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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% **Judgment Reserved on: 16.09.2026**
Judgment pronounced on: 23.09.2026

CNR No. DLHC010444452025

+ **CRL.A. 980/2025**

VIKRANT @ ASHU

.....Appellant

Through: **Mr. Vineet Jain, Advocate.**

versus

STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: **Mr. Utkarsh, APP for the State with
SI Ram Singh and SI Lal Chand, P.S.
S.B. Dairy.**

CORAM:

HON'BLE MS. JUSTICE CHANDRASEKHARAN SUDHA

JUDGMENT

CHANDRASEKHARAN SUDHA, J.

1. In this appeal filed under Section 415 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 (the B.N.S.S.) read with 374(2) of
the Code of Criminal Procedure, 1973 (the Cr.P.C.), the sole
accused in Sessions Case No. 484/2023 on the file of the Principal
District and Sessions Judge, North District, Rohini Courts, Delhi,
assails the judgement dated 04.06.2025 and order on sentence
dated 05.06.2025, as per which he has been convicted and



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sentenced for the offence punishable under Section 307 of the Indian Penal Code, 1872 (the IPC).

2. The prosecution case is that on 09.04.2021, at about 10:30 PM, opposite House No.C-11/42, Shahbad Dairy, Delhi, the accused stabbed PW3 with a knife and caused multiple grievous injuries on his chest, abdomen and other parts of his body with such intention or knowledge and under such circumstances that, had death been caused, he would have been guilty of murder. Further, on 01.01.2022, he was also declared a Proclaimed Offender as he failed to appear before the jurisdictional magistrate despite repeated orders. Hence, as per the chargesheet/final report, the accused is alleged to have committed the offences punishable under Sections 307 and 174A IPC.

3. On the basis of Ext. PW1/A FIS/FIR of PW1 given on 10.04.2021, Crime no. 157/2021, Shahbad Dairy police station, i.e., Ext. PW4/A FIR was registered by PW4, Head Constable.



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PW14, Assistant Sub-Inspector conducted investigation into the crime and on completion of the same, filed the chargesheet/final report alleging commission of the offences punishable under the aforementioned Sections.

4. When the accused was produced before the jurisdictional magistrate, all the copies of the prosecution records were furnished to him as contemplated under Section 207 Cr.P.C. *Vide* order dated 24.07.2023, the matter was committed under Section 209 Cr.P.C. to the Sessions Court concerned for trial.

5. After hearing both sides, the trial court, *vide* order dated 24.08.2023, framed a Charge under Sections 307 IPC and 174A IPC which was read over and explained to the accused, to which he pleaded not guilty.

6. On behalf of the prosecution, PWs 1 to 16 were examined and Ext. PW1/A-B, Ext. PW3/A, Ext. PW3/DA, Ext. PW4/A-C, Ext. PW5/A-F, Ext. PW6/A-B, Ext. PW7/A, Ext.



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PW8/A, Ext. PW11/A-B, Ext. PW13/A, Ext. PW14/A-G, Ext. PW14/DX-DY and Ext. PW15/A were marked in support of the case.

7. After the close of the prosecution evidence, the accused was questioned under Section 313(1)(b) Cr.P.C. regarding the incriminating circumstances appearing against him in the evidence of the prosecution. The accused denied all those circumstances and maintained his innocence. He submitted that PW3 is a habitual offender and used to harass his *bhabhi* (sister- in-law), namely, the wife of DW1. There existed a dispute between PW3 and DW1. Therefore, in connivance with the police officials, he has been falsely implicated in the present case by PW3.

8. After questioning the accused under Section 313(1)(b) Cr.P.C., compliance of Section 232 Cr.P.C. was mandatory. In the case on hand, no hearing as contemplated under Section 232 Cr.P.C. is seen done by the trial court. However, non-compliance



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of the said provision does not, *ipso facto* vitiate the proceedings, unless omission to comply with the same is shown to have resulted in serious and substantial prejudice to the accused (See **Moidu K. vs. State of Kerala, 2009 (3) KHC 89 : 2009 SCC OnLine Ker 2888**). Here, the accused has no case that non-compliance of Section 232 Cr.P.C. has caused any prejudice to him.

