

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

SC No. 352/2021
FIR No. 94/2020
PS Karawal Nagar
U/s. 147/148/149/188/427/454/436 IPC

State

Versus

1. Sumit Kumar
S/o. Sh. Om Prakash,
R/o. H. No. C-129, New Sabhapur Gujran,
Karawal Nagar, Delhi.

2. Anuj,
S/o. Sh. Virender,
R/o. H.No. 131, Gali No. 1,
New Sabhapur Gujran, Karawal Nagar,
Delhi.

3. Rahul,
S/o. Sh. Purshottam Kumar,
R/o. H.No. B-167, Gali No. 6
Mukund Vihar, Karawal Nagar, Delhi.

4. Sachin,
S/o. Sh. Purshottam Kumar,
R/o. H.No. B-167, Gali No. 6
Mukund Vihar, Karawal Nagar, Delhi.

...Accused.

Date of Committal : 06.10.2021.
Date of Arguments : 19.05.2026.
Date of Pronouncement : 19.05.2026.

(Section 481 BNSS stands complied by all the accused.)

JUDGMENT

Facts of Prosecution Case as per Charge Sheet

1.1 Brief facts of the present case are, that on 01.03.2020, complainant Wazid filed a written complaint in PS Karawal Nagar alleging, that his vehicle bearing no. UP37 AT 4196 had been set afire by the rioters on 25.02.2020. On the basis of this complaint, FIR u/s. 147/148/149/436 IPC was registered on 02.03.2020 and investigation was assigned to SI Yashvir.

1.2 During investigation, IO, at the instance of complainant, prepared site plan of the place of incident i.e. Kali Ghata Road, Near Pushta Road, Karawal Nagar. IO recorded the statement of complainant who stated that he could identify the rioters if shown to him. IO, recorded the statements of HC Junaid and HC Mithilesh who were deputed to rescue the victims of the riots on 25.02.2020. They stated that they could identify the rioters. During investigation, the complaint of one Shamshad was clubbed in this FIR. That complaint was regarding vandalism and setting fire of a namkeen shop which was owned by complainant Shamshad. During the investigation,

sections 436 IPC, 454 IPC and section 188 IPC were added in this case. PCR callers namely Noor Mohammad and Dharmender Sharma were examined. PCR forms were collected. The place of incident was inspected and photographed by mobile crime team. Notice u/s 91 Cr.P.C was issued to PWD asking to produce camera footage recorded by CCTV camera installed in Karawal Nagar. Two hard disks containing video footage of the camera installed in Karawal Nagar alongwith certificate u/s 65B of IE Act were collected. IO copied the video of both the hard disks in his laptop and then seized those hard disks.

1.3 During the investigation, on 28.06.2020, CCTV footage was shown to to complainants Wazid and Shamshad. Complainant Wazid identified four rioters in that video footage and stated that those rioters with others had vandalized and set afire his auto rickshaw on 25.02.2020. Complainant Shamshad identified five rioters in the video footage and stated that those rioters, along with others, had vandalized and set ablaze his shop on 25.02.2020. The said video footage was also shown to HC Junaid and HC Mithilesh and they identified 10 rioters. On 06.07.2020, screen shots of the video footage were shown to Ct. Shubham and Ct. Santosh in which they identified four persons and further told that on inquiries, the names of those four persons had been revealed as Sachin s/o Purushottam, Rahul, Sumit Kumar and Anuj. All the four accused were summoned to the police station and

after interrogation, they were arrested in this case. Mobile phone of accused Anuj was seized. After completion of investigation, charge sheet for offences punishable u/s 147/148/149/188/427/454/436 IPC was filed against the accused.

