



2025:DHC:9594



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

% Reserved on : 30.10.2025
Pronounced on : 01.11.2025

+ **CRL.A.888/2023**

CHARANJEETAppellant

Through: Mr. Amit Gupta & Ms. Muskan
Nagpal, Advocates

versus

STATE (NCT OF DELHI)Respondent

Through: Mr. Pradeep Gahalot, APP for State

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

JUDGMENT

1. The present appeal assails the impugned judgment of conviction dated 31.03.2023 and order on sentence dated 22.07.2023 rendered by the Sessions Court, which pertains to FIR No.67/2016 registered under Section 307 IPC and Sections 25/27/54/59 Arms Act at PS. Tilak Nagar, Delhi.
2. Vide order on sentence, under Section 307 IPC, the appellant was directed to undergo rigorous imprisonment for a period of 10 years in addition to the payment of fine of Rs.10,000/- and in default whereof, he was to undergo simple imprisonment for three months and under Section 25(1B)(b) of Arms Act, the appellant was directed to undergo rigorous imprisonment for a period of 3 years in addition to the payment of fine of Rs.5,000/- and in default of payment of fine, he was to undergo simple



imprisonment for two months. All the sentences were to run concurrently. The appellant was also entitled to the benefit of Section 428 of Cr.P.C.

3. The relevant facts for consideration of the present appeal are that DD 14A came to be recorded at PS: Tilak Nagar, Delhi on 14.01.2016 at about 8.15 AM, which noted that one person, namely, *Surjeet*, s/o Sh. *Amarjit* r/o B-282-283, DDA Colony, Choukhundi, Tilak Nagar, Delhi was admitted in Sehgal Nursing Home, Meera Bagh with stab injury. The DD entry was assigned to IO/SI *Dhananjay*, who along with Constable *Devender* reached the said hospital where the doctor declared the appellant unfit for statement. The blood stains were found on the spot and crime team was called. The IO again visited Sehgal Nursing Home to procure the statement of the injured. However, the injured was again declared unfit for giving statement.

4. MLC of the injured was collected and FIR came to be registered. The IO collected the relevant samples and during local examination, the IO met one *Deepak*, who identified himself as uncle of the injured. He stated that he had seen victim lying in front of their house at about 7.00 AM and thereafter he along with family members got the injured admitted in the Sehgal Nursing Home.

5. On 15.01.2016, the IO again went to Sehgal Nursing Home for recording the statement of the injured, however, the injured did not give his statement owing to pain. IO seized the blood-stained clothes and blood sample of the injured and deposited the same to the store room (*malkhana*). On next day, i.e., 16.01.2016, IO went to the said Nursing Home and recorded the statement of the injured in which the injured claimed that on 14.01.2016 at about 6.45 AM, while he was standing outside his house and was about to leave the house for going to gym, the appellant came and asked



for money from him. The appellant was already known to the injured. A scuffle ensued between them for money. In the scuffle, the appellant attacked on the person of the injured with a knife-like weapon and as a result, he fell down, whereupon, the injured was removed to the aforesaid Nursing Home by his family members.

6. The appellant came to be arrested and at his instance, the weapon of offence i.e., knife used in the crime was recovered, which the appellant had hidden the same below the brick behind the wall of garbage house near *Peer Baba ki Majaar*. A charge for the offences punishable under Sections 307 IPC and 25 & 27 Arms Act were framed by the trial court.

7. To prove its case, the prosecution examined 13 witnesses in total. The primary being the injured himself (*Surjit Singh*) as PW-1 and his uncle *Deepak* as PW-2. ASI *Satpal Singh*, who recorded DD 14A and exhibited the same was examined as PW-3. SI *Virpal* who registered the FIR was examined as PW-4. Dr *Manoj Kumar Sehgal* who had proved the MLC of the injured was examined as PW-5. The subsequent opinion was taken on the weapon of offence i.e., the recovered knife. The information was proved through. Dr. *V.K. Ranga*, Specialist, Department of Forensic Medicine, DDU Hospital, Hari Nagar, Delhi who was examined as PW-11. SI *Kalyan Singh* who had visited the crime spot was examined as PW-6. ASI *Ved Pal*, who had accompanied the IO at the time of recording of statement of the injured and arrest of the appellant as well as recovering the weapon of offence i.e., knife was examined as PW-7. HC *Devender Singh* who had accompanied IO/SI *Dhananjay Kumar* was examined as PW-9. SI *Dhananjay Kumar*, who was the IO of the case was examined as PW-10. Other witnesses deposed about various aspects of the investigation. In his



statement under Section 313 CrPC, the appellant claimed false implication but did not lead any evidence.

