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

SC No. 99/21
FIR No. 78/20
PS Dayal Pur
U/s. 147/148/149/427/435/436/120B IPC
& 3/4 PDPP Act.

State

Versus

1. Akil Ahmed @ Papad,
S/o Sh. Jamil Ahmed,
R/o H. No. 1692, Gali No. 17,
Rajiv Gandhi Nagar,
New Mustafabad, Delhi.

2. Rahees Khan @ Rais Khan,
S/o Sh. Rafiullah,
R/o H. No. F-38, Gali No. 1,
25 Foota Road, Chand Bagh,
Delhi.

3. Irshad,
S/o Sh. Ikram,
R/o H. No. 1194, Gali No. 14,
Rajiv Gandhi Nagar,
New Mustafabad, Delhi. ....Accused.

Date of Committal : 06.02.2021.
Date of Arguments : 31.07.2025.

Date of Pronouncement : 14.08.2025.

(Section 481 BNSS complied with by all accused persons)

JUDGMENT

Brief facts of the case of the prosecution are, in agitation against CAA/NRC, protests had been going on in the area of Chand Bagh, Brijpuri Pulia and in other areas situated in North East Delhi. On 23.02.2020, these protests got violent and riots had erupted in the areas of Chand Bagh, Wazirabad Road, Karawal Nagar Road, Sherpur Chowk and Shiv Vihar Tiraha and these riots continued till 26.02.2020. The present FIR pertains to an incident dated 25.02.2020.

2. On 25.02.2020, an information was received at PS Dayalpur whereby it was informed that a Hero Showroom, Chand Bagh, Wazirabad Road had been set a fire. On receipt of the information ASI Rajender Kumar had visited the place of incident and found that many shops, showrooms, houses, cars etc. had been vandalized and arsoned by a mob and the mob continued to be intense. After arranging more force, mob could be controlled by the midnight of 26.02.2020. Thereafter, ASI Rajender recorded a DD entry on 28.02.2020 and got the present case registered.

3. On 06.03.2020, another DD No. 46B was recorded and complainant Sangeeta w/o Sh. Sanjeev gave a statement that during the riots of 25.02.2020, the rioters had vandalized and burnt her

husband's Maruti Alto car bearing registration no. DL-8CS-5182. The car had been sent for service at Raj Automobile, F-1/2, Main Wazirabad Road. Due to this, complainant had suffered a loss of around Rs.2 lacs.

4. On 06.03.2020, another DD No. 44B was recorded and statement of complainant Shankar Dutt Sharma was recorded. Complainant alleged that he was the Manager of Skyride showroom, F-1, Chand Bagh, Main Wazirabad Road, Bhajanpura, Delhi. He further alleged that on 25.02.2020, the rioters had broken three locks of the showroom, damaged three cameras, two front signboards, eight lights, one glass door and one banner and it had caused a loss of around Rs.68-70 thousand.

5. On these complaints, the present FIR u/s 147/148/149/427/436 IPC was registered.

6. During the investigation, CCTV footage of different areas were collected. Statements of the persons, who suffered losses during the riots, were recorded. It was revealed during the investigation that Ct. Gian Chand, who was on duty at the place of incident on 25.02.2020, had seen the incident and he identified three rioters namely Akil Ahmed @ Papad, Rahees Khan @ Rais Khan and Irshad. CDRs of the phone numbers used by these accused were collected and after analysis of the same, it was found that the location of these accused were of the place of incident. Thereafter, these accused were

formally arrested from Mandoli jail. Section 120B IPC was added in the present FIR. After completion of investigation, chargesheet was filed against accused namely Akil Ahmad @ Papad, Rahees Khan @ Rais Khan and Irshad for offences u/s. 147/148/149/427/435/436/120B IPC.

7. On 04.09.2021 first supplementary chargesheet was filed and sections 188/454/457 IPC were added in this case.

8. On 04.09.2021, charge for offences punishable u/s 143/147/148 IPC r/w 149 IPC; u/s 454/427 r/w section 149 IPC; u/s 454/427/380 IPC r/w section 149 IPC; u/s 436 r/w section 149 IPC and u/s 435 IPC r/w section 149 IPC was framed against all the accused, to which they pleaded not guilty and claimed trial.

9. On 29.09.2021, amended charge for offences punishable u/s 143/147/148 IPC r/w section 149 IPC and section 188 IPC; u/s 454/427 IPC r/w section 149 IPC; u/s 454/427/380 IPC r/w section 149 IPC; u/s 435 IPC r/w section 149 IPC and u/s 436 IPC r/w section 149 IPC was framed against all the accused, to which they pleaded not guilty and claimed trial.

10. The prosecution has examined 21 witnesses to prove its case.

11. **PW1 is Shankar Dutt.** He deposed that he had been working as Manager in Skyride Automotive Showroom, F-1, Chand

Bagh, Main Wazirabad Road, Delhi since 2016. On 24.02.2020, the said showroom was closed on account of weekly holiday. Later on, he came to know that some rioters had robbed, vandalized and set on fire several shops and houses around the showroom. For this reason, neither he nor the owner of the showroom could muster courage to go to the showroom. On 29.02.2020, he visited the showroom and found bullet marks on the shutter and the showroom had been vandalized. Being scared, he returned home. On 06.03.2020, he gave a written complaint to the police. The said complaint was Ex.PW1/A. Police had taken photographs of his showroom which were Ex.PWI/B(Colly). The site plan, Ex.X, was prepared by the IO reflecting his showroom at point A.

12. **PW2 is Anand Gupta.** He deposed that on 25.02.2020, he had parked his Hyundai Grand i-10 car bearing registration No.DL-3CBZ-6780 in front "Shamim Dealer", Chand Bagh, main Wazirabad Road, Delhi for selling it. During the communal riots, which had erupted on the said date, his car was set to fire by the riotous mob. On 09.03.2020, he reported the matter to the police and gave complaint, Ex.PW2/A. Police had taken photographs of his shop, which were Ex.PW2/B (colly). In the site plan, Ex.X, he identified the shop of Shamim Car Dealer at point E and position of his car at point D.

13. **PW3 is Karan Singh.** He deposed that he was the landlord

of Johan Automobiles, situated at H. No.D-2, main Wazirabad Road, Chand Bagh, Delhi-94. His tenant used to run this car showroom. On 25.02.2020, the rioters vandalized the said showroom and set it on fire. He came to know that the mob was of Hindu rioters. He reported the matter to the police and gave a complaint dated 07.03.2020, which was Ex.PW3/A. Police had taken photographs of his shop, which were Ex.PW3/B (colly). In the site plan, Ex.X, he identified the showroom of Johan Automobiles at point F.

