



2026:DHC:6514



* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Reserved on: August 03, 2026

Pronounced on: August 11, 2026

+ CRL.REV.P. 1087/2018, CRL.M.A. 36132/2019

STATE

.....Petitioner

Through: Mr. Satish Kumar, APP with Ms. Upasna Bakshi, Mr. Dinesh Kumar, Ms. Divya Bakshi and Mr. Gourav Singh, Advs.
Insp. Vivek Malik, Crime Branch, R.K. Puram and SI-Deepak Kumar Joshi, PS: Vasant Kunj

Versus

CHANDGI RAM & ORS.

.....Respondents

Through: Mr. Pratyush Sharma and Mr. Bihish Kumar, Advs.

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

J U D G M E N T

1. By virtue of this petition under *Sections 397/401* of the Code of Criminal Procedure, 1973¹, the petitioner seeks setting aside of the order dated 21.08.2018² passed by the learned ASJ-04, Patiala House Courts, New Delhi³ in Sessions Case No.110/18 arising out of FIR No.204/2017 under *Sections 308/354/451/509/506/34* of the IPC, PS.: Vasant Kunj South, by which all of the respondents were discharged.

¹ Hereinafter as "*Cr.P.C.*"

² Hereinafter as "*impugned order*"

³ Hereinafter as "*learned Trial Court*"



2. *Succinctly put*, it is the case of the prosecution that upon an intimation received on 04.05.2017, the IO went to the Fortis Hospital, where the victim was unable to give a statement. She, in her statement recorded the next day, stated that while raising the level of her gate, the respondents entered into her premises and assaulted her. During this altercation, she was hit by something on her head due to which she fell unconscious. Consequently, although her daughter-in-law called the Police and the present FIR was registered, however, till the Police came, all of the respondents had fled therefrom.

3. Thereafter, a chargesheet was filed after due investigation and on the basis of the statement of the witnesses, the learned Trial Court discharged all the accused persons/ respondents, after hearing arguments on charge *vide* the impugned order dated 21.08.2018.

4. Aggrieved thereby, the petitioner has filed present revision petition.

5. Learned APP, Mr. Satish Kumar, primarily submitted that the learned Trial Court erred by not appreciating the fact that the complainant was/ is an illiterate lady aged 55 years, who might have made a slight discrepancy *qua* the exact time of occurrence of the incident and the same does not cast a doubt with respect to the case of the prosecution. In fact, the MLC of the complainant fortifies a case of assault which is further affirmed by the torn clothes of the complainant seized during the investigation. The above cumulatively establish a *prima facie* case against the respondents.

6. Learned APP further submitted that since the pre-existence of a property dispute between the complainant and the respondents is admitted by both sides, the crime committed by the respondents in the said context,



whilst raising the gate at disputed property, ought not to be disbelieved without a full-fledged trial.

7. The learned APP lastly submitted that as per the witnesses, the incident occurred at 02:00 PM and since the CCTV footage showed the respondent no.1 at the mall at 02:48 PM, it would have taken only a few minutes for him to reach the place of incident after committing the alleged offences by taking shortcuts, which can only be proved at the stage of trial.

8. Mr. Pratyush Sharma, learned counsel for respondents submitted that the impugned order has been correctly passed by considering a *prima facie* case and taking into account the materials on record. As per him, since the revisional jurisdiction of this Court warrants interference only where the view taken by the learned Trial Court is manifestly perverse or so inherently improbable that no reasonable and prudent person could have arrived at such a conclusion, the present petition is liable to be dismissed.

9. This Court has heard learned APP as also learned counsel for the respondents and also gone through the materials on record.

10. As per the FIR, which is the version of the complainant about raising the level of the gate, the respondents entering into her premises and assaulting her, during which, she was struck on the head, causing her to lose consciousness, her daughter-in-law informing the Police about it, and the subsequent registration of the FIR, have been taken due note of by the learned Trial Court. The same is evident from what is recorded in the impugned order dated 21.08.2018, which reads as under:-

“ 5. Learned Addl. PP submits that FIR was registered on this complaint. During investigation statement u/s 164 Cr.P.C. of complainant was also got recorded. In her statement u/s 164 Cr.P.C., complainant stated that when



she was raising the level of gate of her house on 14.05.2017, accused Chandgi Ram came and abused her. After about 20-25 minutes he again came with three persons i.e. Dharampal, Ant Ram and Kalpana. He torn off the clothes of complainant, touched her breast. Accused Kalpana, hit her on head. Accused Dharampal, held her daughter in law. Accused Ant Ram, had beaten her son. Complainant became unconscious. Her daughter in law Manisha, called police. Before arrival of police, all accused fled. Police admitted the complainant at Fortis Hospital, from there she was discharged in the evening next day she again became unwell and got admitted at Safdarjung hospital.