8. Learned counsel for the appellant has sought setting aside of the impugned judgment by contending that there is a delay of two days, which has remained unexplained especially in the light of the fact that at the time of admission, the injured was unconscious. Knife recovered allegedly at the instance of the appellant does not connect the case. Further, there was no matching with the blood of the victim. Without prejudice to the above, learned counsel submits that since the injury was caused at the spur of moment and scuffle, the appellant's conviction ought to be altered to Section 308 IPC.

9. The contentions of the learned counsel for the appellant are disputed by the learned APP for the State, who submitted that the injured has categorically stated that he was inflicted with the knife injury by the appellant on his refusal to pay Rs.200/-. Both the appellant as well as the knife used in the incident were identified by the injured. As per the subsequent opinion, it has been opined that the injury of the injured could be possible by a weapon of offence i.e., knife.

10. Surjeet Singh (PW-1), the injured, in his deposition stated that on 14.01.2016, he had left his home at around 6.45 AM to attend gym. The appellant was present just outside his house. The witness stated that he was familiar with the appellant as they were having visiting terms and having money transactions between them. The appellant demanded Rs.200/- from the injured. On refusal to pay the same, the appellant started abusing him and scuffled with him. In the meanwhile, he pulled out a knife from right side pocket of his jeans pant and hit him with the knife. He stabbed the



injured twice on his stomach. The moment the injured fell down, the appellant fled from the spot. Thereafter, his family members removed him to Sehgal Nursing Home. As he was under treatment, he was not in a position to depose anything about the incident. In his further examination, the witness identified the knife (Ex. P1) which was used by the appellant to stab the injured. PW-1 as well as his clothes (Colly Ex.P.2).

In cross-examination, he stated that he had known the appellant for about four years as he was residing in the vicinity of his residence and that some money transactions had started between them about a month prior to the incident. He admitted that besides the appellant, the witness had money transactions with other persons. He denied the suggestion that he was not financially able to lend money to the appellant. He also denied the suggestions that he was stabbed by one of his other debtors from whom he was scared. He further denied the suggestion that the appellant was falsely implicated as it was the witness who owed money to the appellant.

11. Mr. Deepak (PW-2), the uncle of the injured, in his deposition stated that while he stepped out from his house for walk on 14.01.2016 at about 7.00 AM, he noticed that his nephew (Surjeet Singh) was bleeding from his stomach and was in an injured condition. On checking, he found that the injured was unconscious. He removed the injured to the hospital. In cross-examination, he admitted that he had not seen as to who had caused the injured.

12. As per the MLC (Ex.PW-5/C), two wounds approximately 2 x 3 cm over umbilical region were found present. PW5 deposed that the injuries sustained by the patient had caused bowel perforation, internal accumulation



of blood and mesentery injury. The injuries were opined to be dangerous in nature.

13. ASI *Ved Pal* (PW7), deposed as to the injured naming the appellant in his statement, his arrest, and recovery of knife from the side of wall of the dumping yard near *Peer Baba Majar* at the instance of the appellant. As per the Sketch Memo (Ex.PW-7/D), the knife recovered had a blade of length 11 cm and breadth 2 cm and the knife is buttondar knife.

14. Dr. V.K. Ranga (PW11), after examining the recovered knife, gave his subsequent opinion that the injuries mentioned in the MLC were possible with the knife.

15. The victim has categorically deposed that the appellant, who he was familiar with, came outside his home in the early hours and demanded Rs. 200/-, and on his refusal, a scuffle ensued in which the appellant stabbed him twice in the stomach. His testimony is consistent with the prosecution case. His narration of the injuries caused is corroborated by the medical opinion. The weapon of offence also stands recovered. There is no delay in the registration of the FIR and the contention raised that the injured was declared conscious has no merits as a reading of the MLC would show that at the same time, the examining doctor had also declared the injured 'unfit for statement'.

16. In order to sustain a conviction under Section 307 IPC, the prosecution must establish that the act was done with such intention or knowledge that if death had been caused, the offence would amount to murder. The presence of intention or knowledge is *sine qua non*. When assessing whether an offence committed falls under the provisions of Section 307 IPC, the intention to commit the offence can be gathered from



the nature of injury as well as other attending circumstances like the seat of the injury, the nature of the weapons used and the severity with which the blows were inflicted. The act may not even result in an injury. As such, it is the intention or knowledge with which the act was committed which is to be considered. The ingredients of the section are satisfied if the prosecution is able to prove the intent and for its execution, commission of some overt acts (Ref: State of Maharashtra v Balram Bama Patil¹). The Supreme Court, in the case of Sivamani v. State,² discussed the law prevailing around Section 307 IPC in the following manner:-

