

**IN THE COURT OF SH. PARVEEN SINGH,
ADDL. SESSIONS JUDGE – 03 (NORTH EAST DISTRICT)
KARKARDOOMA COURT : DELHI.**

SC No. 416/2021
FIR No. 98/2020
PS Dayalpur
U/s. 148/323/326/379/341/427/435/436/450 IPC
r/w Section 149 IPC & 188 IPC

State

Versus

1. Shah Alam
s/o Sh. Kallan Saifi,
r/o H. No. A/112, Gali No. 3,
Nehru Vihar, Delhi.
2. Rashid Saifi,
s/o Sh. Yameen Saifi,
r/o H. No. A-1/135, Gali No. 3,
Nehru Vihar, Delhi.
3. Mohd. Shadab,
s/o Sh. Naseem,
r/o H. No. A-1/217, Gali No. 4,
Nehru Vihar, Delhi.
4. Habib,
s/o Sh. Shafi Mohd.,
r/o H. No. 789, Gali No. 10,
New Mustafabad, Delhi.

5. Irfan,
s/o Sh. Banne Khan,
r/o H. No. 383, Gali No. 7,
New Mustafabad, Delhi.

6. Suhail,
s/o Sh. Md. Nazar,
r/o H. No. 696, Gali No. 9,
New Mustafabad, Delhi.

7. Salim @ Ashu,
s/o Sh Mansoor Ahmed,
r/o H. No. E-137, Gali No. 12,
25 Foota Road, Chand Bagh,
Delhi.

8. Irshad,
s/o Sh. Abdul Hakeem,
r/o H. No. 1161, Gali No. 14,
New Mustafabad, Delhi.

9. Azhar @ Sonu,
s/o Sh. Aslam,
r/o H. No. 1130, Gali No. 13,
New Mustafabad, Delhi.

...Accused.

Date of Committal : 25.11.2021.
Date of Arguments : 30.03.2026.
Date of Pronouncement : 30.03.2026

(Section 481 BNSS complied with by all the accused)

JUDGMENT

Facts of Prosecution Case as per Charge Sheet

1.1 The present case related to North East Delhi riots of the year 2020.

1.2 The FIR (Ex.A-1) of this case was registered on the complaint (Ex.PW15/A) of one Vivek Pathak who alleged that during the riots of 24.02.2020, he was travelling in vehicle Innova Crysta from Ghaziabad to Faridabad. When he reached Chand Bagh, hundreds of people surrounded them, vandalized their vehicle and in this incident, he, Pawan Tiwari and other persons had received injuries. During the investigation of this case, two more complaints, one of SI Mumtaz Ali and the second one being of Salim Ahmed were also clubbed with this FIR.

1.3 As per the complaint (Ex.PW5/A) of SI Mumtaz Ali, on 24.02.2020, he had parked his motorcycle near the protest site at Chand Bagh and this motorcycle was burnt in the riot.

1.4 As per the complaint (Ex.PW7/A) of Salim Ahmed, he had a shop by the name of Royal Motors at F-7, Chand Bagh and on 24.02.2020 at around 3.00 p.m, his entire shop alongwith articles therein had been burnt done by the rioters.

1.5 Further during the investigation, three more complaints of Radha Rani, Rajjo (complaint of Rajjo has not been proved on record)

and Mohd. Ishraq were also clubbed with this FIR.

1.6 As per the complaint of Radha Rani, she was a street vendor and used to sell material on vending cart. On 24.02.2020, she was standing at the opposite side of petrol pump Bhajanpura when at about 3.00 p.m, hundreds of people attacked her, destroyed and stolen the goods from her cart. The cart was also stolen. She fled from that place and when she returned, she did not find her cart.

1.7 As per the complaint of Mohd. Ishraq, on 24.02.2020 between 3.00 p.m to 5.00 p.m, his maternal uncle Shahnawaz was driving his E-rickshaw from Gokalpuri to Bhajanpura. When he reached Yamuna vihar, a mob came towards him and thus, he left that E-rickshaw and fled. The mob vandalized that E-rickshaw and later on, when he (Shahnawaz) reached that place, the E-rickshaw was not found there.

