

IN THE COURT OF SHASHANK NANDAN BHATT  
JUDICIAL MAGISTRATE FIRST CLASS-02,  
WEST DISTRICT, TIS HAZARI COURTS



State  
Through Station House Officer,  
PS Rajouri Garden  
Case arising out of FIR No 575/17  
PS Rajouri Garden

.....State

VERSUS

Mandeep Singh S/o Sh. Jasbir Singh  
R/o WZ-32B Vishnu Garden Delhi

.....Accused

- a) CNR No. : DLWT020015062019
- b) Sl. No. of the Case : 909/19
- c) Name of the complainant : ASI Satish Kumar, PS Rajouri Garden
- d) Name & address of accused : Mandeep Singh S/o Sh. Jasbir Singh R/o WZ-32B Vishnu Garden Delhi

- e) Date of Commission of offence : 07.10.2017
- f) Offence complained off : U/s 186/353/332 IPC
- g) Plea of the accused : Pleaded not guilty.
- h) Final Order : Acquitted
- i) Date of such order : 11.08.2025.

**JUDGMENT**  
**(Delivered on 11.08.2025)**

1. The instant matter has originated out of FIR No.575/2017 PS Rajouri Garden, as per which the accused is facing trial for the offences u/s 186/353/332 of IPC.

2. In nutshell, the case of the prosecution is that on 07.10.2017, at about 3:30 PM, at red light of Subhash Nagar turn on Najafgarh road, Rajouri Garden, the accused was driving a scooter bearing no. DL4SSV 8888 and was stopped by ASI Satish Kumar (posted in Traffic circle at the relevant time) for violating the stop line at the red light and upon being asked to produce his driving license, the accused instead of cooperating with the concerned Police official, abused and physically assaulted him (ASI Satish Kumar), and thereafter, he left his scooter at the spot and fled. On the basis of the complaint made by ASI Satish Kumar, an FIR was registered against the accused on 09.10.2017. During investigation, the IO prepared the site plan, arrested the accused, got the MLC of the complainant conducted, and after completion of the remaining investigation, filed the present charge sheet.

3. Pursuant to presentation of the charge sheet, the Ld. Predecessor Judge took cognizance of the alleged offences 186/353/332 of IPC against the accused. Subsequently, vide order dated 07.03.2023, the Ld. Predecessor Judge, framed charge 186/353/332 of IPC against the accused, to which he pleaded not guilty and claimed trial.

4. Thereafter, the matter was listed for prosecution evidence. In support of its case, prosecution produced four witnesses namely- ASI Satish Kumar (PW-1), HC Ajeet (PW-2), SI Rajeev Ranjan (PW-3) and Inspector Deepak Dahiya (PW-4).

5. During his testimony ASI Satish Kumar (PW-1) deposed that on 07.10.2017, he was posted as ASI in Rajouri Garden Traffic Circle and at about 3:30 PM, while he was performing his duty, he saw the accused, who was riding a scooty bearing no. DL4 SSV 8888 without helmet and stopped his scooty about 10 feet ahead of the red line. When he moved towards the accused to prepare his Challan, the accused tried to escape the spot, but he managed to apprehend him with the help of a public person. The witness explained that as soon as he apprehended the accused, the accused grabbed his collar, due to which the first button of his shirt came off. During the scuffle, the accused also scratched his neck with his nails, qua which a MLC was conducted. The witness also stated that the accused abused him during the incident. When the other police staff reached the spot to help him, the accused left his scooty at the spot and ran away. The witness elaborated that after the incident, he went to PS Rajouri Garden to make a written complaint (Ex.PW-1/A). The witness identified the accused and stated that the site plan (Ex.PW-1/B) was prepared at his instance and contains his signatures. During cross-examination, the witness admitted that he had not sustained any injury at the hands of the accused. He

stated that the accused was stopped by one public person who asked him to show his documents but the accused starting quarreling with the said person. The witness admitted that the accused was a stranger to him and no TIP proceedings of the accused were conducted by the IO. The witness denied the suggestion that the accused was not present at the spot at the time of the incident and that he was deposing falsely.

