



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

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*Reserved on: 25th September 2025
Pronounced on: 28th October 2025*

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CRL.L.P. 83/2019

STATE

Govt. of NCT of Delhi.

.....Appellant

Through: Mr. Utkarsh, APP for the State.

Versus

1. **LAXMAN SINGH**
S/o Sh. Jagdish Singh
R/o 8630, Roshanara Road,
Subzi Mandi,
Delhi.

2. **DEEPAK**
S/o Sh. Jagdish Singh
R/o 8630, Roshanara Road,
Subzi Mandi,
Delhi.

.....Respondents

Through: Mr. Anuj Rajpal, Adv.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T

NEENA BANSAL KRISHNA, J.

CRL.L.P. 83/2019

1. A Leave to Appeal Petition under Section 378(3) Cr.P.C has been filed on behalf of the Petitioners challenging the impugned Order/Judgment dated 11.09.2018 passed by learned Special Judge (NDPS)-1, Central



District Tis Hazari, Delhi, thereby acquitting the Respondents for the offence punishable under Section 324/34 IPC.

2. It is submitted that the impugned judgment is based on conjectures and surmises and therefore, bad in law. The testimony of the witnesses have not been appreciated in right perspective. The learned Trial Court has failed to consider that though the injury suffered by the Complainant and his wife was Simple, the weapon used to cause the injury was a sharp object.

Submissions heard.

3. Considering the submissions made by learned APP for the State, the Leave Petition is allowed and accordingly disposed of.

CRL.A. _____/2025 (To be numbered by the Registry)

4. An Appeal under Section 378(1) Cr.P.C has been filed on behalf of the Petitioner/State to challenge the Judgment dated 11.09.2018 passed by learned ASJ, Delhi, whereby the Respondents herein have been acquitted in case FIR No.492/2015 under Section 323/324/34 IPC registered at Police Station Subzi Mandi, Delhi.

5. The case of the Prosecution in brief was that, Sh. Ravinder Singh, Complainant gave the statement that the Respondents were residing adjacent to his house which he had taken on rent. On 29.09.2015 at about 07:45 P.M. they were smoking cigarette and blowing out the smoke towards the room of the Complainant. When his mother Smt. Kailash Kaur, who was inside their house, confronted the Respondent Laxman about why he was doing so, he retorted that they may shut the door of their house and what objection can they have when he was smoking in his own room. In the meanwhile, the Complainant also returned to his house. Thereafter, he started abusing them. In the meanwhile, Deepak brother-in-law of Respondent Laxman, also came



and he slapped the Complainant and pushed his wife. He then picked an empty bottle of liquor and threw it towards the Complainant which broke. He thereafter, picked up the broken pieces of bottle and hit the Complainant on his left arm. When his wife Smt. Harvinder Kaur intervened to save him, both the Respondents hit her as well, with the empty broken bottle. Both, he and his wife, suffered injuries. FIR No.492/2015 was registered, on his Complaint.

6. After investigations, the Chargesheet under Section 452/308/323/34 IPC was filed in the Court of Ld. MM. The case was committed to the Court of Sessions.

7. The learned ASJ in the Order on Charge dated 08.12.2016, concluded that the Charges were made out under only Section 324/34 IPC and accordingly the Charges were framed against both the Respondents, to which they pleaded not guilty.

8. The Prosecution in support of its case examined five witnesses.

9. **PW1/Ravinder Singh** is the Complainant who deposed about the incident as stated in his Application. PW2/Satish Chander is the Duty Officer.

10. **PW3/Const. Mohan Lal** had accompanied HC Bhagirath, the Investigating Officer and has deposed about the arrest of both the Respondents vide Memo Ex.PW1/C and Ex.PW1/D and their Personal Search vide Memo Ex.PW3/A and Ex.PW3/B.

11. **PW4/Doctor Rakesh Solanki** had proved the MLC of Ravinder Singh Complainant and his wife Harvinder Kaur as Ex.PW4/A and Ex.PW4/B respectively.