14. **PW4 is Sangeeta Chauhan.** She deposed that she was the owner of Raj Automobiles, situated at F-1/2, main Wazirabad Road, Chand Bagh, Delhi. On 25.02.2020, due to eruption of communal riots in the area, she had closed her automobile shop. However, she was keeping a watch from some distance. Suddenly, some rioters came from the Yamuna Vihar side and they were armed with lathis, dandas, sarias, swords and they started pelting stones. Some of the rioters climbed on the roof of her automobile showroom and broke the same, while some rioters after breaking the gate and grill had entered inside the showroom. The rioters vandalized and damaged her car bearing regn. No.DL-9CS-5182, which at that time was parked inside the showroom. She was very scared and could not stop the rioters, except simply watching them. She somehow managed to reach her home. She had suffered financial loss to the tune of around Rs. 1.00-1.50 lakhs in the said incident. On 06.03.2020, she reported the matter to the police

and filed a complaint, Ex.PW4/A. Police had taken photographs of her shop which were Ex.PW4/B (Colly). She identified her showroom at point B and the parked car at point C in site plan, Ex.X.

15. **PW5 is Retd. SI Naresh Kumar.** He deposed that on 25.02.2020 at about 04.38 p.m, DD No. 58A was received at PS through PCR which was recorded by him. Copy of DD was Ex.PW5/A. The said DD was handed to ASI Rajender for appropriate action.

16. **PW6 is HC Rakesh**. He deposed that on 28.02.2020, he was posted as duty officer at PS Dayalpur. On that day, he registered FIR, Ex.PW6/A. After registration of FIR, he handed the original rukka and copy of FIR to SI Shiv Charan Meena. He also issued certificate u/s 65B of Indian Evidence Act, which was Ex.PW6/B.

17. **PW7 is Ct. Vikas.** He deposed that on 25.02.2020, he alongwith ASI Rajender had gone to the spot which was in front of Hero showroom, Chand Bagh, Main Wazirabad Road. There were about 1500-2000 rioters and they were violently protesting there. They were vandalizing, setting fire and robbing the shops and showrooms. The other police were also present. They all tried to pacify the rioters but being outnumbered, rioters could not be controlled. During the course of his duty, he had seen robberies, vandalism and arson being committed but he could not identify the rioters.

18. **PW8 is Nand Kishore Chaurasiya.** He had brought the the judicial record of chargesheet in case FIR No. 84/20 of PS Dayalpur and after comparing the documents on record from pages 86 to 109, those copies were exhibited as Ex.PW8/A (colly).

19. **PW9 is ASI Rajender.** He deposed that on 25.02.2020, DD No. 58A was marked to him. He alongwith Ct. Vikas had gone to the spot which was in front of Hero showroom, Chand Bagh. There were about 1500-2000 rioters and they were violently protesting there. They were vandalizing, setting fire and robbing the shops and showrooms. The other police were also present. They all tried to pacify the rioters but being outnumbered, riots could not be controlled. During the course of his duty, he had seen robberies, vandalism and arson being committed but he could not identify the rioters. He prepared rukka, Ex.PW9/A and got the FIR, Ex.PW6/A, registered.

20. **PW10 is Rajiv Vashisht, Nodal Officer from Bharti Airtel**. He had proved the CAF of mobile no. 8448502312 in the name of Irshad and the documents submitted by the applicant at the time of obtaining connection as Ex.PW10/A and Ex.PW10/B. He also proved the CDR for the period from 01.01.2020 to 28.02.2020 as Ex.PW10/C. He also brought record pertaining to mobile no. 9599926680 and proved the CAF in the name of Mohd. Junaid as Ex.PW10/D and the CDR of this mobile number w.e.f. 01.01.2020 to 28.02.2020 as Ex.PW10/E. He had also brought record pertaining to mobile no.

9821575781 and proved the CAF in the name of Akil Ahmed as Ex.PW10/F, copy of documents submitted at the time of obtaining connection as Ex.PW10/G and the CDR of this mobile number w.e.f. 01.01.2020 to 28.02.2020 as Ex.PW10/H. He had also brought record pertaining to mobile no. 9958713932 and proved the CAF in the name of Arvind as Ex.PW10/I, copy of documents submitted at the time of obtaining connection as Ex.PW10/J and the CDR of this mobile number w.e.f. 01.01.2020 to 28.02.2020 as Ex.PW10/K. He had also brought record pertaining to mobile no. 7380300214 and proved the CAF in the name of Mukesh as Ex.PW10/L and the CDR of this mobile number w.e.f. 01.01.2020 to 28.02.2020 as Ex.PW10/M. He had also proved the certificate u/s 65B of Indian Evidence Act in respect of the abovesaid five connections as Ex.PW10/N.

21. **PW11 is Pawan Singh, Nodal Officer from Vodafone**. He had brought record pertaining to mobile no. 9654131941 and proved the CAF in the name of Rais Khan as Ex.PW11/A, copies of documents submitted at the time of obtaining connection as Ex.PW11/B and the CDR of this mobile number w.e.f. 01.01.2020 to 28.02.2020 as Ex.PW11/C. He had also brought record pertaining to mobile no. 9871612141 and proved the CAF in the name of Chand Mohd. as Ex.PW11/D, copy of documents submitted at the time of obtaining connection as Ex.PW11/E and the CDR of this mobile number w.e.f. 01.01.2020 to 28.02.2020 as Ex.PW11/F. He had also

brought record pertaining to mobile no. 9990631325 and proved the CAF in the name of Mohd. Firoz as Ex.PW11/G and the CDR of this mobile number w.e.f. 01.01.2020 to 28.02.2020 as Ex.PW11/H. He had also brought record pertaining to mobile no. 9509509979 and proved the CAF in the name of Gyan Singh Chaudhary as Ex.PW11/I, copies of documents submitted at the time of obtaining connection as Ex.PW11/J and the CDR of this mobile number w.e.f. 01.01.2020 to 28.02.2020 as Ex.PW11/K. He had also brought record pertaining to mobile no. 9958505290 and proved the CAF in the name of Rais Khan as Ex.PW11/L, copies of documents submitted at the time of obtaining connection as Ex.PW11/M and the CDR of this mobile number w.e.f. 01.01.2020 to 28.02.2020 as Ex.PW11/N. He had also proved the certificate u/s 65B of Indian Evidence Act in respect of the abovesaid five connections as Ex.PW11/O.