1.4 Thereafter, vide supplementary charge sheets, FSL result was filed.

Charges

2.1 On 20.12.2021, charge for offences punishable u/s 147/148 r/w section 149 IPC, u/s 436 IPC r/w section 149 IPC, u/s 454 IPC r/w section 149 IPC, u/s 427 IPC r/w section 149 IPC and u/s 188 IPC r/w section 149 IPC 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 11 witnesses, brief description of their testimonies is as under:-

Prosecution Witness No.	Name of Witness	Description
PW-1	Ct. Ashok Mishra	He was the formal witness who had proved the prohibitory order u/s 144 Cr. PC issued by the then DCP/NE on 24.02.2020 as Ex.PW1/A.
PW-2	Ct. Javed Khan	He was the photographer in the mobile crime team, who had clicked 7 photographs of one incident spot and 3

Prosecution Witness No.	Name of Witness	Description
		photographs of another incident spot, on the directions of IO. The photographs are Ex.PW2/A and certificate u/s 65B of IE Act is Ex.PW2/B.
PW-3	SI Surender Prasad	He was the Incharge of mobile crime team, North East district. He inspected the spot i.e. Karawal Nagar chowk in front of Om Bikaner Sweet Shop and Ct. Javed clicked the photographs of the same. He thereafter prepared his report as Ex.PW3/A.
PW-4	Noor Mohd.	He was the public witness who was present at his house and witnessed that mosque in gali no.2 was set ablaze by the rioters.
PW-5	Sh. Shamshad	He was one of the complainants in this case.
PW-6	ASI Mithlesh	He was the eye witness of the incident and had witnessed the incident. His detailed testimony shall be discussed at a later stage.
PW-7	ASI Junaid Ahmad	He was also eye witness of the incident, who accompanied PW-6 ASI Mithlesh to the place of incident and had witnessed the incident. His

Prosecution Witness No.	Name of Witness	Description
		detailed testimony shall be discussed at a later stage.
PW-8	Retd. SI Yeshvir Singh	On 01.03.2020, DO handed over one complaint of Wazid to him and after registration of FIR, he prepared the site plan of the place of incident i.e.pusta road, near kali ghata road, Karawal Nagar, at the instance of complainant. He was also handed over a complaint of Shamshad on 03.03.2020, which was clubbed in this case because of proximity of time, date and place of incident. However, due to corona, he could not find any video footage.
PW-9	HC Ravinder	He was the witness, who had pronounced the order u/s 144 Cr. PC passed by DCP, North East in the different areas of PS Karawal Nagar.
PW-10	SI Abhimanyu Tomar	He was the witness, who had received FSL report regarding examination of two hard disks and preparation of mirror copy and thereafter he had prepared supplementary charge sheet in this case.
PW-11	Ct. Vijay	He was the witness who, on the

Prosecution Witness No.	Name of Witness	Description
		directions of IO, had deposited 5 sealed pullandas in FSL, Rohini and after receiving acknowledgment and copy of R/C from the FSL, he handed over the same to IO.
PW-12	Sh. Rajneesh Kant	In February 2020, he received a letter from SHO seeking CCTV footage of particular cameras, of particular date and of specified time. He thereafter forwarded the said letter to BEL and on receipt of CDs or DVDs in a sealed cover from BEL, same were sent to SHO. He has proved the forwarding letter dt.17.06.2020 as Ex.PW12/1.
PW-13	Sh. Deepak Vohra	He was working in Transline Technologies Ltd. and as per his deposition, his company was assigned the job of installation and maintenance of CCTV cameras on behalf of PWD. In March 2020, a letter was received by him, which was given by Delhi Police to PWD for furnishing CCTV footages. The said letter was forwarded by PWD to BEL and BEL had forwarded to his company. He had provided the

Prosecution Witness No.	Name of Witness	Description
		requisite video in hard disk with certificate u/s 65B of IE Act and sent them to BEL.
PW-14	Ct. Shubham	He was the witness to the apprehension of accused Anuj, Sumit, Sachin and Rahul. He had correctly identified Anuj and Sumit in the court.
PW-15	Dr. Bharti Bhardwaj	She was an expert of FSL, Rohini and has proved FSL reports as Ex PW15/1 & Ex.PW15/2.
PW-16	HC Anuj	He was the police witness who had gone to the office of PWD office on the instructions of SHO and thereafter PWD official handed over two hard disks to him with a certificate. As per his testimony, SI Mandeep seized the said hard disks vide a seizure memo, which bears his signature.
PW-17	SI Mandeep Kukana	He was the IO of the case and his detailed testimony shall be discussed later on as and when found relevant.