12. **PW5/Doctor Navin Kumar** on the basis of the MLC No.6315/15 of Ravinder Singh stated that the patient was declared 'Fit for Statement' at 09:58 P.M by Doctor Pankaj Kumar. Furthermore, the nature of injuries of both Ravinder Singh and his wife Harvinder Kaur were opined as 'Simple' in nature.

13. The learned ASJ observed that the Complainant did not fully support the case of the Prosecution and was cross-examined by learned APP for State at length, but nothing in support of the Prosecution case could be elicited. The Complainant denied that the Site Plan was prepared by the I.O at his instance. He also deposed that his signatures were obtained on blank papers, by the Police. It was thus, concluded that there was no incriminating evidence brought on record and the Prosecution failed to prove its case beyond reasonable doubt. Benefit was given to the two Respondents, *who were acquitted for the offences under Section 324/34 IPC.*

14. The acquittal has been challenged by the Petitioner/State ***on the grounds*** that the testimony of the witnesses has not been appreciated in the right perspective. It has not been considered that even if the injury was 'Simple', the weapon used to inflict the injury was a sharp object i.e. broken bottle. The truthfulness of the testimony of PW1 is fully established by the injury that was suffered by him which has not been considered. It has been wrongly concluded that PW1 the Complainant did not support the case of the Prosecution. The Prosecution had duly cited Smt. Harvinder Kaur, the second injured as a witness and was material to prove the case of the Prosecution. No cogent reasons have been given for declining the examination of the other injured witness Smt. Harvinder Kaur and the other



Prosecution witnesses. Prosecution evidence was wrongly closed *vide* impugned Order dated 11.09.2018.

15. Thus, it is prayed that the impugned judgment be set aside and the Respondents be convicted.

16. ***Learned counsel for the Respondent*** has submitted that the Trial Court has rightly appreciated the contradictions and the omissions in the testimony of the Complainant and given benefit to the Respondents. Thus, there is no merit in the Appeal which is liable to be dismissed.

Submissions heard and record perused.

17. The Chargesheet was filed under S. 452/308/323/34 IPC but the charge was framed only under 323/34 IPC.

18. The entire case of the Prosecution hinged on the testimony of PW1 Ravinder Singh. He has deposed that on the date of incident i.e. 29.09.2015 he along with his son Gurjeet Singh and daughter Simran, had gone out to purchase Cake as it was his birthday. His mother was sitting in her room when she felt a smell of smoke of Cigarette. She asked Respondent Laxman who lives in the neighbourhood, to not smoke the Cigarette on which he started abusing her. His wife Harvinder Kaur, who was present in the house, asked the mother not to say anything to the Respondent Laxman. In the meantime, Complainant reached outside his room with his daughter in his lap. He handed over the daughter to the wife, when the Respondent Laxman caught hold of him and slapped him. In the counter, he also slapped him back. He then asked his mother to recede back. In the meanwhile, Ms. Asha, sister of Respondent Laxman also reached there and started pushing the Complainant and his wife. The co-accused/Respondent No.2 Deepak also arrived there. The two Respondents picked up the liquor bottle lying



outside their room and threw the bottle at him and his wife, because of which he received injury on his left hand while his wife received injury on both the hands and chin.

19. In the meanwhile, Police came and they were taken to the Hindu Rao Hospital in an Auto, where their medical examination was done. His Statement Ex.PW1/A was recorded which bears his signatures at Points A and B. There is no cross-examination whatsoever done of the PW1.

20. However, the Complainant was cross-examined by the Id. Add. Public Prosecutor because the Complainant denied the preparation of the Site Plan at his instance and his signatures on the Arrest memo of the two Respondents. These aspects were part of the Investigation conducted subsequent to the incident, and cannot be termed as a circumstance to hold that the Complainant hostile. Rather, the Complainant has been consistent about the manner in which the incident took place and his testimony was completely in consonance with his Complaint Ex.PW1/A.