6. HC Ajeet (PW-2) deposed that on 16.10.2017, he along with IO/ SI Deepak, went to Vishnu Garden at the instance of a secret informant and arrested the accused at his instance. The witness identified his signatures on the arrest memo (Ex.PW-2/B), disclosure statement (Ex.PW-2/C) and added that they brought the accused to the Police station, where he was identified by the complainant, who had come to the Police Station to enquire about the status of the case. During cross-examination, the witness stated that the secret informant furnished the information to the IO, when he was present with the IO, but the he did not hear the said conversation. He admitted that the DD entry regarding the departure qua apprehension the accused is not on record. He denied the suggestion that he was deposing falsely.

7. SI Rajeev Ranjan (PW-3), who was the second IO deposed that he prepared the site plan (Ex.PW-1/B) at the instance of the complainant, recorded the supplementary statement of the complainant, statement of HC Suman Jha and submitted the final report. During cross-examination he admitted that he did not find any explanation for the delay in lodging the FIR in the statements of the witnesses or the proceedings conducted by previous IO. He denied the suggestion that he had filed the present application without the application of mind.

8. Inspector Deepak Dahiya (PW-4) deposed that on 07.10.2017, he was

posted at PS Rajouri Garden and during emergency duty, he alongwith Ct. Manjeet reached the red light of Subhash Nagar where the complainant met them and he informed them about the incident. He revealed that he took the complainant to GGS Hospital and got his medical examination conducted, seized the offending scooty vide seizure memorandum (Ex.PW-4/A). He added that on 09.10.2017, the complainant came to the police station and gave a written complaint (Ex.PW-1/A), after which he prepared the Rukka (Ex.PW-4/B) and handed over the same to DO for registration of FIR. He revealed that on 12.10.2017 he verified the ownership details of the offending scooty, served notice under Section 133 MV Act (Ex.PW-4/C) to the owner of the offending vehicle, who replied that the same was being driven by the accused. He added that on 16.10.2017, he alongwith Ct. Ajeet went to the address of the accused and interrogated and arrested him (vide memorandums (Ex. PW-2/A and Ex. PW-2/B)), after which the disclosure statement of the accused (Ex. PW-2/C) was also recorded. He revealed that on the same day, the complainant visited the police station to enquire about the status of his case and after seeing the accused at the police station, he identified the accused. The witness also identified the case property. During cross-examination, the witness denied that he did not conduct any proceedings on 07.10.2017. He stated that the complainant had not given any complaint from 07.10.2017 to 08.10.2017. He admitted that the complainant had tried to establish the identity of the accused through one Umesh (as per Ex. PW-1/A), but not notice had been served upon Umesh. He also admitted that no TIP of the accused was conducted during investigation. He also revealed that no CCTV camera was installed at the place of incident and he also did not verify from the traffic department whether any traffic challan was issued against the accused. He denied the suggestion that he was deposing falsely.

9. In the statement of the accused recorded u/s 313 Cr.P.C, the accused stated that he is innocent and he has been falsely implicated by the police officials. The accused chose to not lead defence evidence.

### **FINAL ARGUMENTS**

10. Thereafter the matter was listed for final arguments. During the course of final arguments, Ld. APP for the state prayed that the accused be convicted in the present case as the testimony of complainant and other prosecution witnesses have remained unimpeached throughout the trial. *Per contra*, Ld. counsel for the accused has submitted that the entire prosecution story is full of contradictions and loopholes. He has submitted that there is unexplained delay in the registration of FIR, no public witness has been added to corroborated the version of the complainant (who is himself a police officer) and no TIP of the accused has been conducted. It has thus been prayed that the accused be acquitted in the present case.