22. **PW12 is Ct. Mukesh.** He deposed that on 28.02.2020, he alongwith IO SI Shiv Charan went to the spot of incident i.e. Brijpuri U Turn and IO prepared rough site plan. IO tried to examine the DVRs of CCTV cameras near the spot of incident but no DVR could be found.

23. **PW13 is SI Shiv Charan**. He deposed that on 28.02.2020, duty officer handed him copy of rukka and FIR of this case for investigation. On that day, he alongwith Ct. Mukesh Meena went at the place of incident i.e. Brijpuri U Turn and he prepared rough site

plan. After about two days, investigation was entrusted to ASI Hukam Singh and he handed the case file to him.

24. PW14 is Monu. He deposed only about the incident of 24.02.2020 and not about the incident dated 25.02.2020.

25. PW15 is ASI Ravinder Kumar. PW16 is Ct. Gyan Singh. PW19 is HC Devender. PW20 is HC Sandeep. These witnesses are the members of Crack Team. Their testimonies shall be considered at a later stage as and when required.

26. PW17 is SI Rajiv. He deposed that on 03.09.2021, he had obtained complaint u/s 195 Cr.P.C from the office of DCP/NE and filed through supplementary charge sheet. He also obitained statements of eye witnesses and photographs of three accused as well as copy of order u/s 144 Cr.P.C and filed them with the supplementary charge sheet.

27. PW18 is ASI Naresh Pal. He proved the copy of order u/s 144 Cr.P.C as Ex.PW18/A and the complaint u/s 195 Cr.P.C as Ex.PW18/B.

28. PW21 is Retd. ASI Hukum Singh. He is the IO of the case. His testimony shall be considered at a later stage as and when required.

29. CW1 is ASI Vijyant. He has brought the the statements dated 03.05.2020, 25.05.2020, 17.08.2020 and 20.08.2020 recorded

u/s 161 Cr.P.C of Ct. Gyan Singh in FIR No. 85/20. These statements were exhibited as Ex.CW1/A to Ex.CW1/D.

30. Thereafter, on 29.05.2025, statements u/s 313 Cr.P.C of accused persons was recorded and accused Akil Ahmed preferred to lead evidence in his defence. On 15.07.2025, accused Akil closed his evidence.

31. I have heard ld. Spl. PP for State as well as ld. counsels for accused persons and perused the record very carefully.

32. Ld. SPP has contended that the prosecution has relied upon the testimonies of PW15, PW16, PW19 and PW20 to establish its case beyond all reasonable doubts. All these witnesses were eye witnesses of the incident and had correctly identified the accused during their testimonies. He has further contended that PW16 and PW20 were personally acquainted with the accused even prior to the occurrence of the incident. PW16 was the beat officer of Chand Bagh and had seen all the three accused on multiple occasions prior to the riots. He has further contended that these witnesses have been thoroughly cross examined on behalf of accused and no material contradiction has been shown which would raise doubts upon their testimonies. He has further contended that only on slight variations, the testimonies of police witnesses cannot be brushed aside. In this regard, he has relied upon the judgment of Hon'ble Supreme Court in

Pramod Kumar v. State (Government of NCT of Delhi), 2013 SCC OnLine SC 502 and has relied upon the the following paras:

> *"12. …* ***The witnesses from the Department of Police cannot per se be said to be untruthful or unreliable. It would depend upon the veracity, credibility and unimpeachability of their testimony****.*
> *13. This Court, after referring to State of U.P. v. Anil Singh [1988 Supp SCC 686 : 1989 SCC (Cri) 48] , State (Govt. of NCT of Delhi) v. Sunil [(2001) 1 SCC 652 : 2001 SCC (Cri) 248] and Ramjee Rai v. State of Bihar [(2006) 13 SCC 229 : (2007) 2 SCC (Cri) 626]* ***has laid down recently in Kashmiri Lal v. State of Haryana*** *[(2013) 6 SCC 595 : 2013 AIR SCW 3102]* ***that there is no absolute command of law that the police officers cannot be cited as witnesses and their testimony should always be treated with suspicion. Ordinarily, the public at large show their disinclination to come forward to become witnesses. If the testimony of the police officer is found to be reliable and trustworthy, the court can definitely act upon the same.*** *If, in the course of scrutinising the evidence, the Court finds the evidence of the police officer as unreliable and untrustworthy, the Court may disbelieve him but it should not do so solely on the presumption that a witness from the Department of Police should be viewed with distrust.* ***This is also based on the principle that quality of the evidence weighs over the quantity of evidence****."*(emphasis supplied)

33. He has further relied upon the judgment of Hon'ble Supreme Court in the case of ***Kulwinder Singh v. State of Punjab (2015) 6 SCC 674*** and has relied upon:

> **23.** The last plank of submission of the learned counsel for the appellants is that no independent witness has been examined to substantiate the allegation of the prosecution. It is worth to note that Labh Singh and Harvinder Singh have not been examined by the prosecution. The explanation has been offered that the investigating agency was of the view that they had been won over. The said explanation has been totally substantiated inasmuch as they have been examined as defence witnesses. In

> such a situation, no adverse inference can be drawn for non-examination of the said witnesses. ***That apart, the case of the prosecution cannot be rejected solely on the ground that independent witnesses have not been examined when, on the perusal of the evidence on record the Court finds that the case put forth by the prosecution is trustworthy. When the evidence of the official witnesses is trustworthy and credible, there is no reason not to rest the conviction on the basis of their evidence.***

34. He has further relied upon the recent judgment of hon'ble Supreme court in ***Sathyan versus State of Kerela; (2023)13 SCC 767.*** He has further contended that the testimonies of these witnesses are sufficient and do not require any corroboration. He has further contended that mere inconsistencies from previous statements, if any, which the defence has pointed out, cannot discredit the testimonies of these witnesses. He has further contended that minor inconsistencies or variations from previous statements in the testimonies of PW15, PW16, PW19, and PW20 are not sufficient to discredit their depositions.