9. In State of Madhya Pradesh v. Saleem, (2005) 5 SCC 554, the Court held that to sustain a conviction under Section 307, IPC, it was not necessary that a bodily injury capable of resulting in death should have been inflicted. As such, non-conviction under Section 307, IPC on the premise only that simple injury was inflicted does not follow as a matter of course. In the same judgment, it was pointed out that ‘...The court has to see whether the act, irrespective of its result, was done with the intention or knowledge and under circumstances mentioned in the section.’ The position that because a fatal injury was not sustained alone does not dislodge Section 307, IPC conviction has been reiterated in Jage Ram v. State of Haryana, (2015) 11 SCC 366 and State of Madhya Pradesh v. Kanha, (2019) 3 SCC 605. Yet, in Jage Ram (supra) and Kanha (supra), it was observed that while grievous or life-threatening injury was not necessary to maintain a conviction under Section 307, IPC, ‘The intention of the accused can be ascertained from the actual injury, if any, as well as from surrounding circumstances. Among other things, the nature of the weapon used and the severity of the blows inflicted can be considered to infer intent.

17. In the present case, as per the injured’s own deposition, he was previously acquainted with the appellant. They were on visiting terms and were having money transactions with each other. So, the appellant coming to

¹ (1983) 2 SCC 28

² 2023 SCC OnLine SC 1581



the injured, asking for money, was by itself not out of the ordinary. It is not the case that the appellant came with premeditated intent to stab the injured and deprive him of his money. In fact, it is not even the prosecution case that the appellant took any money from the injured after stabbing him, despite the scuffle relating to money. Thus, an overall view of the facts and circumstances would show that though the appellant did not have the intention of causing death, he can be attributed the knowledge that he was, likely by such act, to cause death.

18. Supreme Court in *Tukaram Gundu Naik v. State of Maharashtra*³, in a case where there were multiple incise wounds over epigastric region, elbow, back and side, noting that the act occurred suddenly in a scuffle, converted the sentence from that under Section 307 IPC to Section 308 IPC.

19. A Co-ordinate Bench of this Court in *Atul Chandra Dass v. State*⁴, in a case where a quarrel took place over Rs. 200/- and injuries were caused on the neck with a surgical blade, while modifying the conviction from Section 307 to Section 308 IPC, held as follows: -

*“7. For dealing with the contention of the learned counsel for the Appellant that from the facts proved an offence under Section 307 IPC is not made out, it will have to be seen from the facts of the present case whether the Appellant can be said to be possessed of the said intention necessary for constituting the offence punishable U/s 307 IPC or not. In *Ratan Singh v. State of M.P.*, (2009) 12 SCC 585, their Lordship's held that whether the accused is possessed of the intention to commit an offence punishable under Section 307 IPC or not has to be gathered from the facts and circumstances surrounding the offence. In the present case the admitted position is that the quarrel ensued between the*

³ (1994) 1 SCC 465

⁴ 2011 SCC OnLine Del 1980



Appellant and PW2 on the issue of money, when PW1 also intervened. In such a situation it cannot be said that the Appellant came with a premeditated mind for the offence of attempt to commit murder. The quarrel was going on only verbally and when the Appellant fell on the door of the closed shutter of the shop. It is then that he immediately got up and gave a surgical blade blow injury to PW1. From this it can be inferred that the infliction of the blade injury was instant and not pre-planned and motivated. Thus, it cannot be said that the Appellant had caused the injury with the intention to commit murder of PW1. The Appellant certainly had the knowledge that the injury caused by the Appellant could cause death of PW1 as he inflicted the surgical blade blow on the neck of PW1. From the facts proved, it can safely be inferred beyond reasonable doubt that the Appellant inflicted the injury with an intention to commit culpable homicide not amounting to murder and is thus liable to be convicted for offence punishable under Section 308 IPC.”

(emphasis supplied)

20. In the present case, in view of the factual matrix and prevailing position in law as discussed in the preceding paras, this court deems it fit to modify the conviction of the appellant from that under Section 307 IPC to Section 308 IPC. The conviction under the Arms Act is maintained.

21. As per the latest Nominal Roll on record, the appellant has undergone around 6 years and 11 months in custody, including remission. He has faced trial since 2016 and stated to be belonging to poor strata of the society. In the peculiar facts of the case, this Court is of the considered view that the ends of justice would be met if the substantive sentence of the appellant is modified to the period already undergone by him.

22. For the above noted reasons, the sentence of fine is also modified to Rs. 5,000/- and Rs. 2,500/- for the offences under Section 308 IPC and



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Section 25(1B)(b) of Arms Act respectively. In case the appellant fails to pay the fine amount, he shall undergo the default sentence of SI for I month and 15 days respectively.

23. Subject to payment of above noted fine, the appellant is directed to be released, if not required in any other case.

24. The present appeal is partly allowed in the above terms.

25. A copy of this judgment be communicated to the Trial Court as well as the Jail Superintendent.

MANOJ KUMAR OHRI
(JUDGE)

NOVEMBER 01, 2025

pmc