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

Exhibit No.	Description of the Exhibit	Proved/ Attested by
Ex.PW1/A	Prohibitory order u/s 144 Cr. PC	PW-1
Ex.PW2/A	7 photographs of one incident spot and 3 photographs of another incident spot.	PW-2
Ex.PW2/B	Certificate u/s 65B of IE Act in respect of photographs	PW-2
Ex.PW3/A	Mobile Crime team report	PW-3
Ex.PW5/A	Complaint of Shamshad	PW-5
Ex.PW8/A	Endorsement on complaint of Wazid	PW-8
Ex.PW8/B	Site plan	PW-8
Ex.PW11/A	Copy of RC no.916/21/21	PW-11
Ex.PW11/B	Acknowledgment from FSL	PW-11
Ex.PW12/1	Forwarding letter dt. 17.06.2020	PW-12
Ex.PW13/1	Certificate u/s 65B of IE Act in respect of video	PW-13
Ex.PW15/1	FSL report dt. 17.02.2022	PW-15
Ex.PW15/2	FSL report dt. 05.11.2024	PW-15

Exhibit No.	Description of the Exhibit	Proved/ Attested by
Ex.PW15/ Article-1 & Ex.PW15/Article-2	DVDs	PW-15
Ex.PW15/3	Certificate in respect of DVDs	PW-15
Ex.PW15/ Article-3 & Ex.PW15/Article-4	Hard disks	PW-15
Ex.PW16/1	Seizure memo of two hard disks	PW-16
Ex.PW17/ Vid-1, Ex.PW17/Vid-2 & Ex.PW17/Vid-3	Videos	PW-17

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	Rukka	Ex.A-1
2	Copy of FIR	Ex.A-2
3	Certificate u/s 65B of Evidence Act in respect of FIR	Ex.A-3
4	PCR Forms	Ex.A-4 to Ex.A-6

S. No.	Description of the document	Exhibit No.
5	Seizure memo of Samsung J2 Pro mobile	Ex.A-7
6	Seizure memo of Samsung J5 Pro mobile phone	Ex.A-8
7	Arrest memo of Sumit	Ex.A-9
8	Personal search memo of Sumit	Ex.A-10
9	Arrest memo of Sachin	Ex.A-11
10	Personal search memo of Sachin	Ex.A-12
11	Arrest memo of Anuj	Ex.A-13
12	Personal search memo of Anuj	Ex.A-14
13	Arrest memo of Rahul	Ex.A-15
14	Personal search of Rahul	Ex.A-16
15	Copy of relevant entries made in register no.19	Ex.A-17, Ex.A-17(A), Ex.A-18, Ex.A-18(a) and Ex.A-19
16	Prohibitory order u/s 144 Cr.P.C	Ex.A-20
17	Complaint u/s 195 Cr.P.C	Ex.A-21
18	Copy of RC and acknowledgment receipt	Ex.A-22 & Ex.A-23

Statement of Accused

4.1 Thereafter, on 13.05.2026, statements u/s 313 Cr.P.C/ 351 BNSS of all the accused were recorded and all the accused preferred not to lead evidence in their defence.

