



2026:DHC:907



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

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*Reserved on: 06th November, 2025
Pronounced on: 04th February, 2026*

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**CRL.A. 898/2025, CRL.M.A. 18923/2025 and
CRL.M.(BAIL) 1401/2025 (stay)**

RAVI KUMAR MEENA

S/o Late Sh. Ramesh Chand,

R/o H. No. CN-380, Gali No.4,

Punjabi Basti, Anand Parbat, Delhi.

.....Appellant

Through: Mr. Sanchit Sehgal, Mr. Nagendra
Singh, Advocates.

versus

STATE OF NCT OF DELHI

through SHO, P.S.: Anand Parbat, Delhi.

.....Respondent

Through: Mr. Utkarsh, APP for the State with
W/SI Saloni, P.S.: Anand Parbat.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T

NEENA BANSAL KRISHNA, J.

1. A Criminal Appeal under Section 415 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*hereinafter referred to as 'BNSS'*)/374 Code of Criminal Procedure, 1973 (*hereinafter referred to as 'Cr.P.C.'*) has been filed on behalf of the Appellant **Ravi Kumar Meena**, to challenge the *Judgment dated 17.12.2024 vide* which he has been convicted under Section 307 of the Indian Penal Code 1860 (*hereinafter referred to as 'IPC'*) and the *Order on Sentence dated 07.01.2025* whereby he has been sentenced to

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undergo Rigorous Imprisonment for a period of five years and fine of Rs.10,000/- under Section 307 IPC.

2. The *case of the Prosecution* is that on 08.07.2019 at about 10:30 P.M Vishal and his friend Ravi, were walking in Ram Leela Park, Nehru Nagar, Delhi, when the *Accused/ Appellant Ravi Kumar Meena* and Rajan (since expired) asked for the keys of his scooty. When Vishal refused to give the keys, Appellant slapped Vishal and Ravi. They both went to Sabzi Mandi and brought Anil, brother of Vishal to Ram Leela Park, who inquired Ravi Kumar Meena the reason for slapping Vishal and Ravi. On this, Ravi Kumar Meena stabbed Anil in his stomach and thereafter, they both ran away.

3. **FIR No.152/2019** was registered at Police Station Anand Parbat. Investigations were carried out by ASI Praveen Kumar who along with HC Pramod reached the Hospital, where he found Anil Kumar under treatment. He collected the MLC and recorded the statements of the witnesses. Vishal, brother of the injured accompanied the Police, during the investigations. Accused Ravi Kumar Meena was apprehended on the identification of injured Anil. He was arrested and his Disclosure Statement was recorded. The photographs of the scene of crime, were collected. On completion of investigations, the Chargesheet was filed in the Court.

4. The Charge under **Sections 307/34 IPC** was framed against Ravi Kumar Meena and Rajan (since deceased) , to which they pleaded not guilty.

5. The Prosecution in support of its case examined **sixteen witnesses**.

6. **PW1 Anil Kumar**, the injured and **PW2 Vishal @ Aditya Kumar** were the eye witnesses, who both narrated the incident. **PW5 Ravi**, though an eye witness, failed to support the case of the Prosecution.



7. **PW4 Vikas**, uncle of the injured, took the injured Anil Kumar to Acharya Bhikshu Hospital and from there accompanied him in an ambulance, to RML Hospital.
8. **PW3 W/HC Shakuntala Kumari** proved the FIR as Ex.PW3/A.
9. **PW7 Praveen**, Medical Record Assistant from RML Hospital, proved the documents of treatment and discharge summary of injured as Ex.PW7/A.
10. **PW12 Dr. Irshad Hussain** had prepared the MLCEx.PW12/A of the injured Anil and had mentioned the injuries suffered by the injured on the MLC. **Dr. Irshad Hussain** was again examined as **PW13** and he opined that the nature of injury was dangerous.
11. **PW16 ASI Praveen Kumar Investigating Officer** who was joined in the investigations by **PW9 ASI Pramod Kumar** and **PW11 Const. Surender**, deposed about the investigations carried out and the filing of the Chargesheet in the Court.
12. **Statement of the Appellant under Section 313 Cr.P.C**, was recorded wherein he denied the entire incriminating evidence, but he preferred to not lead any evidence in his defence.
13. **Learned ASJ** considered the evidence of PW1 which was held to be consistent and which proved that he had been stabbed by the Appellant. The delay of 14 hours in recording the Statement of the injured, was held to have been explained. On the appreciation of entire evidence, *the Appellant was convicted under Section 307 IPC vide Judgment dated 17.12.2024. He was sentenced vide Order on Sentence dated 07.01.2025 with the imprisonment of five years and a fine of Rs.5,000/- under Section 307 IPC with the benefit under Section 428 Cr.P.C.*



