



2025:DHC:12044



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IN THE HIGH COURT OF DELHI AT NEW DELHIDate of Decision: 17.12.2025

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CRL.A. 843/2016

STATE (GOVT NCT OF DELHI)

.....Appellant

Through: Mr. Pradeep Gahalot, APP for State
with SI Naresh Lal Sharma, P.S.
Shahdara, Delhi.

versus

VASIM

.....Respondent

Through: Mr. RPS Bhatti, Advocate.

CORAM:**HON'BLE MR. JUSTICE MANOJ KUMAR OHRI****JUDGMENT (ORAL)**

1. The present appeal has been preferred by the appellant/State under Section 378(3) Cr.P.C., seeking setting aside of the impugned judgment of acquittal dated 29.11.2014 passed by the learned ASJ-02, North-East District, Karkardooma Courts, in SC No. 121/2012 arising out of FIR No. 307/2011 registered under Sections 392/411 IPC at P.S. Shahdara.

Notably, the leave to appeal before this Court was granted vide order dated 02.09.2016.

2. The case of the prosecution is that on 30.09.2011 at about 07:30 p.m., the complainant/*Akash* was going for an evening walk, and when he reached near Shanti Nursing Home, the respondent herein came to him from the front side, frightened him by putting a knife to his neck, and snatched his



gold chain. The respondent then attempted to flee, but the complainant raised an alarm, and the public persons present at the spot managed to overpower and apprehend the respondent. The public persons began beating him. Ct. *Dhirender* and Ct. *Bijender*, who were patrolling in the area, saw the crowd, came to the spot, and rescued the respondent. After separating him from the crowd, Ct. *Dhirender* recovered a gold chain from the respondent's left hand and a knife from his right hand. The respondent was arrested, and thereafter, SI *Sandeep Kumar* and Ct. *Anish* arrived at the spot. SI *Sandeep Kumar* recorded the statement of the complainant, and based on the said statement, the subject FIR was registered. Upon completion of investigation, the chargesheet was filed; and charges were subsequently framed against the appellant under Sections 392/411 IPC, to which he pleaded not guilty and claimed trial.

3. The prosecution examined 6 witnesses in support of its case. The complainant/*Akash* deposed as PW-3; whereas Ct. *Dhirender Singh* and Ct. *Vijender Kumar*, who were on patrolling duty near the spot at the time of the incident and were the first officials to reach the spot, were examined as PW-2 and PW-4 respectively. PW-5/SI *Sandeep Kumar* and PW-6/Ct. *Anish* are the police officials who reached the spot of the incident upon receipt of the concerned DD No. 20A. The then Duty Officer, SI *Satpal Singh*, was examined as PW-1.

4. I have heard the learned APP for the State as well as the learned counsel for the respondent and gone through the record.

5. The Trial Court has observed that while, as per the prosecution's own case, public persons apprehended the respondent at the spot of the incident, no public witnesses besides the complainant were joined in the investigation



of the present case. Even in the later stages, such as during the preparation of the site plan or the recovery of the gold chain, no independent public person was joined in the investigation. The Trial Court found that no sincere efforts were made by the police to join public persons and simply a “stock plea” stating that the persons present were asked to join the investigation but none agreed, has been put forth.

6. While there were 2-3 shops in front of Shanti Nursing Home, near the spot of the incident, the I.O. admitted in his cross-examination that he did not make any inquiry from the said shopkeepers as to how the respondent herein came to sustain the injuries suffered by him. The shopkeepers could have helped prove the prosecution case beyond doubt, and no cogent explanation has been provided for the I.O.’s failure to do the needful with respect to making inquiries from the said shopkeepers.

7. There is nothing on record to show that any notice was served upon public persons who apparently refused to join the proceedings. Despite police proceedings carrying on for quite some time and public witnesses being easily available at the spot, none were joined, which creates doubts about the veracity of the case.

8. The complainant/*Akash* (PW-3) has stated in his statement recorded by the I.O. (Ex. PW-3/A), as well as in his Court deposition, that the lock of the chain worn by him broke during the incident. The factum of the recovered chain being broken ought to have been noted in the seizure memo, but a perusal of the seizure memo (Ex. PW-1/B) reveals that there is no mention of this detail.

9. The complainant has deposed that the police officials stayed at the scene for only two minutes after recovery from the respondent, and him as



well as the respondent were thereafter taken to the police station. While the prosecution claims that the recovered chain was sealed by the I.O. at the spot itself by placing it in a plastic container with the seal of “SK”, the complainant has deposed that the police showed him the gold chain at the police station.

10. In the complainant’s initial version as outlined in the complaint, he stated that he raised alarm and thereafter public persons present at the spot apprehended the respondent and started giving beatings to him; and in the meantime, Ct. *Dhirender* and Ct. *Bijender*, who were patrolling the area, came to the spot and rescued the respondent from public persons. However, in his Court deposition, the complainant has stated that on his raising alarm, two police officers pursued the respondent, who was running away, and managed to overpower and apprehend him. The two versions put forth by the complainant are mutually inconsistent.

11. The quality of the investigation, even other than the non-joining of public witnesses, weakens the prosecution case. There are discrepancies regarding the place and time of arrest and the signing of documents. PW-2/Ct. *Dhirender Singh* stated that the respondent was arrested at the spot itself at about 8:15-8:20 p.m.; however, the arrest memo (Ex. PW-1/D) records the time of arrest as 11:20 p.m. According to the I.O., SI *Sandeep Kumar* (PW-5), the writing work was carried out by him in the hospital, whereas the complainant/*Akash* in his deposition has stated that all the concerned documents were signed by him at the police station.

12. The identification of the weapon of offence, i.e., the knife, is also not free from doubt as the complainant could not identify the same upon it being produced in Court, citing lapse of time.



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13. Considering all the aforesaid, this Court is of the considered view that the prosecution has not established the guilt of the respondent beyond reasonable doubt, and that the view taken by the Trial Court is plausible, well-reasoned, and supported by the evidence on record.

14. It is trite law that an appellate Court must be slow to interfere in an appeal against acquittal unless the findings of the Trial Court are shown to be perverse. The principle of double presumption of innocence, which operates in favour of an accused after acquittal, is well settled¹.

15. Accordingly, the acquittal of the respondent under Sections 392/411 IPC is upheld and the present appeal is dismissed.

16. A copy of this judgment be communicated to the concerned Trial Court.

MANOJ KUMAR OHRI
(JUDGE)

DECEMBER 17, 2025/nb

¹ Ravi Sharma Vs. State (NCT of Delhi), (2022) 8 SCC 536; and Anwar Ali v. State of H.P., (2020) 10 SCC 166