



2025:DHC:11747



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

% **Reserved on: 16th September, 2025**
Pronounced on: 22nd December, 2025

+ **CRL.L.P.300/2017**

STATE (GNCT OF DELHI)

Govt. of NCT of Delhi

Delhi Secretariat,

IP Estate, New Delhi.

.....Petitioner

Through: Mr. Ajay Vikram Singh, APP.

versus

1. **RAKESH SEHRAWAT**

S/o Sh. Raj Singh

R/o Village Mahipal Pur,

New Chowk Main Vasant Kunj Road,

Mahipal Pur, New Delhi.

2. **PAWAN SEHRAWAT**

S/o Sh. Daya Chand

R/o Village Mahipal Pur,

Near Chowk Main Vasant Kunj Road,

Mahipal Pur, New Delhi.

.....Respondents

Through: Respondent No.2 through VC.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T

NEENA BANSAL KRISHNA, J.

CRL.L.P.300/2017

1. A Petition under Section 378(4) of the Code of Criminal Procedure, 1973 (*hereinafter referred to as "Cr.P.C"*) has been filed on behalf of the

CRL. APPEAL ... / 2025 (to be numbered)

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Petitioner/State seeking Leave to Appeal against the Judgment dated 15.12.2016, passed by learned ASJ-03, Saket Courts, New Delhi in case FIR No.435/2010 titled as “*State vs. Rakesh Sehrawat & Anr.*” whereby learned ASJ has **acquitted** the Respondents/Rakesh and Pawan Sehrawat for the offences under Section 323/427/308/506/34 of the Indian Penal Code, 1860 (*hereinafter referred to as “IPC”*).

2. It is submitted in the Petition that the learned Trial Court has committed grave error while relying upon the testimony of the Respondent/Accused and not placing reliance upon the testimony of the Prosecution regarding involvement of the Respondent in the commission of offence. Furthermore, the learned Trial Court had committed error in not appreciating the testimony of PW3 and PW4 who categorically deposed about the sequence of events and incident and also the role played by each of the accused in causing injuries on their person and also damage to the vehicle of PW3, the Complainant. The learned Trial Court has also failed to appreciate that there was no motive or reason for the Complainant to falsely implicate the accused persons and to damage his own vehicle.

3. It is submitted that the impugned Judgment has been passed in a mechanical manner ignoring the sufficient material available on record for the conviction of the Respondents.

Submissions heard.

4. In view of the submissions made in the Leave Petition, the same is allowed and stands disposed of accordingly.



CRL. APPEAL ... / 2025 (to be numbered)

5. Criminal Appeal under Section 378(1) Cr.P.C. has been filed on behalf of the **Petitioner/State** to challenge the Judgment dated 15.12.2016 whereby learned ASJ has **acquitted** the Respondents/Rakesh and Pawan Sehrawat for the offences under Section 323/427/308/506/34 IPC.

6. The **brief facts of the case** are that *vide* DD No.6-A dated 23.12.2010, an information regarding a quarrel in front of *B-10 Market, Vasant Kunj*, was received. SI Surjit Singh along with Const. Somvir reached the spot, where he met Complainant/Devender Singh Chahar along with his Scorpio Car. The Complainant was taken to Safdarjung Hospital for his medical examination, after which he refused to give his statement on account of severe pain. On the next day i.e. 24.12.2010, his statement was recorded, wherein he stated that while he was in his Scorpio Car No. HR26 BF 0050, one boy (Rakesh) broke the rear glass of the car with a baseball bat. Accused Pawan came to the front of the car and took out the key Scorpio car. He then started hitting the Complainant with a *danda*. On the exhortation of Pawan, Rakesh hit the Complainant on his head with a *danda*, because of which he received injuries. They broke the glasses and head light of the car of the Complainant.

7. One PCR van reached the spot and rescued the Complainant. The accused persons ran away from the spot. FIR No.435/2010 under Section 323/427/308/506/34 IPC was registered at Police Station Vasant Kunj. After the investigations were completed, **Chargesheet** was filed in the Court on 27.02.2011.