14. Aggrieved by his Conviction and Sentence, the Appellant has preferred the present Appeal.

15. The *grounds of challenge* are that the most material witness was PW1 the injured/Complainant, who had made contradictory statements in his cross-examination in regard to the identity of the assailant. He deposed that he was made *to identify the Appellant by the Police officials* by showing his photographs to him in the Hospital. He also admitted in his cross-examination that he had not disclosed any previous acquaintance with the Appellant in his Statement to the Police and that he came to know about the name of the deceased Accused Rajan through Police officials. He also stated that deceased Rajan was not arrested in his presence. Further, he deposed that he had not been taken to the place of occurrence, after his discharge from the Hospital. The benefit of doubt about the identification of the Appellant as evident from the admissions made by PW1 in his cross-examination, should have been granted to the Appellant. The contradictions brought forth in the cross-examination of the injured, have not been appreciated properly.

16. It is further contended that *PW2 Vishal @ Aditya Kumar* friend of Complainant Anil Kumar though, had supported the case of the prosecution, but in his cross-examination he admitted that there was one lady present at the spot at the time of occurrence of offence. The residence of the lady was adjacent to that of the Accused, and he had been informed the Police about these facts in his Statement under Section 161 Cr.P.C. However, this fact did not find mention in his Statement under Section 161 Cr.P.C. He further admitted that the name of the lady was Manju and she was the wife of Accused Ravi Kumar Meena, the Appellant herein.



17. Moreover, *PW4 Vikas* had deposed in his examination-in-chief, that he was at his house when the incident took place. His nephew Vishal @ Aditya informed about the Complainant being stabbed. He on receiving the information, went to the spot and found the injured lying there. He hired a TSR and took him to Acharya Bhikshu Hospital from where he was referred to RML Hospital for his treatment. The witness admitted in his cross-examination, that he had not stated in his statement that Anil his nephew, had not informed him that who inflicted the stab injuries to him. This aspect of the testimony has been disregarded by the Trial Court. It is contradictory to the deposition made by the Complainant Anil and PW2 Vishal.

18. The Prosecution had examined **PW5 Ravi**, who was friend of Vishal @ Aditya. He, however, failed to support the case of the Prosecution and deposed that no occurrence took place in his presence. He was duly cross-examined by Learned APP, but he denied being a witness to the incident. The impact of PW5 resiling from his statement given to the Police was a significant aspect, which has not been considered by the learned ASJ.

19. It is claimed that the learned Trial Court failed to consider the entire evidence seriously and passed the impugned Judgment in a mechanical manner. *The identity of the real offender had not been established.* As has emerged, there is no proper identification of the assailant. More so, when the Complainant had denied that the Appellant was a previous acquaintance and that the photographs had been shown to him, by the Police. Manju wife of Ravi Kumar Meena was present on the spot, but was not examined as a witness. There are many questions which have been left unanswered.



20. It is further contended that the requisite intention to commit the act as defined under Section 307 IPC, is not established from the Prosecution evidence.

21. Furthermore, *no weapon of offence was recovered* from the Appellant. The learned ASJ relied upon the assumption and on the Disclosure Statement of the Appellant that he may have disposed of the weapon near Railway line. However, the Disclosure Statement could not have been relied upon by learned ASJ, for sustaining the conviction. The non-recovery of weapon of offence creates a serious doubt in the Prosecution case, benefit of which should have been given to the Appellant.

22. Furthermore, the testimony of PW1 that he was shown the photograph of the Appellant has not been put to PW16 the I.O., despite which this material aspect has not been considered by the learned Trial Court.

23. Reliance is placed on Ramesh vs. State of U.P., AIR 1992 SC 664, and Shyam Sharma vs. State of Madhya Pradesh and Anr., (2017) 9 SCC 362, wherein considering the circumstances, the offence of Section 307 IPC was altered to Section 324 IPC and the sentence was accordingly reduced. Similarly, reliance is placed on State of Madhya Pradesh vs. Saleem, (2005) 3 SCC 554; Surinder Singh vs. State (Union Territory of Chandigarh), (2021) 20 SCC 24.

24. Further reference is made to Parsuram Pandey vs. State of Bihar, (2004) 13 SCC 189, wherein it was held that to constitute an offence under Section 307 IPC, intention or knowledge to commit murder and doing of an act towards it, are mandatory. Similar observations were made in Jage Ram vs. State of Haryana, (2015) 11 SCC 366, Hari Singh vs. Sukhbir Singh, (1988) 4 SCC 551.