21. Moreover, the testimony of PW1 stands fully corroborated by the testimony of PW3/Const. Mohan who had accompanied HC Bhagirath I.O during the investigations. He deposed that on 29.09.2015 he along with HC Bhagirath, had reached the House No.8630, Roshnara Road, Delhi, where Laxman, Deepak, Ravinder and Harvinder were found present. All the aforesaid persons were taken to Hindu Rao Hospital. These persons were correctly identified by the witness. Moreover, they were arrested vide Memo Ex.PW1/C and 1/D and their Personal Search was conducted vide Memo Ex.PW3/A and 3/B which further corroborates their presence.



22. His testimony which again has not been subjected to any cross-examination, proved the presence of the two Respondents at the scene of crime at the relevant time.

23. Further, PW4/Dr. Rakesh Solanki as well as PW5/Dr. Navin have proved the two MLCs of the Complainant and his wife Harvinder Kaur as Ex.PW4/A and Ex.PW4/B respectively and have opined that the injuries suffered by them were *Simple in nature*. The MLCs, therefore, established not only that Smt. Harvinder Kaur, wife of the Complainant was present at the scene of crime and had suffered injuries but lends credibility and strength to the case of the Prosecution.

24. In this context, it is pertinent to observe that as per MLC Ex.PW4/B of Smt. Harvinder Kaur the injuries suffered by her on her right wrist and left finger and lower lip were lacerated wounds. The weapon used has been opined as *blunt*. Therefore, it is established that the injuries had not been caused on her by the broken glass bottle, but were inflicted otherwise.

25. However, the MLC of the Complainant/Ravinder Singh Ex. PW4/A indicated that he had multiple linear incised wounds in vertical and oblique on left forearm and on the interior aspect of the left arm. The kind of weapon was also stated as 'Sharp'. Even though there were no glass pieces of the broken liquor bottle picked up from the scene of crime; the I.O has not been examined to depose on this aspect and PW3/Const. Mohan Lal has also not deposed about collecting any broken pieces of the bottle from the site, but there is no reason to doubt the testimony of the Complainant that the injuries to his person, was caused by broken glass pieces. However, the injuries suffered were '*Simple*' in nature.



26. The Ld. ASJ fell in error to discard the testimony of the Complainant in toto, despite he being consistent about the main incident. The learned ASJ erroneously overlooked the consistent testimony of the Complainant which was fully supported by MLC, to conclude that the Prosecution has failed to prove its case only because the Complainant stated that the Site Plan was not prepared at his instance and that the signatures on all the documents included the Arrest Memo and Personal Search Memo had been obtained by the I.O on blank papers.

27. The Ld. ASJ on this erroneous assumption, also wrongly declined the examination of second injured Harjinder Kaur and the other prosecution witnesses including the I.O. However, even in the absence of this other evidence, *the testimony of the Complainant, supported by other evidence, proves beyond reasonable doubt that the simple injuries were caused by the Respondents.*

28. The question which arises is whether the injuries inflicted by broken glass bottle, as deposed by the Complainant can be termed as a dangerous weapon as provided under Section 324 IPC. The evidence of PW-1 is that a Liquor bottle was thrown at them which broke and a broken piece of glass was thrown which resulted in injury. The Glass pieces were not collected during the investigations and there is nothing to indicate the kind of broken glass used for causing injury. In the circumstances, the prosecution has not been able to prove and the injuries were caused by a dangerous weapon.

29. The incident as narrated by PW1, which is corroborated by the MLCs Ex.PW4/A and Ex.PW4/B and the Arrest Memos of the Respondents, thus proved the incident and suffering of *Simple injuries by the Complainant and his wife* on 29.09.2015.



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30. Considering the totality of circumstances, it is held that the Prosecution has proved beyond reasonable doubt that the two Respondents had inflicted *Simple injuries* on the Complainant and his wife on 29.09.2015.

31. The impugned Judgement of acquittal dated 11.09.2018 is hereby set aside and the Respondents are convicted for offences under Section 323/34 IPC.

32. List for Arguments on Sentence on 06.11.2025.

**(NEENA BANSAL KRISHNA)
JUDGE**

OCTOBER 28, 2025/va