35. On the other hand, it has been contended by ld. counsels for accused that the arrests of these accused were made on 16.04.2020 at Mandoli Jail after they had been arrested in FIR No. 84/20 of PS Dayalpur. Accused Rahees Khan was arrested in FIR no. 84/20 on 11.03.2020. Accused Irshad was arrested in FIR no. 84/20 on 01.04.2020. Accused Akil Ahmed was arrested in the same FIR no. 10.04.2020. The claim of the IO is that he had received information

about arrest of these accused from Insp. Ashish, who was the IO of case FIR No. 84/20 PS Dayalpur. They further contended that it is strange that the statement of this witness Insp. Ashish was only recorded on 10.06.2020. The prosecution chose not to examine Insp. Ashish simply for the reason, that Insp. Ashish could not have known that these accused were also involved in the present FIR as they had not made any disclosure before Insp. Ashish that they were involved in the instances that have been made the subject matter of the present case. It is further contended that the disclosures of accused Rahees, Irshad and Akil have been exhibited as Ex.PW8/A (colly) and the said disclosures are entirely about whatever had happened on 24.02.2020 whereas all the instances in this case are of 25.02.2020. In these disclosure statements, there is no mentioning of involvement in the arson, vandalism etc. at Skyride Automotive Showroom, Johan Automobiles and Raj Automobiles or Hyundai car of Anand Gupta. Hence, the stand of the IO, that it was Insp. Ashish who informed him about the arrest of these accused and that is how he came to know that they were lodged in Mandoli Jail, is completely false. In fact these accused have been implicated in this case only to show that the case has been solved. It is further contended that the star witness of the prosecution i.e. Ct. Gyan Singh, before 16.04.2020, never stated about these accused although he claims that he had known them. It is further contended that when the charge was framed, it is only in one case that

the time has been given of 7.30 p.m whereas the DD entry i.e. 58A dated 25.02.2020, which is the starting point of this case had already been recorded at 04.38 p.m. They have further contended that PW3 had deposed that the mob was of Hindu rioters.

36. Ld. counsel for accused Akil Ahmed has contended that the entire charge sheet is manipulation of facts and fabrication of evidence. He has contended that the IO, when confronted with Ex.PW21/D1 to Ex.PW21/D17 and asked to explain the nature of these documents, stated that he did not know English and despite that he filed various documents in English, without understanding their nature, only at the instance of his senior officers. It is evident that IO had done no investigation and he merely filed chargesheet. He has further contended that IO has changed the site plan and it is evident from his examination in chief when he stated that on analysis of his file, he found that the site plan was not showing the places of incident and on 08.07.2020, he prepared site plan, Ex.PW21/A. He has further contended that the star witness of the prosecution is stated to be Ct. Gyan Singh. In the statement u/s 161 Cr.P.C of Ct. Gyan Singh, which was recorded by the IO, his PIS number was mentioned as 2883206 whereas in his evidence before the the court, his PIS number was recorded as 28183206 and the witness had stated that this is the only PIS number that he ever had. Therefore, the prosecution has not examined the Ct. Gyan Singh, whose statement u/s 161 Cr.P.C was

recorded by the IO and the Ct. Gyan Singh, who was examined as PW16, is not the same person because these two Gyan Singhs have different PIS numbers.

37. He has further contended that PW19 HC Devender has stated, during his cross examination, that he had come to know the names of the persons whom he identified amongst the rioters within 2 to 4 days of the incident. He further deposed that immediately after making inquiry about the names of these persons, he had informed his incharge ASI Ravinder. However, ASI Ravinder, who appeared as PW15, claimed that he came to know about the names of these persons subsequent to their arrest. Thus, the testimonies of these witnesses are recorded in a manner to suit the case of the prosecution. He has further contended that PW15 stated that the rioting on 25.02.2020 had started at around 03.00 -3.30 p.m when the mob started pelting stones on the police party, pushed it back and started setting fire to properties including Skyride Showroom, Johan Automobiles and Raj Automobiles. During his cross examination, he stated that in his presence, arson was only done after 07.00 p.m and no arson had taken place before 07.00 p.m. On the other hand, PW19 HC Devender stated that on 25.02.2020, he had seen rioting from 03.30 p.m upto 7.00 p.m. Mob had assembled at around 3.30 p.m whereafter they had started pelting stones on police and indulged in the acts of vandalism and arson. Contradicting other witnesses, he deposed that at

about 07.00 p.m, riot had calmed down. He was specifically asked and he stated that riots had stopped prior to 7.00 p.m and at that time, sun had not completely set. Therefore, these witnesses are planted witnesses who have deposed only to prove the case of the prosecution. He has further contended that Ct. Gyan Singh, before 16.04.2020, never stated about the identities of these persons despite knowing about them from day one, which again reflects that he is a planted witness. Though Ct. Gyan, during his examination in chief, deposed that on 01.03.2020, ASI Hukim Singh had recorded his statement but no such statement was found on record and it is only during the cross examination of this witness, ld. SPP produced a statement which was undated and claimed that it was the statement u/s 161 Cr.P.C as had been recorded as Ex.PW16/D1. The said statement is a manipulated one.

38. In rebuttal, ld. SPP has contended that defence is trying to create an unnecessary confusion by projecting that there were two constables having the name Gyan Singh and that the Gyan Singh, who deposed before the court, is not the same Gyan Singh whose statement u/s 161 Cr.P.C was recorded by the IO. He has contended that both the PIS numbers are exactly same and it is merely one digit i.e. digit '1' which is missing and it can be considered as a typographical error which does not go to the root of the testimony of Ct. Gyan Singh.

39. I have considered the rival submissions and gone through

the judgments cited on behalf of the prosecution.

40. There is no doubt that the case of the prosecution rests on police witnesses. I say so because none of the four public witnesses, except PW Sangeeta, three witnesses have stated that they were the witnesses of these riots which had caused damaged to their properties. Thus, these witnesses could only have proved that their properties were damaged but these witnesses cannot link the said criminal act to the accused. Sangeeta, who appeared as PW4, though has witnessed the riot and damage to her property but again her deposition is that she witnessed it from a distance and she also stated that she could not identify any of the rioters involved in the said act. Thus, my opening observation is that the case of the prosecution rests solely on police witnesses.

41. However, I fully agree with the contention of ld. SPP, duly supported by judgments of superior courts, that the testimonies of witnesses cannot be disregarded or discarded merely on the ground that they are police witnesses and they have to be tested on the basis of veracity and credibility and if found credible, their testimonies alone will be sufficient to render a guilty verdict. In the light of this proposition, the testimonies of police witnesses have to be considered.

42. There are four police eye witnesses which have been cited by the prosecution. These are PW15 ASI Ravinder Kumar, PW15 ASI

Ravinder, PW19 HC Devender and PW20 HC Sandeep. Of these four witnesses, three of them namely PW15 ASI Ravinder, PW19 HC Devender and HC Sandeep, according to the case of the prosecution, were part of the same team called -Crack Team.