25. A prayer is, therefore, made that the impugned Conviction and Sentence be set aside and the Appellant be acquitted.

26. The *Appeal was contested by the State*. Learned APP vehemently contended that the testimony of PW1 the injured/Complainant was throughout consistent and was corroborated by the medical evidence and the evidence of PW2. The learned ASJ has rightly convicted and sentenced the Appellant. The Appeal has not merit and is liable to be dismissed.

Submissions heard and record perused.

27. A Charge under Section 307 IPC was framed on 04.09.2021 against Appellant Ravi Kumar Meena on the allegation that on 08.07.2019, he along with co-accused Rajan (since deceased) had stabbed the Complainant Anil Kumar with a knife multiple times, causing grievous injuries to him with intention and knowledge that such act can cause death of Anil Kumar and thereby, he was guilty of culpable homicide amounting to murder and offence under Sections 307/34 IPC.

28. *First star witness of prosecution* was PW-1 Anil Kumar, the injured, who deposed that he was Vegetable Seller at Nehru Nagar. On 08.07.2019, at about 11:00 PM, while he was present at his shop, his brother, Vishal and his friend Ravi, came there and informed that two persons, who were standing in the Ram Leela Park, near Gumbad, had enquired from him about the Key and when he refused, they slapped him. Thereafter, he along with his brother Vishal and his friend Ravi, reached Ram Leela Park, and found those two boys standing there, whose names were Ravi and Rajan. He identified the Appellant Ravi, in the Court.

29. PW-1 further deposed that when he enquired from the Appellant Ravi as to why he had slapped his brother, he was stabbed by him with knife in



his stomach and on left hand. He got injured and both the accused persons ran away from the spot. His Uncle, PW-4 Vikas took him to Acharya Bhikshu Hospital, from where he was referred to RML Hospital.

30. While PW-1 deposed that it was the **Appellant Ravi had stabbed him**, but in his cross-examination, in regard to identity of the Appellant, he deposed:

“I had no prior acquaintance with accused Ravi before the incident. I came to know the name of accused as Ravi from the police officials. I was shown a photograph of the accused at the Hospital. I had not disclosed to the Police that I had prior acquaintance with accused Ravi.”

31. He further deposed:

“I came to know the name of other accused as Rajan subsequent to this incident and was not knowing to him prior to the incident. His name was also told to me by the police officials. I was not shown any photograph of the co-accused Rajan by the police at the hospital or thereafter. Both the accused persons were not arrested in my presence. Accused Ravi was not working in the Subzi Mandi, where I am having my shop.”

32. The aforesaid cross-examination of the Complainant Anil Kumar thus, brings forth certain pertinent aspects. First aspect is that the Appellant was not known to the Complainant / injured Anil Kumar prior to the incident and *he had not given his name in his Complaint*. Furthermore, he deposed that he came to know about the name of the Appellant from the Police officials. He was shown the photograph of the Appellant at the Hospital.



33. Pertinently, injured, who was stabbed multiple time with a knife, was taken to Acharya Bhikshu Hospital and thereafter, to RML Hospital. PW-16 ASI Parveen Kumar, who was the I.O. of the case, admitted that statement of the injured could not be recorded on the date of incident, i.e. 08.07.2019 and the same got recorded only on 09.07.2019, while the injured was in the Hospital and on his statement Ex.PW-1/A, present FIR was registered.

34. From these facts, what emerges is that the statement of the Complainant was not recorded on the date of incident, understandably because of the injuries suffered by him. According to the I.O., the injured gave the name of the Appellant Ravi in his Complaint on the next day, i.e. 09.07.2019. But, interestingly, in his cross-examination he has admitted that he had no prior acquaintance with the Appellant and there was no explanation as to how the name of the Appellant was recorded in his Complaint. Therefore, admissions of the Complainant in his cross-examination raise a question about identity of the Appellant.

35. Second material witness is **PW-2 Vishal @ Aditya Kumar (brother of the Complainant / injured Anil Kumar)**, who had informed the Complainant about having been slapped by two persons in Ram Leela Park, near Gumbad. He deposed that his brother was stabbed only by the Appellant in his stomach and on left hand and that there Uncle Vikas, PW-4 took him to Acharya Bhikshu Hospital, from where he was referred to RML Hospital.

36. PW-2 also admitted in his cross-examination that he had no prior acquaintance with the accused and he does not know the family of the accused, whose *Jhuggi* is at a walking distance of about five minutes. He



came to know about the residence of accused Ravi, on being taken there at by the Police.

37. From his testimony as well, it emerges that neither was the Appellant nor his residence was known to either the injured or PW2 and that the name of the Appellant was informed to them by the Police.