1.8 During the investigation of this case, site plans were prepared. The complainants were examined. As per the charge sheet, during the investigation, it was revealed that on 24.02.2020, Ct. Gyan Singh and Ct. Sunil were on duty at the protest site, they had seen the incident and could identify the rioters. Their statements were recorded during the course of investigation. Efforts were made to identify the persons involved in the crime with the help of CCTV footage, social media viral videos as well as public witnesses. Ct. Gyan Singh in his

statement had identified Shah Alam, Rashid and Shadab as a part of the rioting mob and on 20.04.2020, all these three accused were arrested.

1.9 During further investigation, on 13.06.2020, at the instance of a secret informer, accused Habib was arrested. On 14.06.2020, on the identification of Ct. Sunil, accused Irfan was arrested. Both these accused were also visible in the CCTV footage of 24.02.2020, which was captured by PWD camera.

1.10 On 20.06.2020, accused Suhail and Saleem @ Ashu were brought in PS Dayalpur and they were arrested in FIR No. 103/20. Thereafter, on 21.06.2020, accused Suhail and Saleem @ Ashu were formally arrested in this case. On 23.06.2020, accused Irshad was arrested in this case, on the identification of Ct. Sunil. All these accused were also captured in CCTV footage of 24.02.2020. Thereafter, after completion of investigation, charge sheet was filed against accused Shah Alam, Rashid Saifi, Mohd. Shadab, Habib, Irfan, Suhail, Salim @ Ashu and Irshad.

1.11 Thereafter, during further investigation, on 20.07.2020, Ct. Gyan Singh had identified a boy in the CCTV footage of 24.02.2020 whose name was revealed as Azhar @ Sonu. On 17.08.2020, accused Azhar @ Sonu was arrested in FIR No. 99/20 and Azhar @ Sonu disclosed his involvement in the riots of 24.02.2020.

Thereafter, he was arrested in this case. On completion of investigation, supplementary charge sheet was filed against accused Azhar @ Sonu.

Charges

2.1 On 17.10.2023, charge for offences punishable u/s 148 r/w section 149 IPC, u/s 188 IPC, u/s 323 IPC r/w section 149 IPC, u/s 326 IPC r/w section 149 IPC, u/s 379 IPC r/w section 149 IPC, u/s 427 IPC r/w section 149 IPC, u/s 435 IPC r/w section 149 IPC, u/s 436 IPC r/w section 149 IPC, u/s 450 IPC r/w section 149 IPC and u/s 341 IPC r/w section 149 was framed against all the accused, to which they pleaded not guilty and claimed trial.

Prosecution Evidence

3.1 In order to prove its case, the prosecution has examined 20 witnesses, brief description of their testimonies is as under:-

Prosecution Witness No.	Name of Witness	Description
PW1	Bharat Kumar	He deposed that on 24.02.2020, he was in his village and had not seen any riots. This witness did not support the case of the prosecution.
PW2	Naresh	He was an eye witness. He deposed about witnessing the riots and the incidents in question. He identified four

		persons in the riot and they were Salim, Shadab, Shah Alam and Rashid.
PW3	HC Nikesh	He had, on the directions of SI Shiv Charan, responded to DD No. 569. He reached at the place of incident, made a call to complainant and came to know that injured had gone to Maavi Hospital. On the directions of SI Shiv Charan, he collected MLCs of injured persons. He was a witness to the arrest of accused Irfan vide arrest memo Ex.PW3/A.
PW4	Rajjo	She was a complainant. She deposed that she was putting a rehri of vegetables near Peer Baba Mazar. During the first lockdown, her rehri was set on fire in the riots.
PW5	Retd. SI Mumtaz Ali	He was one of the complainants. He deposed that on 24.02.2020, he was on duty at the protest site at Chand Bagh, 25 Foota Road, Wazirabad Road. He had gone on his motorcycle bearing no. DL-6S AL 3559. At about 11.00 a.m, hundreds of persons came at the protest site and they were armed with lathi,