43. There are two other witnesses who seem to be eye witnesses to the incident. These two witnesses are the initial IOs ASI Rajender, who appeared as PW9 and Ct Vikas, who appeared as PW7.

44. PW9 was assigned DD No. 58A, which culminated in this FIR. Both ASI Rajender and Ct. Vikas have deposed that on receipt of this DD, they reached Hero Honda Showroom where 1500-2000 rioters were protesting violently. They were vandalizing, setting fire and robbing the shops and showrooms. Police tried to pacify the rioters but they could not be controlled. However, both of them deposed that they could not identify any of the rioters.

45. What is noteworthy is, that PW9 made his endorsement upon DD no. 58A (Ex.PW5/A) only on 28.02.2020 i.e. after the riots were over. However as per the DD, the incident had happened at Hero Honda showroom, main Wazirabad road, Chand Bagh. This is the same road on which four properties, which were destroyed and had been made subject matter of the investigation and the charge sheet, were situated. However the endorsement of ASI Rajender, which is Ex.PW9/A, is completely silent about the other properties.

46. Now I shall come to the testimonies of PW16 and other witnesses which have been relied upon by the prosecution.

47. PW16 is Ct. Gyan Singh. He deposed that on 25.02.2020, his duty was at Chand Bagh, on main Wazirabad road for maintenance of law due to riots. He was on duty since morning of 24.02.2020 continuously and in the evening of 25.02.2020, he was present near 25 foota road, Chand Bagh, Main Wazirabad Road. ASI Ravinder, Ct. Azad, Ct. Sandeep and Ct. Amit were also with him. At about 7-7.30 p.m., he was present in front of Skyride showroom, which was situated on the corner of 25 foota road and service road of Chand Bagh. There was a mob of around 1000-1200 persons on 25 foota road and service road of Chand Bagh. This mob was pelting stones towards police team and also indulged in arsoning the properties of Chand Bagh as situated on the service road. This mob was not allowing fire brigade to go there. The persons in this mob were armed with danda, stones, petrol bombs and iron rod. At about 7-7.15 p.m., this mob broke open the shutter of Raj Automobiles and set it on fire and set fire to an Alto car which was standing inside that shop. This shop was situated after one shop from Sky Ride. Thereafter, this mob moved towards Chand Bagh mazar, on the service road. The police team was continuously moving. At about 100 meters away from Sky Ride, one i-10 car was standing on the service road. The mob set that car on fire. At that time, he was present in front of maruti showroom, which was

also situated on the service road of Chand Bagh. They were at a distance of about 50 meters from i-10 car. The same mob then broke open the shutter of another shop namely, Johan Motors and set that shop on fire. This shop was adjacent to Maruti showroom. Then the mob gradually moved towards Chand Bagh mazar. In the said mob, he identified 3 persons namely Akil @ Papad, Irshad and Rahees Khan. He had known these 3 persons prior to aforesaid incident. Akil @ Papad used to ply Eeco vehicle to carry passengers from Chand Bagh mazar. There was a police post near Chand Bagh mazar and he had been in the beat of Chand Bagh, hence, he had seen Akil @ Papad near Chand Bagh mazar on some occasions. Irshad used to do denting and painting of cars at Usmanpur and used to come with Akil @ Papad and hence, he knew Irshad. Rahees Khan had a printing press in F block, gali no.1, Chand Bagh and he had seen Rahees during patrolling in that area. He identified these three accused persons in the court. He also deposed that on 01.03.2020, ASI Hukam Singh had recorded his statement in this case. Thereafter, he deposed about the arrest of accused persons on 16.04.2020 at Mandoli Jail. He then deposed that he had seen petrol bomb in the hands of Rahees Khan in the mob. Irshad was carrying danda. When the mob was breaking shutter of Raj Automobiles, at that time all 3 of these accused persons were lifting the shutter upwards.

48. During his cross examination on behalf of accused Irshad

and Rahees Khan, he deposed that he was a witness in about 15-20 cases of riots whcih had happened on 24.02.2020 and 25.02.2020. Of these, 8-9 cases pertained to 24.02.2020 but he did not remember the FIR numbers and 7-8 cases pertained to 25.02.2020. He had not given any complaint in respect of any incident witnessed by him because senior officers were already present during the incidents. On a query of the court, he stated that Insp. Tarkeshwar and one Addl. DCP were with them at that time. He did not remember the date on which his statement was recorded by IO for the first time. He did not remember if his statement was recorded in any other riot case, prior to 01.03.2020. After 25.02.2020 till 01.03.2020, ASI Hukum Singh had not met him though he was not on leave during this period. On that day at about 7-7.30 p.m., it was dark. However, there was light from street lamps and therefore, they could see the persons and faces. He denied that at that time, there was no street lamp on the service road of Chand Bagh. There was a service road in front of Sky Ride shop and thereafter there was a drain and then there was main Wazirabad road. In response to court query, he stated that site plan Ex.X was correct as per the place of incident and he was at point G and subsequently at point H on this site plan. He had seen accused in the mob at the time of incident at Raj Automobiles and lastly, he had seen them when the incident had taken place at Johan Motors. The distance between his position at point G and Raj Automobiles could have been around 60-

65 meters. There could have been around 80-90 persons in front of Raj Automobiles when incident had happened at that place. Before giving statement to the IO of this case, he had not informed anyone that he knew three accused of this case. He then stated that the location of Raj Automobiles in the site plan Ex.X was not correct and according to him, the correct location of Raj Automobiles was at point I on the eastern side of Sky Ride shop. Therefore, he admitted that the site plan was not completely correct and volunteered, that except the aforesaid mistake, the remaining site plan was correct.

49. During his cross examination on behalf of accused Akil, he deposed that he had informed IO that on 01.03.2020 Akil used to ply Eeco vehicle.

50. At that stage, my learned predecessor had put specific question to ld. SPP, whether there was any statement of this witness recorded u/s 161 Cr. PC on 01.03.2020. Ld. SPP stated that the date had not been mentioned on all of his statements but the court insisted on a concrete stand on this account be taken. Thereafter, ld. SPP pointed towards one statement of this witness u/s 161 Cr.P.C on the case dairy no.053 Book no.3609 and submitted that this was the statement dated 01.03.2020, as is reflected in the case diaries of this case. The witness was then confronted with this statement where the factum of Akil plying Eeco was not recorded. The statement was exhibited as Ex.PW16/D1.

51. He was then suggested that Ex.PW16/D-1 was not his statement given before IO and he denied this suggestion. He denied that for the first time in his life, he had seen Akil in Mandoli jail or that it was the IO who had told him the name of Akil after showing Akil in the jail or that he was tutored by the IO.

