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

\# **CNR No. DLHC010183262023**

\+ **CRL.REV.P. 543/2023 & CRL.M.A. 12984/2023**

STATE (GNCTD OF DELHI) .....Petitioner

Through: Mr. Digam Singh Dagar, APP
SI Krishan Kumar, P.S. Mundka

versus

SOMDUTT @ RAVI .....Respondent

Through: Respondent in person. *(through VC)*

CORAM:
HON'BLE MS. JUSTICE MADHU JAIN

O R D E R

% 05.10.2026

1. This hearing has been done through hybrid mode.

2. The present Criminal Revision Petition has been filed by the petitioner under Sections 397/401 of the Code of Criminal Procedure, 1973 (hereinafter referred to as Cr.P.C.), challenging the impugned order dated 12.04.2023 passed by the learned ASJ-08, West District, Tis Hazari Courts, Delhi, whereby the Respondent/Accused was discharged in ***SC No. 839/2022,*** arising out of ***FIR No. 584*** dated 12.08.2022, registered under Sections 302/397 IPC at Police Station Mundka, Outer District, Delhi.

3. Briefly stated, the facts of the prosecution case are that on 12.08.2022, at about 08:58 AM, a call was received at Police Station Mundka, wherein the caller informed that a man, aged about 45 years, had been murdered near Baba Hari Das Colony and that the deceased was lying without clothes on the upper

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part of his body. The said information was recorded vide ***DD No. 49A*** and was entrusted to SI Rajvir Singh for necessary action. Subsequently, on the complaint of SI Rajvir Singh, ***FIR No. 584/2022*** was registered under Section 302 IPC and investigation was entrusted to Insp. Bineet Kumar Pandey.

4. On 22.08.2022, the deceased was identified by his brother Ashok at the mortuary of SGM Hospital, Mangolpuri, as Manoj S/o Edward, resident of Village Marpakothi, District Sitamarhi, Bihar, whereafter post-mortem examination was conducted. The viscera of the deceased was also sent to FSL for examination.

5. It is further the case of the prosecution that on 25.08.2022, another ***FIR No. 21/2022*** under Sections 302/201/397/34 IPC was registered at Police Station Sarai Rohilla Railway Station in relation to a dead body found on the railway track under similar circumstances. On 31.08.2022, the Respondent/Accused was arrested in the said case and, during investigation, allegedly confessed to having committed the murder in the present case ***FIR No. 584/2022***, Police Station Mundka.

6. Learned counsel for the Petitioner submits that there is an error and infirmity in the impugned order, particularly with regard to the CDR location of the Respondent/Accused being found in the same locality where the incident had taken place.

7. Learned Counsel for the petitioner further submits that learned ASJ has discharged the Respondent/Accused on the ground that his house was situated within the vicinity of the cell tower covering the place of occurrence. It is submitted that such an observation is merely a hypothesis and, by itself, could not have been a ground for discharging the Respondent/Accused.

8. This Court is unable to accept the aforesaid contentions. A perusal of

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the impugned order shows that the learned Trial Court has not proceeded on the basis of the mobile location of the Respondent/Accused alone. The said circumstance has been considered along with the other material available on record.

9. The learned Trial Court has taken note of the fact that there was no eyewitness or last-seen evidence connecting the Respondent/Accused with the commission of the offence. It has further been noticed that nothing incriminating was recovered from the Respondent/Accused or at his instance, nor were his clothes seized or any samples collected from him which could have any bearing on the pending FSL report.

10. Insofar as the CDR location is concerned, the learned Trial Court has observed that the Respondent/Accused is himself a resident of the same locality, which is also reflected from his arrest memo. Therefore, his presence within the area covered by the concerned cell tower cannot, by itself, be treated as an incriminating circumstance. The said finding is based on the material available on record and cannot be said to be merely hypothetical.

11. The mere fact that the mobile phone of the Respondent/Accused was located in the same locality, when he himself is a resident of the said locality, does not establish his presence at the place of occurrence or connect him with the commission of the offence. In the absence of any other corroborative material, the said circumstance does not give rise to the requisite suspicion against the Respondent/Accused.

12. This Court finds that the learned Trial Court has duly considered the material available on record and has given cogent reasons for arriving at the conclusion that no sufficient ground was made out to proceed against the Respondent/Accused. No perversity, illegality or material irregularity has

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been pointed out in the impugned order warranting interference by this Court in exercise of its revisional jurisdiction.

13. Accordingly, this Court finds no merit in the present petition. The same is, therefore, dismissed

14. So far as the cost imposed upon the State is concerned, the impugned order is modified to the extent that the compensation amount shall be disbursed to the accused through the office of the DLSA and not through the office of the DCP, Outer District.

15. The compensation amount, as reduced to ₹50,000/-, shall be disbursed through the office of the DLSA, West, Tis Hazari Courts, Delhi

16. The order be uploaded on the website forthwith.

MADHU JAIN, J

OCTOBER 5, 2026/*prg/KA*

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