		danda, stones etc. During the riots, his motorcycle alongwith other vehicles had been burnt. On 03.03.2020, he lodged a complaint in PS Dayalpur.
PW6	Radha Rani	She was one of the complainants, whose cart had been vandalized during the riots.
PW7	Salim Ahmed	He was one of the complainants. He deposed that he was running a shop in the name of Royal Motors at F-7, Chand Bagh. During the riots, on 25.02.2020, his shop had been vandalized and burnt. He had also given photographs of his shop and certificate u/s 65B of Evidence Act to the police.
PW8	Dr. C.P Singh	FSL Witness
PW9	Ct. Gyan Singh	He deposed that on 24.02.2020, he had announced imposition of section 144 Cr.P.C in the area of Chand Bagh & Chandu Nagar. He was an eye witness to the incidents and was a witness to the arrest of accused Shah Alam, Rashid Saifi, Mohd. Shadab and Azhar @ Sonu. His detailed testimony shall be considered at a later stage.

PW10	Sh. V. Lakshmi Narasimhan	FSL Witness
PW11	HC Sunil Kumar	He was an eye witness to the incidents in question and was a witness to the arrest of accused Habib, Irfan, Suhail, Saleem and Irshad. His detailed testimony shall be considered at a later stage.
PW12	Dr. Ramesh Kumar	He deposed that, being a duty/visiting doctor in Maavi Hospital, Karawal Nagar, he had prepared MLC no. 162 dated 24.02.2020 in the name of Pawan Tiwari.
PW13	Mohd. Ishraq	He was one of the complainant. He deposed that his mama Shahnawaz used to ply his E-rickshaw. On 24.02.2020, at about 6-7.00 p.m, when his mama was plying rickshaw towards Bhajanpura from the side of Gokalpuri, some persons had come from opposite directions and they were armed with lathi, danda etc. His uncle left the rickshaw on road and fled. He had given a complaint (Ex.PW13/A) in this regard to the police.
PW14	Pawan Tiwari	He was a witness to the riots

		and sustained injuries during the riots on 24.02.2020. His detailed testimony shall be considered at a later stage.
PW15	Vivek Pathak	He was a witness to the riots and sustained injuries during the riots on 24.02.2020. His detailed testimony shall be considered at a later stage.
PW16	Shahnawaz Ali	He was plying E-rickshaw, which belonged to his nephew Ishraq. He deposed that on 24.02.2020, on seeing the mob on Main Wazirabad Road, he left his E-rickshaw on the road. Thereafter, he did not find his E-rickshaw.
PW17	HC Chaman Singh	He deposed that on 16.07.2020, vide RC no. 102/21/20, he had taken exhibits from malkhana and deposited in FSL. After depositing the exhibits in FSL, he had handed over an acknowledgment receipt (Ex.PW17/2) to HC Ashok.
PW18	SI Arvind Gautam	He was one of the IOs. He recorded statements of witnesses and prepared supplementary charge sheet.
PW19	Insp. Shiv Charan	He is the first IO. His detailed testimony shall be considered

		at a later stage.
PW20	SI Rajiv	He was one of the IOs. In October 2024, he filed supplementary charge sheet after obtaining mirror image from FSL.

3.2 Further the prosecution proved the documents as given in the table below:-

Exhibit No.	Description of the Exhibit	Proved/ Attested by
Ex.PW3/A	Arrest memo of Irfan	PW3
Ex.PW3/B	Personal Seach memo of Irfan	PW3
Ex.PW3/C	Pointing Out Memo	PW3
Ex.PW5/A	Complaint of SI Mumtaz Ali	PW5
Ex.PW6/A	Complaint of Radha Rani	PW6
Ex.PW7/A	Complaint of Salim Ahmad	PW7
Ex.PW7/P1 to Ex.PW7/P4	Photographs	PW7
Ex.PW7/B	Certificate u/s 65B of Evidence Act	PW7
Ex.PW8/A	FSL Report dated 19.08.2020	PW8
Ex.PW9/A	Arrest Memo of Shah Alam	PW9