9. DW1 was examined on behalf of the defence. No documentary evidence was adduced by the accused.

10. Upon consideration of the oral and documentary evidence on record, and after hearing both sides, the trial court, *vide* the impugned judgement dated 04.06.2025 held the accused guilty of the offence punishable under Section 307 IPC and acquitted him under Section 235(1) Cr.P.C. of the offence punishable under Section 174A IPC. *Vide* order on sentence dated 05.06.2025, the trial court sentenced him to undergo imprisonment for a period of 07 years and to fine of ₹50,000/-, and in default of



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payment of fine, to simple imprisonment for a period of 03 months. Aggrieved, the accused has preferred this appeal.

11. The learned counsel for the appellant/accused submitted that there was no premeditation, intention or knowledge on the part of the accused, a requisite for attracting the offence under Section 307 IPC. The accused was walking through the streets peaking on his mobile phone and using abusive language. He reacted impulsively when confronted by PW3, thereby negating any prior intention or preparation to cause the death of the latter. It was also submitted that the incident was the result of a sudden and spontaneous altercation, as there was no prior enmity between the accused and PW3. It was further contended that, at best, the act of the accused would constitute an offence under Section 324 IPC, namely, voluntarily causing hurt by means of a dangerous weapon.



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12. *Per Contra*, it was submitted by the learned Additional Public Prosecutor that the conduct of the accused in leaving the place of incident, going to fetch a knife and returning within a few minutes clearly demonstrate an intervening period between the initial quarrel and the subsequent assault, which would indicate that the act was not a sudden or spontaneous reaction to the provocation. It was further submitted that the accused had targeted vital parts of the body and attempted to stab PW3 repeatedly, ultimately causing two grievous injuries. The learned prosecutor also pointed out that the defence taken by the accused that PW3 had been harassing his *bhabhi* was never put to the latter during his cross examination. It was, therefore, contended that the said plea is a belated afterthought and cannot be relied upon to explain or justify the conduct of the accused.

13. Heard both sides and perused the materials on record.



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14. The only point that arises for consideration in this appeal is whether there is any infirmity in the impugned judgement warranting an interference by this Court.

15. I will first briefly refer to the oral and documentary evidence relied on by the prosecution in support of the case. Ext. PW1/A, the FIS/FIR of PW1, the brother of PW1 recorded on 10.04.2021 in Hindi, translated reads thus: “....On 09.04.2021, I along with my brother Ravi (PW3, the injured), aged 33 years, returned home after closing our vegetable shop. We brothers sat together and finished our meal. Thereafter, Ravi (PW3) went down from the first floor of the building to wash his hands. At about 10:30 P.M., Ajay’s relative Vikrant (the accused), s/o Vinod who lives in our neighbourhood and who frequently visits the former, was passing by hurling abuses. My brother Ravi (PW3) told him that there are daughters and daughters-in-law living here, so don’t hurl abuses like this. Vikrant retorted by asking Ravi as to who the



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latter was to question him and that the former would teach him a lesson (तू रुक तुझे अभी बताता हूँ). Vikrant went away from there and returned shortly and attacked my brother with a knife, who was standing in the street. My brother was injured on the arm and abdomen. Hearing the commotion, I ran to the place and tried to catch him, but he fled. I along with my sister Neeraj Kumari (PW2), rushed my brother Ravi to Ambedkar Hospital, where my brother is undergoing treatment. Legal action may be taken against Vikrant (the accused) who inflicted injury to my brother by stabbing him with a knife.”

16. PW3, the injured, when examined before the trial court, deposed that on 09.04.2021, after closing their vegetable shop, he along with his brother (PW1) returned home. While they were having dinner, PW3 went downstairs from the first floor of the house to bring water. At about 10:30 P.M., the accused was heard abusing while moving through the *gali* in front of their house. The



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accused, a relative of DW1, their neighbour, used to visit latter's house frequently and, therefore, was known to them. PW3 further deposed that he objected to the conduct of the accused and told him that there are women and families living around and not to use abusive language (*"yahaan par aur bhi bahu-betiyan rehti hain, tu aise gaaliyan mat de"*). Hearing this, the accused questioned him and said that he would show him (*abbey tu kaun hai, tu ruk main abhi tujhe bataata hoon*) and went away. Thereafter, the accused returned after some time and attacked him with a knife causing multiple stab injuries, including injuries on the left side of his stomach and on his hand, which was done with an intention to kill him. His brother (PW1) came out of the house and attempted to apprehend the accused, but the accused fled from the spot. PW3 further deposed that as a result of the stab injuries sustained, he started bleeding and fell down. His sister (PW2), his brother (PW1) along with his mother took him to Ambedkar Hospital,



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Delhi, where he was treated. His sister (PW2), informed the police. He was operated upon at the hospital and his statement was recorded by the police.