52. PW16 was recalled for his cross examination vide order dated 05.12.2024 and during his examination, he deposed that his PIS number was 28183206 and it had been the same throughout his service.

53. PW15 ASI Ravinder deposed that on 25.02.2020, he, alongwith HC Devender, Ct.Amit, Ct.Sandeep and Ct.Azad, was part of Crack Team of PS Dayalpur. They were put on duty to maintain law and order on account of protest related to CAA/NRC and they were to perform duty in plain clothes/plain uniform. On 25.02.2020 at about 3-3.30 p.m., when all of them were present at Chand Bagh, near Mazar, main Wazirabad Road, a large mob came from the side of Chand Bagh colony. The mob by pelting stones pushed back the police team. On the service road of Chand Bagh adjacent to the main road, there were shops namely Raj Automobiles, Johan Motors and Skyride Motors. The mob entered into these shops and indulged into vandalism as well as arson. He identified three persons through their faces in that mob. These persons had been coming to the agitation in the past as well. Subsequently, these persons were arrested by officials

of crime branch in FIR no.84/20 of PS Dayalpur and he had identified them as the members of the mob which indulged in rioting on 25.02.2020. It is then that he came to know about their names. He then deposed about the identification of these accused during the investigation of FIR no. 84/20. He deposed that it was on 11.03.2020 when, as per the instructions of Insp. Ashish, he had visited the office of Crime Branch at Yamuna Vihar Police Post. In that post, he saw one of those persons. That person was was introduced to him as Rahees Khan. He identified that person before crime branch officials as the active member of the said mob. On 01.04.2020, he was called in the permanent office of crime branch in Darya Ganj and found that another person from said mob was in the office. That person was introduced as Irshad and he identified that person as a part of the said mob. On 10.04.2020, he was again called at Darya Ganj office of crime branch. He found another person from the said mob present there and he identified that person before crime branch officials. That person was introduced as Akil @ Papad and he informed crime branch officers that Akil was member of the said mob. On 16.04.2020, ASI Hukam Singh recorded his statement in this case. He identified three accused in the court.

54. During his cross examination, he deposed that prior to 25.02.2020, he never gave the description of the regular participants of the agitation in writing in the police station and had not got it recorded

anywhere but he was regularly giving feedbacks to his seniors. On 25.02.2020, he had remained at the said place till about 8 p.m. He did not remember the description of shops on two sides of Johan Motors and Raj Automobiles. On one side of Skyride, there was 25 foota road going towards Chand Bagh and on the east side of this shop, there was another showroom, but he did not remember name of that showroom. After 24.02.2020, After 24.02.2020, ASI Hukam Singh met him for the first time on 16.04.2020. He deposed that he had mentioned before IO on 16.04.2020 about witnessing the incident on 25.02.2020 in the shops of Raj Automobiles, Johan Motors and Skyride Motors and about identifying three faces in that mob at that time. He was again confronted with statement u/s 161 Cr.P.C. (Ex.PW15/D-1) where there was no mentioning of Skyride motors.

55. The next witness is PW19 HC Devender. He deposed that he, alongwith Ct. Sandeep, Ct. Amit and Ct. Azad, was a member of Crack Team with ASI Ravinder being in-charge of that team. On 11.03.2020, he joined the investigation of case FIR No. 84/20, which was being investigated by Insp. Ashish from Crime Branch. Insp. Ashish had called him to their temporary office at Yamuna Vihar in FIR No. 84/20. In that office, one boy was sitting whom he knew by name and face. That boy was Rahees. He identified Rahees and informed Insp. Ashish that Rahees was involved in the vandalism and arson of shops during the riots on 25.02.2020 at service road Chand

Bagh, near Mazar. There were 3 shops which were vandalized and set ablaze by the mob of rioters. On 25.02.2020, his team was present on duty at service road Chand Bagh, near Mazar when he had seen Rahees amongst the rioters. On 01.04.2020, he and his team again went to Darya Ganj at the office of Insp. Ashish and found Irshad sitting in the office. They identified Irhsad as one of the rioters who vandalized and set ablaze the shops on the service road Chand Bagh, on 25.02.2020. The name of those three shops were Raj Automobile, on the corner there was Sky Ride Motors and the third one was Johan Motors. He did not remember the accurate time of the incident but these incidents had happened in evening after 3.30 p.m. On 10.04.2020, they again visited office of Daryaganj and found Akil @ Papad sitting in that office. Akil was also present among the rioters during the incident at aforesaid 3 shops and he informed Insp. Ashish accordingly. On 16.04.2020, ASI Hukam Singh recorded his statement. He identified the accused in the court.

56. During his cross examination on behalf of accused Irshad and Rahees, he deposed that prior to 11.03.2020, he had not given any statement before any police official regarding the incident at three shops. Within two to four days of the incident, he had found out the names of persons who were identified by him among the rioters. Immediately after making inquiries about the names of aforesaid three persons, he had informed his in-charge ASI Ravinder about finding

out of the names of the aforesaid three persons. He had seen riot on 25.02.2020 since about 03:30 pm onwards up to 07:00 p.m. Mob has asssembled at about 03:30 pm and started pelting stones on police and the acts of vandalism and arson. At about 07:00 pm, the riot had calmed down and at about 08:00 pm, they had left the spot. The mob was of thousands of people which was present on the service road, Chand Bagh as well as on Main Wazirabad Road.

57. During his cross examination on behalf of accused Akil, he was asked to give outer limit of time before which the incidents at the shops had taken place and he repeated that the riots had calmed down at 7.00 p.m and gave 7.00 p.m as outer limit. He was then asked about estimate time prior to 7.00 p.m when the incident at the aforesaid shops had taken place and he repeated that he did not remember the exact time and hence, my learned predecessor had observed that he cannot be expected to give estimate time prior to 7.00 p.m. He then deposed that the incidents at the aforesaid shops had taken place before sunset. On the court query that whether it was sunset by that time, he stated that sun had not completely set (*Suraj pura chhupa nahi tha.)*

58. When he was cross examined again on 25.11.2020, he reiterated that he could not tell the exact time but it was during evening and by that time, sun had not set. He denied that he had not identified accused Akil or informed Insp. Ashish that Akil was one of

rioters.