Ex.PW9/B	Arrest Memo of Rashid Saifi	PW9
Ex.PW9/C	Arrest Memo of Mohd. Shadab	PW9
Ex.PW9/D	Arrest Memo of Azhar @ Sonu	PW9
Ex.PW10/A	FSL Report dated 29.08.2024	PW10
Ex.PW10/B	Certificate u/s 63 of BNSS	PW10
Ex.PW11/A	Arrest memo of Habib	PW11
Ex.PW11/B	Personal Search memo of Habib	PW11
Ex.PW11/C	Pointing Out memo	PW11
Ex.PW11/D	Arrest memo of Suhail	PW11
Ex.PW11/E	Arrest Memo of Salim @ Ashu	PW11
Ex.PW11/F	Pointing out memo	PW11
Ex.PW11/G	Arrest Memo of Irshad	PW11
Ex.PW11/H	Personal Search Memo of Irshad	PW11
Ex.PW11/I	Pointing Out memo	PW11
Ex.PW11/J	Seizure memo of DVDs	PW11
Ex.PW13/A	Complaint of Ishraq	PW13
Ex.PW15/A	Complaint of Vivek Pathak	PW15
Ex.PW17/1	RC No. 102/21/20	PW17
Ex.PW17/2	Acknowledgment of FSL	PW17

Ex.PW19/1	Rukka	PW19
Ex.PW19/2	Site Plan	PW19
Ex.PW19/3	Site Plan	PW19
Ex.PW19/4	Site Plan	PW19
Ex.PW20/1	RC no. 731/21/23	PW20

3.3 During the trial, all the accused, u/s 294 Cr.P.C, admitted the following documents:-

S. No.	Description of the document	Exhibit No.
1	Copy of FIR	Ex.A-1
2	Certificate u/s 65B of Evidence Act	Ex.A-2
3	Endorsement on Rukka	Ex.A-3
4	Prohibitory Order u/s 144 Cr.P.C	Ex.A-4
5	Complaint u/s 195 Cr.P.C	Ex.A-5
6	Three reports of CFSL and certificate u/s Evidence Act	Ex.A-6 to Ex.A-9
7	MLC No. 162	Ex.A-10
8	PCR Form	Ex.A-11

Statement of Accused

4.1 Thereafter, on 15.01.2026, statements u/s 313 Cr.P.C/ 351 BNSS of all the accused were recorded and accused Shah Alam, Rashid Saifi and Salim @ Ashu preferred to lead evidence in their defence. However on 04.02.2026, accused Shah Alam and Rashid Saifi closed their evidence. On 17.03.2026, accused Salim @ Ashu closed his evidence.

Contentions of ld. SPP and of ld. Counsel for accused

5.1 I have heard ld. SPP for State as well as ld. counsel for accused and perused the record very carefully.

5.2 It has been contended by ld. SPP that the prosecution has examined 20 witnesses and these witnesses have clearly established the date and time of the incident and have also established the identity and roles of the accused in the commission of the incidents. He has further contended that PW2 Naresh, PW9 Ct. Gyan and PW11 HC Sunil have proved that the accused were a part of the violent, riotous mob on 24.02.2020 and had attacked the vehicle of Vivek Pathak as well as the persons sitting in that vehicle and the properties near Chand Bagh Pulia. He has further contended that the testimony of a single eye witness is sufficient to secure conviction. In this regard, he has relied upon the judgment of Hon'ble Supreme Court in **Anil Phukan v. State of Assam (1993) 3 SCC 282** wherein, the Hon'ble Supreme Court had held as under:-

3.....Indeed, conviction can be based on the

testimony of a single eye-witness and there is no rule of law or evidence which says to the contrary provided the sole witness passes the test of reliability. So long as the single eye-witness is a wholly reliable witness the courts have no difficulty in basing conviction on his testimony alone. However, where the single eye-witness is not found to be a wholly reliable witness, in the sense that there are some circumstances which may show that he could have an interest in the prosecution, then, the courts generally insist upon some independent corroboration of his testimony, in material particulars, before recording conviction....