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 proved its case beyond all reasonable doubts. He has contended that though complainant Wazid could not be found and had to be dropped from the list of witnesses, but through the CCTV footage, which was provided by PW13, accused were identified by PW6 and PW7, who were on duty at the relevant time at Karawal Nagar Chowk where, the incidents in question had happened. He has further contended that the hard disks (Ex.PW15/Article-3 and Ex.PW15/Article-4) containing footage have been proved by PW13 through his certificate Ex.PW13/1. Through these hard disks, accused were identified and thereafter apprehended. He has further contended that PW6 deposed that on 24.02.2020 at around 3-4 p.m, they had seen a mob of rioters which had assaulted a TSR driver, set fire to the TSR and then, this mob had also completely vandalized a namkeen shop situated on the back of Om Bikaner Sweets. This namkeen shop belonged to complainant Shamshad for which a charge has been framed in this case. Similarly, PW7 also deposed that on 24.02.2020 at around 3-4

p.m, he alongwith PW6 reached Karawal Nagar Chowk where they saw a mob beating one TSR driver. The mob then set fire to the said TSR. PW7 further deposed that during the same period, he had also seen the same mob vandalizing and setting ablaze one namkeen shop, which was situated at Karawal Nagar Chowk. He has further contended that both these witnesses, during investigation, had identified accused Sumit, Sachin, Rahul and Anuj being a part of the mob and later on also identified the accused in the court.

5.3 Countering it, ld. counsels for accused have contended that the accused have been falsely implicated in this case. Witnesses PW6 and PW7 have been planted at a later stage. They have further contended that PW6 and PW7, despite being posted in the same police station and fully knowing about the registration of this FIR and receipt of other complaint which was made subject matter of the FIR, did not approach the IO till June 2022 to inform that they had seen the incident. They have further contended that even in their statements u/s 161 Cr.P.C, PW6 and PW7 have not stated about these incidents and later on improved only for the purpose of proving this case. They have further contended that there are many contradictions in the statements of these witnesses, which have emerged. They have further contended that as per PW6, the shop of Namkeen i.e. the shop of complainant Shamshad was behind Om Bikaner Sweets. However, as per the case of the prosecution, this shop was just in front of Om Bikaner Sweets,

as is visible from the photographs filed by the prosecution, admittedly signed by the IO. They have further contended that as per the IO, the incident regarding the auto had not happened at Karawal Nagar Chowk but had happened at a distance far away from Karawal Nagar Chowk and therefore, PW6 and PW7 from Karawal Nagar Chowk could not have seen burning of auto and these are planted witnesses.

Findings

6.1 I have considered the rival submissions.

6.2 There are two complaints which are the subject matter of this case and on the basis of which, charges have been framed against the accused.

6.3 The first is complaint of one Wazid which became basis of registering the FIR (Ex.A-2) in question. In his complaint, he had stated that on 25.02.2020, at Karawal Nagar Chowk, rioters had set fire to his auto rickshaw bearing no. UP37AT 4196. The second is the complaint of one Shamshad, which is Ex.PW5/A. He had alleged that he had a shop by the name of Sameer Namkeen Bhandar in front Om Bikaner at Karawal Nagar Chowk and on 25.02.2020, this shop was vandalized and set afire by the rioters.

6.4 During the trial, prosecution could not produce Wazid before the court and at least through Wazid, the said incident could not be proved.

6.5 Shamshad appeared as PW5 and as per his testimony,

incident at his shop had happened in his absence and thus, he could not tell about the people involved in rioting and arson in his shop. He was cross examined at length by Id. SPP but denied identifying any of the accused as rioters.

6.6 Therefore in effect, the entire case of prosecution rests on two witnesses. These are PW6 HC Mithilesh and PW7 ASI Junaid. I say so because even if the electronic evidence which has been produced by prosecution in the form CCTV footage is accepted to be true, the CCTV footage do not pertain to any of the incidents on the basis of which charges have been framed in this case. The only significance of these CCTV footage is, that two eye witnesses namely PW6 and PW7, who had seen burning of auto of Wazid and burning of shop of Shamshad, after seeing these CCTV footage, identified the accused as the persons who were involved in these incidents and therefore, in effect, it is these two eye witnesses, who can prove the case of the prosecution.