59. The next witness is PW20 HC Sandeep. He also deposed that he was a member of Crack Team. He further deposed that on 25.02.2020 at about at about 1-2 p.m, he reported for duty at Chand Bagh Mazar. At about 3.30 p.m, he, alongwith other team members, was present on main Wazirabad Road near Chand Bagh Mazar. At that time, a mob of around 500-1000 persons came from the side of 25 Foota Road Chand Bagh towards the Main Road. The mob started pelting stones on them, vandalizing and setting ablaze the shops situated on the Service Road on the side of Chand Bagh. This mob was carrying danda, iron rod, stones etc. There was a shop in the name of Skyride at the corner of Chand Bagh, 25 Foota Road and Service Road. There was another shop in the name of Raj Automobile. There was another shop namely Johan Motors. The mob first of all broke the shutter of these shops and thereafter set them ablaze. The mob also set ablaze the vehicles parked on the Service Road near these shops. He identified three persons in the mob, whom he knew since prior to the incident. They were Rahis, Irshad and Akil. These three persons had come along with the mob and induldged in vandalism and arson in the shops. On 11.03.2020, he saw Rahis in the temporary office of Crime Branch at Yamuna Vihar. Rahees was in custody of Insp. Ashish and he informed Insp. Ashish about this accused being one of the rioters on 24 and 25.02.2020 during riots at Chand Bagh. His whole crack

team was present at the office and Insp. Ashish recorded statement of ASI Ravinder and HC Devender. On 01.04.2020, they had gone to office of Crime Branch at Daryaganj. In that office, Irshad was in custody of Insp. Ashish. They informed Insp. Ashish about presence of Irshad among rioters during riot at Chand Bagh on 24 and 25.02.2020. Insp. Ashish recorded statement of Ct. Amit and Ct. Azad. On 10.04.2020, they again went to office of Crime Branch at Daryaganj. In that office, Akil @ Papad was in the custody of Insp. Ashish. They informed Insp. Ashish about presence of Akil @ Papad among rioters during riot at Chand Bagh on 24 and 25.02.2020. Insp. Ashish recorded his statement and statement of Ct. Narender. On 16.04.2020, ASI Hukam Singh recorded his statement. He identified all the accused in this case.

60. During his cross examination on behalf of accused Irshad and Rahees Khan, he deposed that there was only one shop between Skyride and Raj Automobile. He denied that Raj Automobile was not situated after one shop from Sky Ride. Johan Motors was situated near Fair Deal Shop near Chand Bagh Mazar and it would be at a distance of about 70-80 meters from Sky Ride. On 25.02.2020, he did not see any riotous incident prior to 03-03:30 p.m. In response to court query, he stated that the mob had started pelting stone on them at about 4.00 p.m. At that time, his position was on main road near 25 Foota Road. Prior to 11.03.2020, he did not tell anyone regarding him seeing the

accused persons in the incidents in question. It was on 16.04.2020 that he came to know for the first time about the registration of this case in respect of incident at the three shops. He deposed that he had mentioned the name of Skyride shop in his statement given in this case on 16.04.2020. He was confronted with his statement u/s 161 Cr.P.C (Ex.PW20/D1) where this fact was not recorded.

61. During his cross examination on behalf of accused Akil, he deposed that on 10.04.2020, he came to know about name of Akil Ahmed for the first time when he had seen him with Insp. Ashish on the service road of Chand Bagh. His name was informed to him by Insp. Ashish. In his statement given on 10.03.2020 (in FIR No. 84/20), he had not mentioned about Akil's involvement in the incident of 25.02.2020 and volunteered, that at that time, he did not know Akil's name. He did not give any description of Akil or his physical appearance or his profession in his statement dated 10.03.2020. He was confronted with his statement (Ex.PW20/D2). He denied that he had not mentioned about the incident of 25.02.2020 in his statement before IO of FIR no.84/20, on 10.03.2020. He then admitted that there was no mentioning of incident of 25.02.2020 in statement Ex.PW20/D2. He admitted that he did not exclusively mention about date of 25.02.2020, being the date of incident, and he had mentioned dates of 24.02.2020, 25.02.2020 & 26.02.2020 in general manner of various incidents. He denied that he did not see any incident of

25.02.2020 or that he had falsely identified accused Akil in the court on tutoring of IO.

62. Before analyzing the evidence, I deem it appropriate to consider the testimony of IO Retd. ASI Hukam Singh, who appeared as PW21. He deposed that he was assigned investigation of this case on 01.03.2020. He deposed that the file contained original rukka, copy of FIR, site plan and statement of ASI Rajender and Ct. Mukesh. He recorded statement of SI Shiv Charan and Ct.Gyan. Ct. Gyan mentioned in his statement that he had identified 3 persons in this case, who were Akil Ahmed @ Papad, Rahees Khan and Irshad. He searched for these persons in the area of Chand Bagh and Mustafabad, but could not find them. On 10.04.2020, he received information from Insp. Ashish, SIU, Darya Ganj that 3 accused, out of the accused persons arrested by him in FIR no.84/20 PS Dayalpur, had given disclosure statement regarding their involvement in this case. On receiving this information, he alongwith Ct. Gyan went to PS Kotwali, Daryaganj and met Insp. Ashish, who provided him copy of FIR no.84/20, photocopy of rukka, copy of arrest memo of accused Akil Ahmed, Rahees Khan and Irshad, copy of disclosure statement of these 3 accused persons and photocopy of some dumped data of mobile phone. On 16.04.2020, he arrested these accused from Mandoli Jail. Prior to that, on 07.04.2020, SHO had marked two complaints to him. These complaints were made by Anand Gupta and Shanker Dutt

Mishra. Again said, complaint of Shanker Dutt Mishra was given to him on 08.04.2020. On 07.04.2020, alongwith complaint of Anand Gupta, he was given complaint made by owner of John Motors namely, Karan Singh. He called both these complainants in the PS and recorded their statement. He had clubbed these 2 complaints in this case because those complaints were also related to incidents of 25.02.2020. On 08.04.2020, he had received 2 complaints as made by Ms. Sangeeta, owner of Raj Automobiles and Shanker Dutt Mishra, who was Manager of Skyride Motors. He clubbed these 2 complaints also in this case, because they pertained to incident of 25.02.2020. He recorded statement of both these complainants. On analysis of file, he found that the site plan, which was placed in the file, was not showing the place of incident as per complaints which had been subsequently received by him. On 08.07.2020, he went to place of incidents related to aforesaid 4 additional complaints and prepared one site plan. The site plan was already Ex.X. This witness identified his signatures on this site plan and it was exhibited as Ex.PW21/A.