5.3 He has further contended that the testimonies of PW2, PW9 and PW11 are sufficient to convict the accused for rioting, vandalizing the vehicle of Vivek Pathak, causing hurt to persons sitting inside the vehicle and the offence vandalism, rioting and arsoning in the properties and vehicles near Chand Bagh Pulia as their testimonies are credible, trustworthy and reliable. He has further contended that the minor deviations and variations by witnesses with respect to immaterial facts do not form a ground to disbelieve the testimony of a witness. In this regard, he has relied upon the judgments of Hon'ble Supreme in **Shivappa v. State of Karnataka (2008) 11 SCC 337** wherein it was held as under:-

26....This cannot be a ground for disbelieving them. Minor discrepancies or some improvements also, in our opinion, would not justify rejection of the testimonies of the eye-witnesses, if they are otherwise reliable. Some discrepancies are bound to

occur because of the sociological background of the witnesses as also the time gap between the date of occurrence and the date on which they give their depositions in court.

5.4 He has further contended that the testimonies of PW2, PW9 and PW11 are unimpeachable.

5.5 On the other hand, ld. counsels for accused have contended that the prosecution has completely failed to prove its case. They have contended that with regard to attack on Innova Crysta vehicle and causing injuries to the occupants of that vehicle, the prosecution has no case at all. As per the case of the prosecution, this vehicle was stopped, vandalized and occupants of the vehicle were injured on the opposite side of Chand Bagh towards Yamuna Vihar side, Main Bhajanpura Road, as is visible from the second and third charges framed on 17.10.2023. However, Pawan Tiwari, the driver of the said vehicle, who appeared as PW14, stated that the incident had happened on the road going from Bhajanpura towards Karawal Nagar and the incident had happened after they had crossed the drain. Therefore, the place of incident is not the Wazirabad Road opposite Chand Bagh and towards Yamuna Vihar. Similarly, PW15 Vivek Pathak had also deposed that they were travelling in the vehicle towards Karawal Nagar from Chand Bagh Pulia, Sherpur Chowk and the incident had happened when they had crossed Chand Bagh pulia.

They have contended that Chand Bagh Pulia is not at Wazirabad road and therefore, the incident had not happened at the place where the prosecution alleges and thus, for this offence, the accused cannot be convicted and IO has falsely placed this incident in this FIR just to show it worked out. They have further contended that the prosecution has even failed to prove the injuries of these witnesses as the prosecution failed to prove the MLCs because, Dr. Ramesh Kumar deposed that he had not prepared the MLCs which were shown to him. No other doctor / witness was called to prove the MLCs of these witnesses.

5.6 With regard to the incident at Royal Motors, they have contended that here again, there have been manipulations by the IO. The incident had happened on 25.02.2020 and not on 24.02.2020. This fact is established from the testimony of PW7, who categorically stated that Royal Motors was his establishment and it was set afire on 25.02.2020. PW7 had further deposed, that he had given a complaint to the DCP of the area that the IO had written wrong date of incident and the IO also admitted that PW7 had given such a complaint. However, still in order to implicate the accused in an incident of 25.02.2020, the date of incident was changed to 24.02.2020. They have therefore contended, that the police witnesses as well as the public witnesses, who have claimed to have seen this incident on

24.02.2020, could not have been at the place where the incident had happened. Therefore, the accused are entitled to an acquittal. They have further contended that PW2 is in fact a planted witness and had tried to extort money from the accused for not telling truth before the court and recording of this has been placed on record and has been played during the testimony of this witness which he admitted to be correct recording and FSL has also admitted that the recording is un-tampered. Thus, this witness is unreliable witness. There is no other prosecution witness. They have further contended that the CCTV footage, in which accused have been identified, does not pertain to the place where the incidents had happened. Thus, on the basis of the CCTV footage, accused cannot be convicted.

Findings

6.1 I have considered the rival submissions.

6.2 The entire case of the prosecution against the accused rests on three witnesses, as is also visible from the written submissions filed by Id. SPP. These witnesses are PW2 Naresh, PW9 Ct. Gyan and PW11 HC Sunil.