6.7 PW6 HC Mithilesh deposed that on 25.02.2020, he and HC Junaid were on patrolling duty from 9.00 a.m onward. At about 3-4 p.m, both of them were present at some distance from Karawal Nagar Chowk. At Karawal Nagar Chowk, there was a mob of 100-150 persons. Some members of this mob were having dandas. This mob indulged in vandalism and arson in nearby shops. The mob also assaulted TSR auto drivers at Karawal Nagar Chowk and at that time,

they also set one TSR auto on fire. He further deposed that at Karawal Nagar Chowk, he had seen complete vandalizing a namkeen shop situated on the back side of Om Bikaner Sweets and he did not know about the owner of the shop. The TSR auto, which was set ablaze at Karawal Nagar Chowk, was having a number starting with UP 14AT but he did not remember the complete number. The mob then set fire to one mattress shop situated in Mukundpur Chowk. Subsequently, he met the owner of that shop who was named Shamshad.

6.8 During his cross examination, he deposed that the TSR auto was burnt at Karawal Nagar Chowk at around 3-4 p.m. On that day, he had met Shamshad at around 5-6.00 p.m. He denied that he had falsely deposed about a meeting Shamshad, or that Shamshad had not told him about being owner of mattress shop, or that Shamshad had told him about being owner of Namkeen shop. He denied that he was not present at Karawal Nagar Chowk or other places as stated by him in his examination in chief. He further deposed that he had visited Karawal Nagar Chowk at around 3-4.00 p.m, Mukundpur Chowk at around 5-6.00 p.m and Masjid Wali Gali at around 7-8.00 p.m. He further deposed that on 01.03.2020, he had come to know about registration of this case and the fact that who was the IO of this case. On the same day, he had informed IO that he was an eye witness of the incident. He then deposed that in his statement u/s 161 Cr.P.C dated 01.03.2020, he had stated that on 25.02.2020, he had seen rioters

setting fire to the TSR on Karawal Nagar Chowk but he did not know why, the IO did not record this fact in his statement. He further deposed that neither did he read his statement and the IO read it to him. He denied that he was falsely deposing about not reading his statement so that he could cover up for not stating about seeing a TSR being set afire at Karawal Nagar Chowk on 25.02.2020. He then deposed that Pushta Road was at a distance of about 02 kms from Karawal Nagar Chowk and that the site plan Ex.PW8/B was of Karawal Nagar Chowk. However, on being specifically suggested that he had never been to Pushta and that is why, he stated site plan Ex.PW8/B to be of Karawal Nagar Chowk whereas it was of Pushta, he admitted that the site plan was of Pushta Road.

6.9 The second witness is PW7HC Junaid. Regarding the incident, he deposed that on 25.02.2020, he and HC Mithilesh reached Karawal Nagar Chowk at around 3-4.00 p.m. At the Karawal Nagar Chowk, they saw a mob of around 100-150 people who were beating one TSR auto driver and then, the mob set fire to the TSR. During the same period, he also saw that the same mob was vandalizing and setting one namkeen shop on fire which was situated on Karawal Nagar Chowk.

6.10 During his cross examination, he deposed that the distance between place where TSR was burnt and shop of namkeen would be around 10-15 paces. He further deposed that it was three