8. **Charge** under Section 308/34 IPC and Section 427/34 IPC was framed against both the Respondents on 24.01.2012, to which they pleaded *not guilty*.
9. The Prosecution in support of its case examined **nine witnesses** in all.
10. **PW-3, Devender Chahar** is the Complainant, who had deposed about the incident of being beaten up by the two accused and also the damage caused to his car by the two accused.
11. **PW-4, Navdeep Partap Singh** deposed that on 22.12.2010 at about 12:30 A.M called him and asked him to come B-10 Market, Vasant Kunj. He reached there at about 01:00 A.M and was an eye witness to the entire incident as stated by the Complainant.
12. **PW-5, ASI Pawan Singh** released the Scorpio car on *Superdari* to Navdeep Singh.
13. **PW-6, Dr. Adil Fahad Ansari**, Fortis Escorts Hospital, proved the MLC of Complainant Devender Chahar as Ex.PW6/A.
14. **PW-7, Taslimuddin Siddiqui** had conducted the mechanical inspection of the Scorpio car and prepared his Mechanical Inspection Report Ex.PW7/A.
15. **PW-1, ASI Ram Kumar** proved the DD No.6A dated 24.12.2010 Ex.PW1/A.
16. **PW-8, ASI Ajit Singh** was the Duty Officer, who made the endorsement on the Complaint which is Ex.PW8/B and thereafter registered the FIR No.435/2010 which is Ex.PW8/A.
17. **PW-9, SI Surjit Singh** was the Investigating Officer, who deposed about the entire investigation conducted by him after which he filed the



Chargesheet. **PW-2, Const. Suresh Kumar** had joined investigations with the I.O. and was a witness to the arrest of both the Accused Rakesh and Pawan Sehrawat *vide* Memo Ex.PW2/A and 2/B and their Personal Search Memos are Ex.PW2/C and Ex.PW2/D. The Scorpio Car was seized *vide* Memo Ex.PW2/E.

18. The Respondent in their respective statements under Section 313 Cr.P.C. denied all the incriminating evidence and claimed that they had been falsely implicated.

19. The Respondents in their defence examined **DW-1, Jasbir Chauhan** who deposed that he knew Devender Chahar and Navdeep Yadav for the last about ten years and had good relations with them. On 23.12.2010 in the morning, Devender Chahar had informed that on the previous night 4-5 persons had altercation with him and Navdeep Yadav and those people seemed to be local residents. He further told that he along with Navdeep Yadav, had consumed alcohol in their car parked near Police Station and since they were drunk, they were unable to recognize or identify those 4-5 persons. He, being the friend of Devender Chahar and Navdeep Yadav, tried to trace them from the description of those 4-5 persons given by Devender Chahar, who told him that they were healthy. He has not been maintaining good relations with Pawan Sehrawat. On the next day, i.e. 23.12.2010 in the evening, he visited Police Station on the request of Devender Chahar and Navdeep Yadav. The witness suggested the name of Rakesh and Pawan to Devender Chahar and Navdeep Yadav and told them that there was a possibility of their involvement in the incident. Thereafter, he came to know that FIR had been registered against Pawan and Rakesh.



He further deposed that they all were known to each other and had no grievance against each other.

20. Learned ASJ in the impugned Judgment dated 15.12.2016 considered the testimony of the two public witnesses in the light of the evidence of other Prosecution witnesses and concluded that there were inherent contradictions and inconsistencies in the case of the Prosecution and acquitted the two Respondents by giving them benefit of doubt.

21. *Aggrieved of the said acquittal of the Respondent, the State has preferred the present Appeal.*

22. Essentially, the **grounds of challenge** are that the learned Trial Court has not relied upon the testimony of the Prosecution witnesses in regard to the involvement of the Respondents in the commission of the offence.

23. The testimony of PW3 and PW4, who had deposed about the entire sequence of events and incident and had explained the role played by both the Respondents with no material contradictions, has not been appreciated correctly. Their testimony stand fully corroborated by DD No.6A which was recorded immediately on the happening of the incident. The damage to the car has been proved by PW7/Taslimuddin Siddiqui, which has been overlooked. There was no reason for PW3/Devender Chahar to have caused damage to his own car, just to implicate the Respondents in the false case.

24. The MLC which supports the injuries suffered by the two witnesses i.e. PW3 and PW4, has not been considered. PW6/Dr. Adil Fahad Ansari has also proved the MLC and the injuries suffered by the two injured. There is no evidence to prove that these injuries were self inflicted.