6.3 There are different incidents which have been clubbed in this case. These incidents are as follows:-

(a) The incident with regard to Innova Crysta car being vandalized and its occupants being hurt.

- (b) Splendor motorcycle of Retd. SI Mumtaz Ali being burnt.
- (c) Vandalism and looting of articles of carts of Radha Rani and Rajjo.
- (d) E-rickshaw of Mohd. Ishraq being damaged and stolen.
- (e) A shop under the name of Royal Motors being vandalized and burnt by the rioters.

6.4 With regard to the incident with Innova Crysta car, apart from PW2, PW9 and PW11, PW14 and PW15 are also the main witnesses as they were the driver and occupant of the car respectively.

6.5 PW14 Pawan Tiwari deposed that on 24.02.2020, he was working as driver in Jan Satya News Channel. On that day, he was driving Innova Crysta vehicle of that news channel. One reporter namely Vivek Pathak and one cameraman namely Arabh, were also the occupants of the vehicle. From Durgapuri chowk, they were going towards the direction of Bhajanpura. When they reached at Khajuri chowk, they heard noise coming from the side of Bhajanpura petrol pump. Therefore, they took their vehicle on a road going from Bhajanpura towards Karawal Nagar. After they crossed a drain on this road, around 400-500 persons came on the road from nearby galis. Those persons hit their vehicle with bricks, due to which glass pane was broken. Thereafter, one brick thrown by them hit on his forehead and he started bleeding. He could hear the crowd saying 'jala do jala do'. Vivek Pathak was sitting beside him and Vivek urged him to drive

away the vehicle from that place else, the mob would burn them. He told Vivek that he could not see and was not able to drive. However, Vivek told him to press the accelerator and stated that he would take care of steering. It was automatic vehicle. This is how they escaped and reached Maavi Hospital.

6.6 PW15 Vivek Pathak deposed that on 24.02.2020, he was an occupant of a vehicle which was being driven by Pawan Tiwari. He further deposed that at 12.30 p.m., they just crossed Chand Bagh pulia and were going towards Karawal Nagar when 3-4 boys signaled them to stop, but they ignored those boys and moved ahead. Within a fraction of a second, he heard noise of lot of persons and a number of persons were coming out from the galis on that road. Their vehicle was stopped and vandalized. All the three occupants remained inside the vehicle. The persons from the mob were hitting him as well as the cameraman who was sitting on the rear seat. He looked towards the driver. The driver was bleeding. He asked the driver to move away the vehicle from that place, and driver told him that he was not able to see. It was automatic vehicle and he put that vehicle on gear and asked the driver to give acceleration and he managed the steering. That is how they escaped.

6.7 As per the IO, he had prepared the site plan of the incident with the Innova vehicle and while deposing as PW19, IO

deposed that on 03.03.2020, he alongwith Pawan Tiwari and complainant Vivek reached at Chand Bagh and at their instance, he prepared site plan, Ex.PW19/2.

6.8 Ex.PW19/2 shows the incident at main Wazirabad Road and on the side of Yamuna Vihar. However, according to these witnesses, i.e. the injured and the complainant, the incident had not happened at this place but had happened after Chand Bagh Pulia which is not even near to that place.

6.9 PW15 did not speak about the site plan being prepared at his instance and was cross examined by Id. SPP. During his cross examination, he stated that he had not got this site plan prepared and on the contrary, it was the IO who reached his office and merely obtained his signatures upon this document.

6.10 Therefore, both these witnesses have completely blown apart the case of the prosecution as far as the place of incident is concerned. In the light of this testimony, the testimonies of PW9 and PW11 with regard to this incident are completely found to be false. I say so because, according to PW9 and PW11, it was at around 1.00 p.m that they saw this Innova car going towards Khajuri Khas from the side of Gokalpuri and on main Wazirabad Road just opposite 25 Foota Road, this vehicle was stopped and attacked by the mob. Not only this, PW9 went on to state that the mob, which attacked Innova

car consisted of Shah Alam, Shadab and Rashid. As the incident had not even happened at that place, as has been deposed by PW14 and PW15, testimonies of PW9 and PW11 cannot be relied upon at all and have to be considered false.