63. During his cross examination on behalf of accused Irshad and Rahees Khan, he deposed that from 01.03.2020 till 01.04.2020, he had met ASI Ravinder, HC Devender, Ct. Amit, Ct. Sandeep and Ct. Azad. he would have met them on one occasion. Upto 01.04.2020, he had not made enquiry in respect of any other police official being on duty at the place of incident, as he had already recorded statement of

beat Ct. Gyan on 01.03.2020. He did not remember whether he had put the date while recording the statement of Ct. Gyan. Ct. Gyan had also given the description/built (*hulia)* of the accused persons. He did not try to get a sketch prepared on the basis of the description as such person was not available due to Corona period. Prior to 01.04.2020, ASI Ravinder, HC Devender, Ct. Amit, Ct. Sandeep and Ct. Azad, had not stated about accused persons in writing or orally. The members of Crack Team had informed him that they were present for 3 days in Chand Bagh/main Wazirabad, during the 3 days of riots. He did not remember the date, when, prior to 01.04.2020, they had informed him this fact or how many days prior to 01.04.2020, they had given him this infomration.

64. I have carefully gone through the evidence reproduced above.

65. The star witness of this case is Ct. Gyan Singh. However, this witness completely loses his credibility in the light of documents, Ex.CW1/A and Ex.CW1/D, produced by CW1. CW1 was summoned by my learned predecessor.

66. Documents Ex.CW1/A to Ex.CS1/D are the statements of these witnesses u/s 161 Cr.P.C as had been recorded in FIR No. 85/20 of PS Dayalpur. In all these statements, one after another, he states that Johan Motors was burnt on 24.02.2020 and not on 25.02.2020, as

had been claimed by him in this case. Not only this, he does not name the three accused in this case as rioters who had burnt down Johan Motors. On the contrary, he named three other persons.

67. Furthermore, any credibility, which he would have had in view of the fact that at the very initial stage i.e. on 01.03.2020, he had in his statement u/s 161 Cr.P.C named these accused, has been lost by the doubt about this statement being recorded on 01.03.2020 and probable manipulation of case diary. I say so because firstly there is no date mentioned underneath this statement by the IO and secondly, this statement (Ex.PW16/D1) was recorded on page no. 053 of Book no. 3609 whereas almost all other statements u/s 161 Cr.P.C recorded by the IO of this case have been recorded in Book No. 12350.

68. Hence my opinion is that there is a probable manipulation in the case diary with regard to the statement Ex.PW16/D-1.

69. The three other witnesses, whose testimonies have been reproduced above, have also identified the accused persons as a part of the rioting mob which had burnt down Skyride showroom, Raj Automobiles, Johan Motors and i-10 car on 25.02.2020.

70. With regard to the identity of these accused, PW16 and PW15 deposed that they came to know about the names of these accused persons after they had been arrested by Insp. Ashish in FIR No. 84/20 on different dates.

71. However, PW19 HC Devender stated that within few days of the incident, he had come to know about the names of these accused and immediately on coming to know about these accused persons, he had informed PW15 ASI Ravinder.

72. It is also to be noticed that PW20 HC Sandeep initially in his examination claimed that he knew these accused by their names from day one but during his cross examination, he took an about turn and stated that he came to know about their names later on.

73. Added to this is the conduct of these witnesses, who despite being posted in the same police station and despite witnessing the incident on 25.02.2020 and knowing the accused by names as claimed by at least one of them; never informed the IO about the information which they had in this case.

74. Furthermore, there is a contradiction in the testimonies of these witnesses with regard to the timing of the incident.

75. According to PW15, the incident of burning of these shops had happened definitely after 07.00 p.m whereas according to PW19 the incident had happened before 7.00 p.m and by 7.00 p.m, the riot had completely calmed down. In order to fortify his claim that the riot had completely calmed down by 7.00 p.m, PW19 stated that by that time, sun had not set. The fact that in February by 7.00 p.m, sun sets and it is dark, is a fact which cannot be ignored. The third witness

i.e. PW20 states that incident started at around 4.00 p.m.

76. These testimonies, if read in the light of DD No. 58A and the testimony of PW9, who on receipt of DD No. 58A on 25.02.2020, had reached the place where this incident had happened, that by the time he reached, Hero Honda Showroom had been burnt lead to conclusion that riot was in full flow at around 4.30 p.m, i.e. when the DD was recorded.

77. Thus, this divergence of time again raises doubt about the presence of these witnesses and their identification of the accused persons.

78. It is further to be noticed that despite these witnesses being posted at PS Dayalpur, no efforts were made either by the IO or these witnesses or IO with these witnesses to trace the accused persons. It is only after these accused had been arrested in FIR No. 84/20 that the IO proceeded to Mandoli Jail and arrested these accused in this case.

79. Here also, doubt arises about how the IO suddenly came to know that these were the persons involved in this case and had been arrested. It is for the reason that according to the IO, it was Insp. Ashish who informed him on 10.04.2020 that these three accused, who had been arrested by him in FIR No. 84/20 had made disclosure statements regarding their involvement in this case. These disclosure

statements were placed on record and were proved as Ex.PW8/A (colly). These disclosure statements are with regard to the incident dated 24.02.2020 and are completely silent about any of the incidents in which these accused might have been involved on 25.02.2020 and which are the subject matter of this case and therefore, it is impossible that Insp. Ashish on the basis of the these disclosure statements would have informed SI Hukum Singh, the IO of this case, about the involvement of these accused in the incidents, which are the subject matter of this case. Thus, a serious doubt arises about how these accused were found and then arrested by SI Hukum Singh in this case.

80. This is not the only flaw in the investigation.

81. What is more surprising is, that DD No. 58A was with regard to Hero Honda Showroom being set on fire and in the entire charge sheet, there is no investigation with regard to this showroom. The charge sheet as well as the IOs have been completely silent about this Hero Honda Showroom being burnt. Why the incident, which became the starting point of this FIR wherein other incidents were clubbed later on was not investigated, has nowhere been explained.

82. In view of the serious doubts about the credibility of witnesses, probable manipulation of case diary and callous manner of investigation, I am of the opinion that prosecution has failed to prove its case beyond all reasonable doubts. Accordingly the accused

persons are entitled to a benefit of doubt. All the accused are accordingly acquitted of all the charges framed against them. Their bail bonds stand cancelled. Sureties stands discharged. File be consigned to record room.

PARVEEN SINGH
Digitally signed by PARVEEN SINGH
Date: 2025.08.14 17:24:57 +0530

Pronounced in open court
on 14.08.2025.
(This judgment contains 40 pages
and each page bears my signatures)

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