38. Next material witnesses are *PW-11 Constable Surender and PW-16 ASI Parveen Kumar (I.O. of the case)*. They both in their respective testimony, have deposed that on 15.07.2019, they had gone to the house of the Complainant and while they enquiring on the road outside his house, Appellant Ravi was passing through that place and was identified by the Complainant Anil Kumar as Ravi, who had stabbed him with knife. The Appellant was asked to stop, but he started to flee, but was over-powered and was arrested *vide* Memo already Ex.PW-11/B and his personal search was conducted which is already Ex.PW-11/C. His disclosure statement is Ex.PW-11/D and since the offence was bailable, he was released on Bail.

39. Pertinently, this arrest was made on 15.07.2019, while the incident took place on 08.07.2019. According to PW-16 ASI Parveen Kumar, PW-2 Vishal @ Aditya Kumar, brother of the Complainant / injured Anil Kumar, was associated in the investigations, wherein he had pointed the Appellant's house and they had gone there, but the premises was found locked.

40. Interestingly, no such deposition has been made by **PW-2 Vishal**; in fact, he had deposed that he was not aware about the Appellant's house and the same was pointed out to him by the Police. Clearly, while PW-11 Constable Surender and PW-16 ASI Parveen Kumar, I.O. have deposed that they had apprehended the Appellant on 15.07.2019 while he was passing through that spot, on identification by the Complainant, but again, there is



no such deposition either by Complainant / PW-1 Anil Kumar or his brother PW-2 Vishal; rather, they have been categorically stated that they had no prior acquaintance with the Appellant and his name and address was disclosed to them, by the Police.

41. There is overwhelming evidence on record, from the statements of PW-1 Anil Kumar, Complainant, his brother PW-2 Vishal, PW-16 ASI Parveen Kumar / I.O. and PW-11 Constable Surrender, creating a doubt about the identity of the Appellant as being the person who had inflicted stab injuries to the Complainant.

42. Another aspect which needs mention is that PW-1 had deposed that he never joined investigations and was never taken to the scene of crime, but significantly the site plan was prepared on 15.07.2019, which bears the signatures of the complainant. Also, PW-1, injured denied that the Appellant was arrested in his presence, but the Arrest Memo Ex.PW11/B and the Personal Search Memo Ex.PW11/C, bear the signatures of the complainant. This again creates a doubt about the identification of the Appellant by the victim.

43. This also becomes significance in the light of the fact that there was a knife allegedly used for commission of offence, but no efforts whatsoever were made by the Police **to recover the weapon of offence**. Pertinently, the Appellant was admitted to Bail on the date of arrest, i.e. 15.07.2019 as FIR was registered under Section 324 IPC, which was a Bailable offence.

44. Thereafter, since Section 307 IPC had been added subsequently in 2021 on receiving the Medical Opinion that the injury was grievous. An Application was filed by the I.O. on 29.01.2021, seeking formal arrest of the Appellant, as it came to the notice that the Appellant was already in judicial



custody since 05.03.2020 in another *FIR No.0045/2020* under Section 326 IPC. This reflects that even though the Appellant had been arrested on 15.07.2019, no interrogation of any kind was ever made by the Police from the Appellant for the recovery of weapon of offence. Even though he may have been released on Bail, no effort was made to join him in the investigations for recovery of the weapon of offence. Only a formality was done, and that too, in 2021, when obviously, it was too late to even make an endeavour to recover the weapon. Significantly, the recovery of weapon of offence, was as significant for the offence under S.324 IPC as for S.307 IPC.

45. Learned ASJ, while noting all these discrepancies in the impugned Judgment, has erroneously observed that no suggestions were given to PW1 and PW2 about the Appellant not being the assailant. However, it is not on the suggestions in the cross-examination, that the prosecution can claim its case to be proved. The absolute burden of proving the case beyond reasonable doubt, always rests on the prosecution. There are admissions made by PW1 and PW2 about not knowing the name and address of the Appellant. Pertinently, they both stated that the Appellant was not known to them and his name and address were given by the Police. Furthermore, the manner, in which the Appellant has been apprehended by the Police on 15.07.2019, i.e. after about seven days of the incident, also creates a doubt about proof of his identity.

46. In view of aforesaid discussion, benefit of doubt has to be extended to the Appellant. Therefore, impugned Judgment of Conviction dated 17.12.2024 and Order on Sentence dated 07.01.2025, are set aside and Appellant is **acquitted** for the offence under Section 307 IPC.



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47. Appeal is therefore, allowed. The pending Applications are disposed of, accordingly.

**(NEENA BANSAL KRISHNA)
JUDGE**

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Signature Not Verified

Signed By: VIKAS

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Signing Date: 04.02.2026

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