother."

4. One of the reasons for which the trial court has acquitted the Respondent is that the complainant himself, who was an injured eye witness (PW1) did not support the case of the prosecution. The same

was the case with the brother of the complainant, i.e. PW2.

5. In that view of the matter, the reasoning and the conclusion of the trial court do not call for any interference. No ground is made out to interfere with the impugned judgment of the trial Court.

6. The petition is accordingly dismissed.

S. MURALIDHAR, J.

VINOD GOEL, J.

DECEMBER 08, 2017

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