

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

+ **CRL.L.P. 532/2017**

..... Petitioner
Through: Mr. Chander M. Maini,
Advocate with Mr. B.K.
Wadhwa & Mr. Mayank
Maini, Advocates.

THE STATE GOVT OF NCT OF DELHI &
ORS.

Through: Mr.Hirein Sharma, APP for
State with SI Dev Raj, PS
Adarsh Nagar, Delhi.

**CORAM: JUSTICE S. MURALIDHAR
JUSTICE VINOD GOEL**

%

Page 1 of 3

registered at Police Station (PS) Adarsh Nagar acquitting the three Respondents 2, 3 and 5 of the offence under Section 307/34 IPC.

2. On the complaint of the petitioner summons were issued to the Respondents 2, 3 and 5 (as well as Respondent No.2 who died during the pendency of the trial) in relation to an incident that allegedly took place on 2nd June, 2001. The trial meandered for a tortuous period of 15 years. By the time witnesses were examined it was 2016.

3. The trial Court has based its acquittal of Respondents 2,3 and 5 essentially on the fact that the two alleged eye-witnesses to the incident i.e. is the present Petitioner (who was examined as PW1) and his injured son Ravi (who was examined as PW2) did not come across truthful or reliable witnesses.

4. With the help of the learned counsel for the Petitioner the Court has again examined their evidence. Indeed, the evidence of PWs 1 and 2 is riddled with contradictions and inconsistencies, which are material. Their evidence does not lend assurance to the Court that it would be safe to render a finding as regard the guilt of Respondents 2, 3 and 5 on that basis. While the fact of the son of the Petitioner having being injured was proved by medical evidence, the crucial question before the trial Court was whether there was unimpeachable evidence to link Respondents 2, 3 and 5 with the crime. The trial Court found, and in the view of this Court rightly, the answer to be in the negative.

5. The Court is not persuaded that ground exists to grant the Petitioner leave to appeal against the impugned judgment of the trial Court.

6. The petition is accordingly dismissed.

S. MURALIDHAR, J.

VINOD GOEL, J.

SEPTEMBER 14, 2018

“shailendra”