16.1. PW3, in his cross examination admitted to the existence of residential houses and shops situated near his house. He also admitted that there were other persons present in the *gali* when the accused was passing by hurling abuses. According to PW3, after the accused left the spot, the former returned within about five minutes with a knife. PW3 denied the suggestion that the accused has been falsely implicated in the present case.

17. PW1, the brother of PW3, when examined before the trial court, fully supported the prosecution story. During the examination-in-chief, the prosecutor is seen to have sought the permission of the court to put a leading question to the witness. This request was allowed by the trial court. On being questioned by the prosecutor, PW1 admitted that because of the stab injuries,



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PW3 was bleeding and that he along with PW2 and his mother had shifted PW3 to the hospital.

17.1. PW1, in his cross examination, deposed that the accused was using abusive language (*gaaliyan*) while speaking on his phone at which time the latter was standing in front of their house. No neighbours were present at that time. The accused continued abusing for about 4 to 5 minutes. The accused initially left the spot and returned after about 5 minutes. He went downstairs to save PW3 when the accused was assaulting PW3 with a knife. By the time he reached the scene, the accused had caused injuries on the stomach and hand of PW3. He intervened and saved PW3, where after the accused fled from the spot. PW1 denied the suggestion that he was deposing falsely or that the accused was not present at the spot or that he was not present at the spot.



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18. PW2, the sister of PW3, when examined, fully supported the prosecution case. PW2, in her cross examination, deposed that other persons were present at the spot when she reached the scene and found PW3 bleeding due to the stab injuries. There were about 10 to 15 people present at the scene.

19. PW7, Chief Medical Officer, Baba Saheb Ambedkar hospital, Rohini, Delhi deposed that she had been deputed by the Medical Superintendent to depose on behalf of Dr.Chitranjan Kumar, CMO and Dr. Adarsh, JR(Casualty) who had left the services of the hospital and whose present address was not known. According to PW7, she is acquainted with the handwriting and signature of Dr.Chitranjan Kumar, CMO and Dr. Adarsh, JR(Casualty), having seen them writing and signing during the course of discharge of their official duties. PW7 identified the handwriting and signatures of Dr.Chitranjan Kumar and Dr. Adarshin the MLC. PW7 further deposed that she had seen MLC



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No. 18606 pertaining to PW3. As per the said MLC, the patient had been brought to the Casualty with a history of stab wound over the left flank, involving the chest and abdomen, and over the left arm, sustained about half an hour prior to the examination. The MLC of PW3 has been marked as Ext. PW7/A. PW7 further deposed that the injured was referred to Senior Resident (SR) (Surgery). The blood stained clothes of the injured, namely, his shirt and *baniyan*, were sealed with the seal of the hospital and handed over to the police along with the sample seal. PW7 further deposed that in Ext. PW7/A MLC, the Senior Resident (SR)(Surgery) has opined the nature of the injuries as “*dangerous*”. PW7, in her cross examination, admitted that she had not personally examined the injured.

20. PW8, Medical Superintendent, Surgery and Allied Branches, Baba Saheb Ambedkar hospital, deposed that he had been deputed by the Medical Director to depose on behalf of Dr.



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(Ms.) Abida, Senior Resident (Surgeon), who had left the services of the hospital and whose present address is not known. According to PW8, he is acquainted with the handwriting and signature of Dr.Abida, having seen her write and sign during the course of discharge of her official duties. PW8 identified the handwriting and signature of Dr.Abida in the MLC. PW8 further deposed that he had seen MLC No. 18606 pertaining to the injured. PW8 further deposed that as per Ext. PW7/A MLC, the patient had been referred to the Senior Resident (Surgery) by the Casualty Medical Officer for further medical treatment and necessary action. Dr.Abida, as per the MLC, had given her opinion regarding the nature of the injury on 26.07.2021. As per the clinical examination, radiologist's opinion and discharge summary, i.e., Ext. PW8/A, the nature of the injury was "*dangerous*". PW8, in his cross examination, admitted that he had not personally examined the injured.



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21. DW1, when examined, deposed that the accused is the son of his uncle (*Tauji*). PW3, the brother of PW1, is a drunkard and used to often create ruckus in the nearby area. PW3 on several occasions made indecent comments against his wife. He had complained regarding the same to the family members of PW3. PW3 used to pick up quarrels with the residents of the nearby area. Several criminal cases are pending against PW3, as he was involved in gambling and selling of liquor. DW1 further deposed that he had informed the police about PW3, as the latter used to extend threats that he would get them falsely implicated in a case. According to DW1, on 09.04.2021, at about 08:00 -08:30 P.M., after informing the police, Vikrant (the accused) left the spot along with the former's wife for Shahbad Dairy market. He too had left his house to collect money and, when he returned, he found a big crowd gathered there. The police had inquired with him as he had been named by PW1. Thereafter, PW1 named the accused.