### **LEGAL POSITION QUA OFFENCE PUNISHABLE U/S 186/353/332 IPC.**

11. In the present case, the accusation against the accused is that he committed the offences punishable u/s 186/353/332 IPC. The Indian Penal Code acknowledges the importance of the role played by the public officers in maintaining the law and order in the society and criminalizes certain acts which directly and indirectly deter the public servants in discharge of their official duties and thereby providing assurance to the public officers that any deterrence to their service to the society is being adequately safeguarded. In furtherance of the said objective, Section 186 IPC criminalizes the act of obstructing 'public servant' (defined u/s 21 IPC) in discharging his public functions, once the provisions of Section 195 Cr.P.C have been complied with. Likewise, the act of voluntarily causing hurt to a public servant (u/s 332 IPC) and the act of

assaulting or using criminal force against a public servant (u/s 353 IPC) with an intent of preventing or deterring such public servant from discharging his duties has also been criminalized under the Indian Penal Code.

12. Furthermore, it is apposite to bear in mind the observations made by the Hon'ble Apex Court in ***Ashish Batham Vs. State of MP (2002) 7 SCC 317*** wherein it has been held that:-

*“Realities or truth apart, the fundamental and basic presumption in the administration of criminal law and justice delivery system is the innocence of the alleged accused and till the charges are proved beyond reasonable doubt on the basis of clear, cogent, credible or unimpeachable evidence, the question of indicting or punishing an accused does not arise, merely carried away by the heinous nature of the crime or the gruesome manner in which it was found to have been committed. Mere suspicion, however strong or probable it may be is no effective substitute for the legal proof required to substantiate the charge of commission of a crime and graver the charge is, greater should be the standard of proof required. Courts dealing with criminal cases at least should constantly remember that there is a long mental distance between "may be true" and "must be true" and this basic and golden rule only helps to maintain the vital distinction between "conjectures" and "sure conclusions" to be arrived at on the touchstone of a dispassionate*

*judicial scrutiny based upon a complete and comprehensive appreciation of all features of the case as well as quality and credibility of the evidence brought on record.”*

13. The position of law as crystallized from the above discussion is that in criminal trials, the prosecution is expected to prove its case on the touchstone 'beyond reasonable doubt'. Mere suspicion, howsoever strong, cannot form the basis of convicting the accused, in the absence of credible oral and documentary evidence, which clearly establishes the case of the prosecution. Furthermore, mere weakness in the defence of the accused cannot substitute the requirement of proof which is expected from the prosecution in criminal trials.

#### **FINDINGS OF THE COURT**

14. Upon examining the record in light of the above legal position and factual matrix, it emerges that in the instant matter, the case of the prosecution is that at the time of alleged incident, when the complainant/ ASI Satish Kumar tried to stop the accused for questioning him qua traffic violations, the accused abused, physically assaulted (by tearing his uniform) and caused hurt to the complainant, while he was discharging his official duties as a public servant.

15. At the very outset, it is pertinent to note that the prosecution has not placed on record any documents (duty register, general diary/ daily diary entries etc) to establish that the complainant/ ASI Satish Kumar was present at the place of the alleged incident, in order to discharge his official duties, however, since the said fact has not been challenged by the accused and on the contrary, the same has been admitted by the accused by virtue of the suggestions put to ASI Satish Kumar (PW-1) during his cross-examination, this court does not deem it necessary to lay unnecessary emphasis on the question of the presence of ASI



Satish Kumar at the place of the alleged incident in discharge of official duties or not.

16. Pertinently, the fulcrum of the prosecution story rests upon the testimony of ASI Satish Kumar (PW-1), who is the sole eye witness in the present case and thus, his testimony has to be carefully scrutinized and assessed, in order to determine whether the same is of such a clinching nature, so as to establish the entire case of the prosecution, without being corroborated by any other eye witness. In this regard, it is apposite to note that during his testimony, the witness categorically stated that he apprehended the accused with the help of a public person and the said public persons also demanded the accused to show the relevant documents. The said version is astonishing and utterly surprising as no public person has an authority to stop any other person and ask him to produce relevant documents, more so when a public servant (ASI Satish Kumar/ complainant) was admittedly present at the spot. Additionally, the witness/ ASI Satish Kumar (PW-1) in his initial statement (Ex. PW-1/A) also mentioned the fact that one Umesh came to the spot upon being called by the accused and for reasons best known to the investigating officer, neither the said Umesh, nor the alleged public person who stopped the accused at the time of the incident, have been made witnesses in the present case.