times that his statement was recorded by IO in this case, and that he had stated before IO about the incident of setting namkeen shop on fire. He then deposed that he had stated before the IO about the incident of burning a TSR and the number of that auto. He was confronted with his statements u/s 161 Cr.P.C dated 01.03.2020, 27.06.2020 and 06.07.2020 and it was observed by my learned Predecessor that, the fact of burning of namkeen shop was not recorded in specific terms and the burning of auto was only mentioned in statement dated 27.06.2020 in the fourth last line. He then stated that he had stated before IO about burning of auto on 25.02.2020 and he was then confronted with his statement u/s 161 Cr.P.C dated 27.06.2020, wherein he had stated that it was on 27.02.2020, that he had seen one auto being burnt at Karawal Nagar Chowk. Further during his cross examination, he deposed that he had no explanation that why was it so that in none of his statements u/s 161 Cr.P.C, he had stated about seeing an auto being set on fire on 25.02.2020 at Karawal Nagar Chowk. He further deposed that he did not raise any objections with the IO that why the fact that he had seen an auto being burnt at Karawal Nagar Chowk on 25.02.2020 was not mentioned in his statement. He denied that he had not seen the incident or that he was a planted witness.

6.11 A careful consideration of the testimonies of both these witnesses reflects that they are consistent and are corroborating each

other that on 25.02.2020, they were at Karawal Nagar Chowk at around 3-4.00 p.m and had seen an auto being set afire. However, the testimonies of both these witnesses is completely falsified by what had been deposed by the IOs about the place of incident.

6.12 The first IO Retd. SI Yashveer Singh deposed that on 01.03.2020, he accompanied the complainant to Pushta Road near Kalighata Road, Karawal Nagar where the complainant pointed to the place where the incident had happened with him. He prepared the site plan of that place and the site plan was Ex.PW8/B.

6.13 The second IO is SI Mandeep Kukana who appeared as PW17. During his cross examination, he deposed that it was on 22.06.2020, that he had visited the scene of crime for the first time. As per the file, the auto was burnt on slope of Pushta Road going towards Karawal Nagar and on inquiries, previous IO had stated that this was the place of incident whereas as per FIR, the incident had happened at Karawal Nagar Chowk. The previous IO had also informed him that as the victim was not well versed with the area, he mistook the said place as Karawal Nagar Chowk and in the FIR, the place of incident was recorded as Karawal Nagar Chowk. He admitted that the distance between the place of incident, as finally shown in charge sheet and Karawal Nagar Chowk, was about 1.5 kms.

6.14 Therefore, during the investigation the IOs had found that the auto of Wazid was not burnt at Karawal Nagar Chowk. This fact

was also established from site plan Ex.PW8/B which is not of Karawal Nagar Chowk. The fact that the site plan was not of Karawal Nagar Chowk was also admitted by PW6. Therefore, as the incident had not happened at Karawal Nagar Chowk, PW6 and PW7 could not have seen the accused burning this vehicle at Karawal Nagar Chowk.

6.15 Furthermore, as per the supplementary statement of Wazid, which was recorded on 01.03.2020 itself, the time at which he was stopped by the rioters and his auto was burnt was around 5.30 p.m and hence, these witnesses could not have seen the incident between 3-4 p.m as claimed by them.

6.16 Similarly with regard to shop of Shamshad being burnt by the accused, PW6 claims that this shop was merely 10-15 paces from where the auto of Wazid was burnt and then goes on to state that this shop was behind Om Bikaner Sweets whereas, according to complaint of Shamshad itself, this shop was in front of Om Bikaner and same is also reflected from the photos filed on record by the IO, although they were not exhibited by the prosecution. Hence, this witness could not have seen burning of shop of Shamshad and resultantly, could not have seen accused in this act.

6.17 It is also to be noticed that in none of the statements of the witnesses recorded by IO, there is any mention of any shop of Shamshad or a namkeen shop being burnt in their presence and their statements u/s 161 Cr.P.C are very generalized.

6.18 In view of my aforesaid discussion, I find that PW6 and PW7 are not credible witnesses and it will be dangerous to rely upon their testimonies and find for the prosecution against the accused. I accordingly find, that prosecution has failed to prove its case against the accused. All the accused are accordingly acquitted of all the charges framed against them. Their bail bonds are cancelled. Their sureties stand discharged. File be consigned to record room.

Pronounced in open court
on 19.05.2026.
(This judgment contains 21 pages
and each page bears my signatures)

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