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22. DW1, in his cross examination, deposed that he has been working as a sweeper in Delhi Jal Board and that he leaves for his work at 04:00 P.M. and returns at 08:00 A.M. on the following day. He has been working in the same shift since his employment with the Delhi Jal Board. No action had been taken by the police on his complaint. On being asked whether he had made any complaint to any senior police officer or to the Court when no action was taken on his complaint, DW1 answered in the negative. DW1 was unable to give the details of the criminal cases stated to be pending against PW3.

23. Section 307 IPC deals with the offence of attempt to commit murder. The essential ingredients required to be proved in the case of an offence under 307 are:- (i) that the death of a human being was attempted; that such death was attempted to be caused by or in consequence of the act of the accused; and that such act was done with the intention of causing death; or that it was done



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with the intention of causing such bodily injury as; (a) the accused knew to be likely to cause death; or (b) was sufficient in the ordinary course of nature to cause death, or that the accused attempted to cause death by doing an act known to him to be so imminently dangerous that it must in all probability cause (a) death, or (b) such bodily injury as is likely to cause death, the accused having no excuse for incurring the risk of causing such death or injury.

23.1. A person commits an offence under Section 307, when he has an intention to commit murder and, in pursuance of that intention, does an act towards its commission irrespective of the fact whether that act is the penultimate act or not. It is to be clearly understood, however, that the intention to commit the offence of murder means that the person concerned has the intention to do certain act with the necessary intention or knowledge mentioned in Section 300. The intention to commit an offence is different from



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the intention or knowledge requisite for constituting the act as that offence. The expression “*whoever does an act with such intention of knowledge and under such circumstances that if he, by that act, caused death, he would be guilty of murder*” in Section 307, simply means that the act must be done with the intent or knowledge requisite for the commission of the offence of murder. The expression “*by that act*” does not mean that the immediate effect of the act committed must be death. Such a result must be the result of that act whether immediately or after a lapse of time. (See **Om Parkash v. State of Punjab, 1961 SCC OnLine SC 72**).

23.2. In **Sreedharan v. State of Kerala, 1969 SCC OnLine Ker 46 : 1969 KHC 101**, it has been held that the act, namely, the bare physical act, must be an act capable of causing death, at any rate, not one intrinsically incapable of causing death. The mental element or *mens rea* required is the intention or knowledge necessary for the offence of murder for which we need to go to



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Section 300. Intention and knowledge are a man's state of mind; direct evidence thereof except through his own confession cannot be had; and apart from a confession they can be proved only by circumstantial evidence. They are matters for inference from all the circumstances of the case such as the motive, the preparations made, the declarations of the offender, and, in the case of homicide, the weapon used, the persistence of the assault, and the nature of the injuries actually inflicted as also their location. In cases of what are generally described as unpremeditated offences or as offences committed on the spur of the moment, intention may be contemporaneous with the physical act, at best of just an instant before, and is generally to be gathered from the nature and consequences of the act and the attendant circumstances.

23.3. In **Parsuram Pandey v. State of Bihar, 2004 (13) SCC 189**, it has been held that for the purpose of Section 307, what is material is the intention or the knowledge and not the consequence



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of the actual act done for the purpose of carrying out the intention. The Section clearly contemplates an act which is done with intention of causing death but which fails to bring about the intended consequence on account of intervening circumstances. The intention or knowledge of the accused must be such as is necessary to constitute murder. In the absence of intention or knowledge which is the necessary ingredient of Section 307, there can be no offence '*of attempt to murder*'. Intent which is a state of mind cannot be proved by precise direct evidence, as a fact it can only be detected or inferred from other factors. Some of the relevant considerations may be the nature of the weapon used, the place where injuries were inflicted, the nature of the injuries and the circumstances in which the incident took place. (See also **Bipin Bihari v. State of M.P, 2006 (8) SCC 799** and **Anjani Kumar Chaudhary v. State of Bihar, AIR 2014 SC 2740**)