25. Likewise, the two Respondents in their respective Statements under Section 313 Cr.P.C had merely claimed that they had been falsely implicated at the instance of Jasbir because he had enmity with the accused persons. Jasbir has been examined as DW1.

26. These facts clearly reflect that the accused persons had taken contradictory stand and have failed to prove that they were falsely implicated in this case. Grave error has been committed by the learned Trial Court in considering the evidence in a mechanical manner and without appreciating the authenticity of the same.

27. *A prayer is, therefore, made that the impugned judgment dated 15.12.2016 be set aside and the Respondents be convicted.*

28. The **Respondents have submitted their Reply**, wherein it is submitted that there is no perversity or unreasonableness in the judgment and it requires no indulgence.

29. The Respondent had denied their involvement in the present case and has asserted that they had been implicated falsely at the instance of Jasbir Singh, who had been examined by them as DW1. It is further asserted that a PCR official was passing through the place when the incident happened. They had stopped the PCR vehicle after seeing the incident and apprehended one of the accused. The PCR officials were material witnesses to corroborate the case of the prosecution, but they have not been cited as a witness in the Chargesheet, as was also admitted by PW9 SI Surjit Singh, the I.O.

30. Furthermore, there were inherent contradictions in the manner in which the incident took place, in the testimony of PW3/Devender Chahar



and PW4/Navdeep Pratap Singh, which has been rightly appreciated by the learned ASJ. Pertinently, it was deposed by PW9/SI Surjit Singh that the Arrest Memos of the accused persons had the signatures of Devender Chahar and Navdeep Pratap Singh, but the perusal of the Arrest Memos show that they have not even been mentioned as the persons present at the time of the arrest of the two Respondents. Likewise, the Site Plan, Ex.PW9/B which was deposed by PW9 to have been prepared at the instance of the Complainant, but it does not bear his signatures.

31. It is thus, submitted that the Prosecution had miserably failed to prove their case beyond reasonable doubt and the Respondents have been rightly acquitted.

32. The **Status Report dated 29.12.2022 had been filed on behalf of the State**, wherein it was stated that Rakesh Respondent No.1 had died on 05.11.2021 due to illness and his death was duly verified by the I.O.

Submissions heard and record perused.

33. Respondent No.1/Rakesh Sehrawat has died and the Appeal survives against Respondent No.2/Pawan Sehrawat only, who has been charged under Sections 308/427/34 IPC for causing damage to the car of Navdeep Pratap Singh and also for inflicting injuries to Devender Singh Chahar with baseball bat.

34. **First aspect** for consideration is the identity of Respondent No.2/Pawan Sehrawat. Pertinently, the incident happened in the intervening night of 22/23.12.2010, when Devender Singh Chahar (the Complainant) along with his friend, Navdeep Pratap Singh was sitting in his Scorpio car bearing registration No.HR-26-0050 at *B-10 Market, Main Road, Vasant*



Kunj near Police Station, when they were attacked with *danda* by Respondent No.2/Pawan, who smashed the rear wind screen of the car and thereafter, Respondent No.1 Rakesh came to the front of the car and took the keys of car. Pawan gave a blow with baseball bat on the head of Complainant Devender Singh Chahar, causing him injuries.

35. It has emerged from the testimony of PW-3/Devender Singh Chahar and PW-4/Navdeep Pratap Singh that immediately after the incident, there was PCR van which came to the scene and on seeing the PCR, accused Pawan fled from the spot but Rakesh was apprehended and handed over to Police, but he also was able to run away from the PCR van.

36. PW-4/Navdeep Pratap Singh, who was eye-witness and present in the Scorpio Car with injured PW-3/Devender Singh Chahar, in his statement dated 24.12.2010 deposed that after the incident Devender Singh Chahar was bleeding from his head. Thereafter, Navdeep Pratap Singh made a call to Police at No.100 and local Police came and took Devender to Safdarjung Hospital, where treatment was given to Devender Singh Chahar.

37. Their testimony is corroborated by PW-9/SI Surjit Singh who has deposed that on receiving DD No.6A dated 24.12.2010, Ex.PW1/A, he along with Const. Somvir reached the spot, where he met Devender Singh Chahar and took him to Safdarjung Hospital for his medical examination and thereafter, made a request to him for giving statement, but he denied because of pain and told that he would give the statement tomorrow.