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10. Accused persons and the complainant reside in the same locality. Accused Chandgi Ram is residing in house No. 153, Ghitorni, whereas complainant is residing at H. No. 144, village Ghitorni. There is previous history of litigation between the family of accused and complainant. Copy of some civil proceedings between the two families is part of record.

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22. In the charge-sheet itself it is mentioned that the presence of accused Chandgi Ram is verified at billing counter of Big Bazar, Vasant Square Mall at 02:48:30 pm. Before being present at billing counter, accused Chandgi Ram must have entered inside the mall, did his purchasing. The total difference of time when the PCR call was made and when the accused was seen at billing counter is 08 minutes and 30 seconds.

23. It is rightly submitted by learned Sh. Lohia that it would have been impossible for the accused Chandgi Ram to be at the place of incidence at 02.40 pm and then to be at billing counter of Big Bazar, Vasant Square Mall. The distance of about 7 to 9 kilometres from the place of incidence to Big Bazar, Vasant Square Mall could not have been covered by the accused in a period of 10 minutes. Sometime must have been consumed even to make an entry



to Big Bazar and to collect the item and reaching the billing counter.

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25. *Learned Addl. PP rightly submitted that only a strong suspicion at this stage would be sufficient to frame charge against accused. However, in the case in hand the facts collected during investigation conclude that the incidence could not have been committed by accused Chandgi Ram. In the entire charge-sheet he is referred as main accused."*

11. As apparent therefrom, the learned Trial Court, based on the facts available, as also on the charge-sheet filed thereafter, has, proceeded to drop the charges against the respondents. However, based on what was there before the learned Trial Court, what has not been taken into consideration is that the *alleged* time of incident was around 02:00 PM, which is supported by the statements of the witnesses as also the MLC Report indicating assault alongwith the torn clothes of the complainant which are *prima facie* germane materials. Under such circumstances, merely because a PCR call was made only later at 02:40 PM and also the respondent no.1 was seen at the billing counter at the mall at 02:48 PM as per the CCTV footage, the same, *ipso facto*, cannot be the sole reason for discharging the respondents at the time of framing of charges.

12. *Interestingly*, the time of the incident and the time whence the respondent no.1 was seen in the CCTV footage, the location between the place of incident and the mall, the distance between them, the vicinity, the time taken to travel, the background of the parties/ complainant and her daughter-in-law involved, and the past animosity between the complainant and the respondents were/ are all essential factors which have not been given due weightage/ consideration at the time of framing of charges by the



learned Trial Court. Further, only difference between the time of incident and the CCTV footage showing the respondent no.1 and/ or a delay in calling the PCR by the complainant's side, under such circumstances, could not have been the sole/ essential factor(s) for discharging the respondents at this stage. The aforesaid being matters of trial, have to be subjected so.

13. On the same lines, the learned Trial Court could not have brushed aside the aforesaid material issues all together which cumulatively disclose that the offence *prima facie* has been committed, and discharged all of the respondents only based on the timing of the incident and the CCTV footage, even whence the witnesses clearly state that the time of the incident was *allegedly* at around 2:00 PM, which all the more calls for a full-fledged trial to be conducted to recon the said discrepancy in time lines. The aforesaid, and in view of the fact that at the stage of considering an application for discharge under *Sections 227 and 228 Cr.P.C.*, where the materials on record reflects a plausible view thereby raising something more than a "*mere suspicion*" against the respondents, the learned Trial Court was not justified in discharging them, more so, since the whole episode reflected a probability, for which a trial was/ is required.

14. In fact, the Hon'ble Supreme Court in ***Manendra Prasad Tiwari v. Amit Kumar Tiwari***⁴ has categorically held that if the Court, in view of the "*entire evidence*" produced by the prosecution, without meticulously sifting the same and abstaining from traversing into the probative value thereof, finds that there is a high probability that accused has *prima facie* committed the offence, the matter ought to proceed for trial as the

⁴ (2022) 20 SCC 757



truthfulness, acceptability and sufficiency of the evidence can only be proved/ tested thereunder.

15. Considering the aforesaid, as the learned Trial Court has ignored the composite factors which ought to have been taken into consideration at the time of framing of charges, and since in the considered opinion of this Court, there is an inherent error/ non-consideration of *prima facie* materials on record *vide* the impugned order, and in view of the afore-noted legal position as it stands, interference is warranted under revisional jurisdiction.

16. As such, in view of the aforesaid analysis and findings, the impugned order dated 21.08.2018 passed by the learned Trial Court is hereby set aside.

17. *Ergo*, the present petition, alongwith the pending application, is hereby allowed, and in view thereof, the learned Trial Court is called upon to frame charges afresh against the respondents within a period of *three months*, on the basis of all the materials available on record before it and following the due process of law.

18. A copy of this order be sent to the Principal District & Sessions Judge, Patiala House Courts, New Delhi for information and compliance *forthwith*.

SAURABH BANERJEE, J.

AUGUST 11, 2026/Ab