6.11 Coming on to the incident at Royal Motors. There are three witnesses who claimed to have seen this incident. They are PW2 Naresh, PW9 Ct. Gyan Singh and PW11 HC Sunil Kumar.

6.12 PW2 Naresh deposed that on 24.02.2020, he ventured out of his house to see the riots, reached Chand Bagh Pulia at 11.00 a.m and had remained there for one hour. Thereafter, he reached at the corner of Diamond Public School/ marriage hall. He remained at that place for around 10 minutes. This marriage home and school was on the service road beside Wazirabad road towards the side of Chand Bagh. Riot was taking place on the service road as well as on the side of Wazirabad road. There would be around 400-500 persons on this service road. The rioters were carrying dandas. The rioters were pelting stones and damaging the carts and vehicles on the service road. On this service road, there was a showroom of Maruti Cars, where old vehicles were sold and it was situated near a wine shop. The rioters damaged the shutter of this showroom and had thrown (some) material like oil/petrol and this showroom was burnt. He identified four persons who were present on this service road. Three of them had

been seen by him earlier in his locality. They were Salim, Shadab and Shah Alam. Subsequently he came to know the name of fourth person as Rashid.

6.13 During his cross examination, he deposed that he had reached marriage home from Chand Bagh Pulia via Gali no.1, F block, Chand Bagh. From that place, he had gone to his house.

6.14 PW9 with regard to the incident at Royal Motors had deposed that on 24.02.2020 at around at about 1.30 p.m., a timber shop near 25 foota road was vandalised by the rioters and set on fire. On that day at about 3 p.m., Royal Motors shop, situated on the service road of Chand Bagh, was also set on fire by Sonu and his companions and they were about 30-40 persons.

6.15 PW11 deposed that at about 3 p.m. on 24.02.2020, he was present on Wazirabad road going from Khajuri chowk towards Gokalpuri. There was a Royal Motors car shop situated on the service road of Chand Bagh side, near 25 foota road. Rioters vandalised that shop and set it on fire. They tried to stop those rioters but rioters could not be controlled. There were around 30-35 persons and they fled away towards 25 foota road.

6.16 Therefore, all the three witnesses claimed that the rioters, on 24.02.2020, had set on fire Royal Motors, which was situated at F-7, Chand Bagh, Near 25 Foota Road. This establishment was owned

by PW7 Salim Ahmed.

6.17 PW7 Salim Ahmed deposed that he was running a shop in the name of 'Royal Motors' at F-7, Chand Bagh, main Wazirabad Road, Delhi. On 25.02.2020, he came to know that his aforesaid shop was set on fire and in that fire, two Santro cars and one i-10 car were burnt. Apart from this, another Santro car was also damaged but it was not burnt. On 24.02.2020, he had gone to his shop at about 10-11 a.m. He stayed in his shop till 2 p.m. on 24.02.2020. At that time, due to heavy noise and commotion, he closed the door of his shop by putting a lock and thereafter, he went to the ground floor at the residence of his landlord. He had tried to remove the cars from his shop but due to the mob, it was not possible. He stayed with his landlord till 7 p.m. and thereafter he went to his home. On 25.02.2020, he had gone to his shop at about 10-11 a.m., but had not opened his shop. At that time, his shop was in good condition. Thereafter, he went to his residence. At around 6-7 p.m., he came to know, through telephonic calls from some neighbours of his shop, that his shop had been vandalised and burnt. He thereafter deposed, that he gave a complaint to the police which was written by his son on his dictation and signed by him. He was shown a complaint from court file. Then, during his deposition, he took out a complaint from his possession, compared with the complaint placed in judicial file and thereafter deposed, that the said

complaint was not made by him. He however admitted his signatures at point X. When he was asked that when and why he had signed this complaint, he stated that he had signed the complaint when he had visited the police station. This complaint was written by someone in the police station and he had objected to the date mentioned at point Y. However, thereafter he signed the same. The witness also stated that he was made to sign some blank papers also but this document was not blank. He further deposed that the contents of the complaint were written by police officials as per inputs taken from him except, the date as mentioned at point Y. The other part of contents was true and correct as per his knowledge. The said complaint was then exhibited as Ex.PW7/A.