38. It is evident that Navdeep Pratap Singh, eye-witness was not taken to the Hospital and no medical of his was done, since, as per the Prosecution, he did not suffer any injury.



39. The first *fact of significance* which emerges from the testimony of PW-4/Navdeep Pratap Singh is that PCR van had first reached the spot, to which accused Rakesh had been handed over, who managed to escape. Pawan had already fled from the spot.

40. The most important witnesses were PCR officials, who were first to reach the spot and had apprehended accused Rakesh, but neither these PCR officials were made witness nor their statements were recorded, as has emerged from the cross-examination of PW-9 / I.O. Most material evidence about the assailant has thus, not been collected by the I.O.

41. **Second aspect** which requires consideration is the identity of the two Respondents as the assailants. It emerges from the cross-examination of PW-3/Devender Singh Chahar, that he had seen accused Pawan in the village, where he used to go to meet his friend, but had never seen Rakesh prior to the incident. He further admitted that he had called his friend Jasbir, who along with Navdeep Pratap Singh, had accompanied him to the Hospital for his medical treatment. He stated that he was not aware whether Jasbir was known to the accused persons or not. He then had gone to the house of Pawan at about 10-11 AM, but he was not there and his father informed that his son Pawan was with one Rakesh, thus, he came to know that the other accused was Rakesh.

42. Pertinently, from the cross-examination of PW-3/Devender Singh Chahar and PW-4/Navdeep Pratap Singh, it also emerges that Police after their medical examination, had brought them to the Police Station at about 03:30 AM and allowed them to go home without recording their statements,



as Devender Singh Chahar had sustained injuries and asked to go home and return later for giving statement at about 10-11 AM.

43. It is further corroborated by PW-4 that at about 01-02 PM, Police along with Devender Singh Chahar, went to the house of accused Pawan but he was not there. Police also recorded statement of Navdeep Pratap Singh for the first time at about 06:00 PM on 23.12.2010, who deposed that he came to know about the name of accused persons in the Police Station and also saw them in Police Station itself on 23.12.2010, after the incident. He stated that he also did not know the name of father of Rakesh, but he stated that Devender Singh Chahar knew them.

44. PW-3/Devender Singh Chahar deposed in his cross-examination that he after incident, had called his friend Jasbir Chauhan, who had accompanied him to the Hospital. It has also emerged that the PW-3 as well as PW-4 were not aware of the identity of the assailants but their names were suggested by Jasbir Chauhan.

45. Jasbir Chauhan has been examined as DW-1 by the Respondents, who corroborated that in the morning of 23.12.2010, he received telephone call from Devender Singh Chahar that he had altercation with 4-5 persons on the last night, who looked like local residents. He further stated that as they had consumed alcohol, therefore, they were not able to recognise or identify those 4-5 persons. He, being a friend of Devender Singh Chahar and Navdeep Yadav, tried to trace the assailants from the description given by Devender Singh Chahar that they all were healthy. He had not been maintaining good relations with Pawan Sehrawat.



46. On reaching the Police Station in the evening of 23.12.2010 and on the asking of Devender Singh Chahar and Navdeep Yadav, he suggested the name of Pawan and Rakesh of being possibly involved in the incident. Thereafter, he left the Police Station. Subsequently, he came to know that the FIR had been registered against them.

47. It thus, emerges from the testimony of Jasbir Singh that at the time of assault neither Devender Singh Chahar nor Navdeep Yadav were aware of the names of the assailants. It has also emerged that they both were drunk and this is corroborated by MLC of Devender Singh Chahar, Ex.PW-6/A, wherein the “smell of alcohol” was recorded. The name of all the assailants were thus, not known.

48. It is also significant as PW-3/Devender Singh Chahar, after the discharge from the Hospital, did not make any statement on the pretext of having pain and the same got recorded only on the next date, i.e. 24.12.2010 at about 06:25 PM.

49. The names were suggested by Jasbir Singh, as suspects and Police and the Complainant had indeed gone to the house of accused Pawan in the morning of 23.12.2010, but he was not present there. It is Pawan’s father, who suggested that he was with Rakesh and on the basis of suspicion of the father, Rakesh was subsequently apprehended.