17. To add to the woes of the prosecution, the FIR in the present case was lodged on 09.10.2017, i.e. after a delay of two days from the date of the incident and to the utter dismay of this court, there is absolutely no explanation for the said delay in registering the FIR, especially when the complainant in the present case is himself a police officer, who is expected to be well versed with the legal procedures. Such an unexplained delay raises serious doubts on the veracity of the prosecution story as the same leaves scope for manipulation and foul play. In

this regard, reliance may be placed upon the judgment of the ***Hon'ble Apex Court in Harilal Vs. State of MP 2023 INSC 801***, wherein it has been categorically laid down that '*when an FIR is delayed, in the absence of a proper explanation, the courts must be on guard and test the evidence meticulously to rule out possibility of embellishment in the prosecution story, inasmuch as delay gives an opportunity for deliberation and guess work*'.

18. At this juncture, it is also pertinent to note that as laid down by Hon'ble Apex Court in a catena of decisions (***Malkhan Singh Vs. State of MP AIR 2003 SC 2669***), in cases where the accused and the complainant are not known to each other prior to the incident, conducting the TIP is very important and not conducting the same can have fatal consequences upon the case of the prosecution. In the instant matter, as per the prosecution story, the accused and the complainant were not known to each other prior to the alleged incident and in such a situation, not conducting the TIP of the accused, hits at the very basis of the prosecution story, more so when there are several other inconsistencies (as discussed hereinabove) in the prosecution story. The explanation furnished by the IO (Inspector Deepak Dahiya/ PW-4) regarding the identification of the accused by the complainant, who allegedly happened to be present at the police station when the accused was taken there after being arrested, appears to be highly improbable and is contradicted by the testimony of the complainant (ASI Satish Kumar/ PW-1) himself, who stated that he was called by the IO to the police station to identify the accused on 16.10.2017.

19. Additionally, for reasons best known to the investigating officer, the allegedly torn uniform of the complainant was never recovered in the present matter, which again leaves out the scope of any corroboration of the testimony of the complainant. All these factors raise serious doubts upon the version

narrated by the complainant/ ASI Satish Kumar (PW-1) and his testimony appears to be unreliable and does not inspire the confidence of this court. In the instant matter, after appreciating all the material evidences on record, in the considered opinion of this court, in light of the unreliable testimony of the complainant/ ASI Satish Kumar (PW-1), which is not corroborated by any credible material on record, the unexplained delay in the registration of the FIR and the fact that the TIP was not conducted, the case of the prosecution cannot be regarded to have been proved as per the touchstone of 'beyond reasonable doubt'.

20. Consequently, accused **Mandeep Singh** stands acquitted of the accusation of committing the offences punishable u/s 186/353/332 IPC.

21. Before parting with the Judgment, it is pertinent to note that during the course of arguments, the Ld. counsel for the accused has relied upon the following judgments- *Amit Kapoor @ Punjabi Vs. State of NCT of Delhi CRL.A. 310/2011 and Thulia Kali Vs. State of Tamil Nadu 1973 AIR 501*. The said judgments have been perused and duly considered by this court in appreciating the facts and evidences of the present matter.

22. Bail bonds and surety bonds, if any, except furnished u/s 437A Cr.P.C stands cancelled. Case property, if any, shall be disposed off after the expiration of the period to assail the judgment and in case of appeal, as per the directions of Ld. Appellate court.

Signed & pronounced  
in Open Court  
On the 11<sup>th</sup> August, 2025.

(Shashank Nandan Bhatt)  
JMFC-02/West/Delhi  
11.08.2025