6.18 He was cross examined by Id. SPP. He denied that incident at his aforesaid shop had taken place on 24.02.2020 and not on 25.02.2020, or that he had closed his shop on 24.02.2020 at about 12 p.m. on account of the riots; or that he had come to know about vandalism and arson in his shop in the evening of 24.02.2020 through his neighbours. He denied that he had changed the date of incident falsely, under influence of accused persons.

6.19 During his cross examination on behalf of accused, he deposed that he had taken receipt of the complaint as given by him in the police station, which had been brought by him on that day. The

copy of complaint as tendered by the witness was taken on record and was exhibited as Ex.PW7/D-1. He further deposed that complaint Ex.PW7/A was written by police on some other day and not on the same day when Ex.PW7/D-1 was given by him. He had given a complaint in DCP office in respect of a wrong date of 24.02.2020 being recorded by police in his complaint Ex.PW7/A. He had brought copy of that complaint also. That complaint was exhibited as Ex.PW7/D-2.

6.20 With regard to certificate u/s 65B of Evidence Act, which was Ex.PW7/B, he stated that it was prepared in police station by police official who had read over the certificate in English to him. In response to court query, he answered that he understood a part of it. He understood the date mentioned in this certificate and he had mentioned before that police official that actual date was of 25.02.2020, rather than 24.02.2020 and the police official had told him that riot had taken place on both dates, so it did not matter.

6.21 I have carefully considered the testimony of PW7. It is evident that PW7 was categorical in again and again asserting that the incident had not happened on 24.02.2020 as claimed by the prosecution but had happened on 25.02.2020. He had brought on record Ex.PW7/D-1 which has original stamp of PS Dayalpur reflecting that it was received on 01.03.2020 and entered vide DD No.

14B. The document Ex.PW7/D-1 states that the incident had happened on 25.02.2020. The witness was so categorical and insistent about the fact that a wrong date of incident had been projected by the police, that he had approached the DCP of the area and gave a representation (Ex.PW7/D-2) that IO had wrongly recorded the date of incident as 24.02.2020 whereas, the incident had happened on 25.02.2020.

6.22 He is the person who had suffered a loss. He is the person whose property was burnt down in riots. He could not have had any reasons to deliberately change the date on which this incident had happened. He had categorically deposed that on 24.02.2020, he was in the building till 7.00 p.m and nothing had happened to his property or goods. He further deposed that on 25.02.2020 till 12 p.m, he was at his shop and till then, his shop was intact. Meaning thereby, that on 24.02.2020, no arson had happened at Royal Motors.

6.23 In the light of the testimony of PW7, it stands established that the incident at Royal Motors had happened on 25.02.2020 and not on 24.02.2020, as claimed by the prosecution. That being the case, PW2, PW9 and PW11 could neither have seen this incident on 24.02.2020 nor could they have seen accused engaged in a riot, vandalism and arons at Royal Motors.

6.24 However, with regard to the allegation that PW2 tried to extort money from the accused, I have watched the DVD containing

the said alleged footage. There is some conversation which the witness is having. However, there is no clarity in the footage and as such, no opinion can be formed in this regard.

6.25 With regard to other incidents, their testimonies are general in nature, lacks specificity and especially in view of the fact that these witnesses have deposed falsely with regard to the place of incident of Innova Crysta car as well as the date of incident of Royal Motors and having seen this incident, I find that it will be unsafe to rely upon the testimonies of these witnesses to convict the accused. I accordingly find that accused are entitled to a benefit of doubt. All the accused are accordingly acquitted of the charges framed against them. Their bail bonds stand cancelled. Sureties stand discharged. File be consigned to record room.

Pronounced in open court
on 30.03.2026.
(This judgment contains 28 pages
and each page bears my signatures)

(Parveen Singh)
ASJ-03, North East Distt.,
Karkardooma Court, Delhi.