50. It all reflects that the Complainant/Devender Singh Chahar and Navdeep were not aware of who the assailants were but subsequently, after getting to know their name, i.e. Pawan Seharawat and Rakesh Seharawat, the statement was made by Devender Singh Chahar on 24.12.2010 at about 06:25 PM., giving their names in the Complaint.



51. Pertinently, in DD No.06-A, Ex.PW1/A, it had been recorded that they were assaulted by 4-5 persons, while in the FIR only two assailants i.e. the respondents were named.

52. Clearly, from the entire evidence as led by the Prosecution, there is grave suspicion created about the identity of the Respondents Pawan Sehrawat and Rakesh Seharawat, being the assailants on the date of incident. Learned ASJ has rightly noted these discrepancies in the prosecution evidence.

53. The **third aspect** which assumes significant is that PW-3/Devender Singh Chahar and PW-4/Navdeep Pratap Singh had deposed in their cross-examination, that no paperwork was done in their presence on the spot and all paperwork was prepared in the Police Station. They both deposed that the arrest of two Respondents was not made in their presence.

54. Another important piece of evidence is the MLC of injured Devender Singh Chahar, i.e. Ex.PW-6/A, where he merely gave the history as assault, but neither disclose the number of assailants or name of any assailant, which reflects that he was not aware about the name of the assailants, which have been given subsequently.

55. Though, PW-9 SI Surjit Singh asserted that two accused were arrested in the presence of injured and Navdeep Pratap Singh and they had signed on the Arrest Memo, Ex.PW-2/A and PW-2/B respectively and Personal Search Memo, Ex.PW-2/C and PW-2/D, but Arrest Memo does not bear the signatures of any eye-witness but only of Const. Somvir. This further corroborates that Respondents had been picked up subsequently and were



not arrested in the present of any eye-witness, which again creates a doubt about the manner in which they were arrested by the Police on 24.12.2010.

56. **Fourth aspect** which is of immense significance is that PW-3/Devender Singh Chahar has deposed that he himself had handed over the weapon of offence, i.e. *danda* and baseball bat, which were used by the assailants at the time of incident, to the Police on 24.12.2010, which were sized *vide* Seizure Memo, Ex.PW-2/F.

57. It is again interesting to note that the alleged incident happened in the morning of 23.12.2010, when the two assailants allegedly had used *danda* and baseball bat to damage the car and cause injury to Devender Singh Chahar. Interestingly, the Police had reached the spot after the incident and taken the injured to the Hospital. PW-3 Devinder, as per his own testimony, picked up the weapons of offence, i.e. *danda* and baseball bat, and kept them with him and handed them over to the IO on the next day, i.e. 24.12.2010. It is indeed intriguing that Devender Singh Chahar, after being injured, would pick up the weapons of assault from the spot and keep them in his custody till he handed over them to the Police. The Police on the other hand, made no endeavour to seize the weapons of offence from the spot. The entire manner in which the alleged weapons of offence have been seized, also creates a great suspicion about the use of weapons, i.e. *danda* and baseball bat and their alleged recovery and seizure by the I.O.

58. In this context, it is also pertinent to observe that Scorpio Car of Navdeep was damaged and left on the spot.

59. PW-9/SI (Retd.) Surjit Singh failed to explain as to how the car was brought to the Police Station and he admitted in his cross-examination that



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he did not left any personnel on the spot before going to the Hospital with the injured. Car was removed from the spot by them on the same night before leaving for the Hospital, but he did not know who had driven the same. He also admitted that no statement of any witness was recorded about the removal of the car from the spot to the Police Station on the said night or thereafter. There is no evidence, whatsoever, which has emerged in the testimony of I.O. / PW-9/SI (Retd.) Surjit Singh, as to how this car was brought to the Police Station and subsequently, inspected by PW-7/Taslimuddin Siddiqui.

Conclusion:

60. In the light of aforesaid discussion, it is held that learned ASJ has rightly appreciated the prosecution evidence and held that prosecution has miserably failed to prove the Charges beyond the reasonable doubt.

61. There is not merit in the present Appeal, which is hereby **dismissed** along with pending Applications, if any.

**(NEENA BANSAL KRISHNA)
JUDGE**

DECEMBER 22, 2025/R/va