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

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Date of Decision: 13.11.2025

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CRL.A. 51/2018

RAJU SINGH @ MEENA

.....Appellant

Through: Mr. Faraz Maqbool (DHCLSC), Ms.
Sana Juneja and Ms. Deepshika,
Advocates

versus

THE STATE GOVT OF NCT OF DELHI

.....Respondent

Through: Ms. Shubhi Gupta, APP for State with SI
Sangeeta Malik, PS Bindapur Delhi

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

JUDGMENT (ORAL)

1. The present appeal seeks to assail the impugned judgment dated 11.12.2017 of the appellate/Sessions Court in relation to FIR 71/14. The matter was initially tried before the Court of the Judicial Magistrate, where the accused was acquitted vide judgement dated 21.04.2017. However, in the appeal preferred by the State, the Sessions Court set aside the judgement of acquittal and convicted the appellant for the offences punishable under Sections 394/34 of the IPC.

Sentence of the appellant was suspended by this Court vide order dated 19.03.2018.

2. The facts in nutshell are that as per case of prosecution, the alleged



incident occurred on intervening night of 06/07.02.2014 at about 11:30 PM, at Dwarka Mod, Bus Stand, Uttam Nagar. It was alleged the present appellant along with two others (who have not been arrested), committed robbery upon *Vivek* and *Narender* and in that process caused simple hurt to *Vivek*. The chargesheet came to be filed against the appellant, and the charges were framed on 09.05.2014 under Section 394/392/34 IPC. The appellant pleaded not guilty and claimed Trial.

3. The prosecution examined a total of 11 witnesses in support of its case, the primary witnesses being the two victims, *Narender Kumar* and *Vivek Dogra*, who were examined as PW-1 and PW-2. Additionally, CCTV footage of the incident was seized and filed along with the chargesheet. The owner of the premises where the camera was installed, *Krishan Kumar*, was examined as PW-3. The MLC of the victim, exhibited as PW11/B, was proved through testimony of PW11 *Joginder Kumar*, UDC, DDU hospital.

4. Mr. Faraz Maqbool, learned counsel for the appellant, contends that the Appellate Court erred in failing to appreciate the reasoning underlying the acquittal rendered by the learned MM. He submits that during investigation appellants' TIP was conducted 07.03.2014, and the complainant/*Narender Kumar* had identified him, however, in trial, he did not identify the appellant. He further submits that he testimony of the other witness, *Vivek Dogra*, was rightly discarded as he was under the influence of medication and alcohol at the time of the incident. The sole reliance on the testimony of the learned MM, in whose presence the TIP was conducted, is erroneous. He lastly submits that the



CCTV footage was also discarded by both Courts, as the footage was hazy and no certificate under Section 65B of the Evidence Act was furnished.

5. Learned APP for the State, on the other hand, has defended the impugned judgment and contended that the identification of the appellant in the TIP proceedings, as well as in Court by the victim/*vivek* is sufficient to sustain the conviction. Further, she submits that the appellant is also involved in other cases.

6. *Narender Kumar*, the complainant, examined as PW-1, deposed that on the night of the incident, his friend *Vivek Dogra* was unwell. While they were waiting for a cab, three accused persons approached them, one of whom placed a gun on his head and took him into a backside *gali*. *Vivek Dogra*, who was in a drowsy condition at that time, was also dragged by the accused and hit on his head. In the incident, he was robbed of his purse containing about Rs. 30,000/- Rs. 35,000/-, along with the RC of his bike, his DL, Axis Bank card, and mobile. They also robbed *Vivek Dogra* of his bag, whereafter they ran away on a scooty. During his deposition, the appellant was present in Court, however, the witness did not identify him as one of the persons involved in the incident. Reference was made to the TIP proceedings, but the witness clarified that the appellant was not the person he had identified therein. He was cross-examined by the learned APP, yet he denied all suggestions regarding the identity of the appellant. *Vivek Dogra*, the other victim, who was examined as PW2, in his testimony narrated the incident and identified the appellant.

7. Upon a PCR call being made, both victims were taken for medical



2025:DHC:10048



examination. A perusal of the MLC of *Vivek Dogra* exhibited as PW-11/A reveals that his condition was noted as “drowsy,” and his blood alcohol level was recorded as 163 mg per 100 ml. The Trial Court noted that the permissible limit of alcohol in blood is 30 mg per 100 ml, and thus the blood alcohol level of the witness was far above the permissible limit. Even otherwise, *Narender Kumar* categorically stated that *Vivek Dogra* was unwell and sleepy at the time of the incident. The other witness, *Vivek Dogra*, was not taken for TIP proceedings, and his identification of the appellant for the first time was disbelieved by both Courts.

8. Having gone through the testimonies of both witnesses, this Court is of the considered view that the judgment of acquittal rendered by the Trial Court was right. The Appellate Court’s reliance solely on the TIP proceedings is fallacious. For these reasons, the appellant’s conviction is set aside and the judgment of acquittal passed by the Trial Court is restored.

9. The appeal is allowed.

10. The bail bonds furnished by the appellant stand cancelled and his sureties are discharged.

11. A copy of this judgement be sent to the concerned Trial Court and concerned Jail Superintendent.

MANOJ KUMAR OHRI
(JUDGE)

NOVEMBER 13, 2025

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