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24. Keeping the aforesaid precedents in mind, I will now examine whether the evidence on record makes out a case under Section 307 IPC. The presence of the accused at the time of the incident, his attack of PW3 and the injuries sustained by PW3 are certainly established by the materials on record. Nothing has been brought out to discredit the testimony of PW1 and PW3. Now, the question is, whether the evidence establishes the requisite intention or knowledge on the part of the accused so as to attract the offence of attempt to murder punishable under Section 307 IPC. Such intention or knowledge has to be gathered from the circumstances in which the incident took place including the nature of the weapon used, the words uttered by the accused, the part of the body targeted, the nature and extent of the injuries and the manner and force with which the blows were inflicted. A plain reading of Ext. PW1/A FIS/FIR of PW1; the testimony of PW1, an eyewitness, PW2 and PW3, the injured, clearly establish the overt



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acts attributed to the accused. The materials consistently disclose that the accused was using abusive language and when confronted by PW3, the former threatened him, left the spot, came back armed with a knife and thereafter assaulted and injured PW3 with the said knife. The intervening act of leaving the spot, procuring a knife and returning to the place of occurrence is a circumstance relevant in determining the intention with which the subsequent assault was committed. It negates the defence plea that the assault was merely an instantaneous one or on the spur of the moment. The accused has not been able to demonstrate any material circumstance(s) which would render the consistent testimony of PW1, PW2 and PW3 as not credible or unreliable or create a reasonable doubt regarding the manner in which the assault was committed.

25. The defence plea that the accused had no prior intention to cause the death of PW3 and that there was no previous animosity between them, by itself, does not negate the



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circumstances emerging from the manner in which the assault was committed. As per Ext. PW7/A MLC, following are the injuries sustained by PW3:-

“(I) Lacerated wound ⊕ over left flank (involving chest & Abdomen) measuring 6cm x 2cm approx.(ii) Lacerated wound ⊕ over left Arm measuring 2 cm x 1 cm approx. and 3 cm x 2 cm approx. at the time of medical examination.”

According to the doctor, the injuries sustained are “*dangerous*”. This circumstance, coupled with the fact that the accused attempting to stab PW3 multiple times, mostly targeting the vital parts of his body, clearly indicates the intention as contemplated under Section 307 IPC. Therefore, the contention raised by the accused that the act of stabbing was not accompanied by any intention to cause death does not merit acceptance and is accordingly rejected.

26. Another defence sought to be raised is that the accused has been falsely implicated in the present case as PW3, the injured,



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allegedly wanted to take revenge because of the complaint stated to have been made by the wife of DW1 on account of PW3 passing indecent comments against her. However, this defence appears to be an afterthought. A perusal of the testimony of DW1 shows that the complaint concerning the alleged indecent remarks was made about 2 to 3 days of the incident in the case on hand. More significantly, not even a suggestion to this effect is seen put to PW3, the injured, or to PW2 or PW1 during their cross-examination. Accordingly, the defence of false implication on the ground of alleged retaliation against the complaint made by the wife of DW1 is devoid of merit and is rejected.

27. Further, it is quite doubtful whether DW1 was present at the scene as claimed by him. In his cross-examination, he admitted that his duty time is from 04:00 P.M. till 08:00 A.M. the next day. The incident as per the FIR is alleged to have taken place on a Friday at 10:30 P.M. near the house of PW3 as well as the



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accused. DW1 in his examination does not seem to have a case that he was on leave on the said day. If so, there was no possibility of DW1 being present at the scene on the date of the incident. Hence, the version of DW1 is highly doubtful.

28. Coming to the question of sentence, Section 307 IPC prescribes punishment of imprisonment of either description for a term which may extend to ten years, and also provides for fine. Where hurt is caused to any person by such act, the offender may be punished with imprisonment for life, or with punishment hereinbefore mentioned. The trial court has sentenced the accused to undergo seven years of rigorous imprisonment along with a fine of ₹50,000/- and in default of payment of fine, to undergo simple imprisonment for a period of three months. It is also brought to the notice of this Court that the accused has several criminal antecedents, including another case registered alleging commission of offence punishable under Section 307 IPC. Further, the conduct



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of the accused during his incarceration has also not been stated to be satisfactory, as he is seen involved in multiple incidents while in jail. However, taking into account the facts and circumstances of the case, I find that a sentence of six years would be appropriate.

29. In the result, the appeal is partly allowed. The conviction of the appellant/accused for the offence punishable under Section 307 IPC is confirmed. However, the sentence is modified from rigorous imprisonment for 07 years to rigorous imprisonment for 06 years.

30. Application(s), if any, pending, shall stand closed.

**CHANDRASEKHARAN SUDHA
(JUDGE)**

SEPTEMBER 23, 2026

rs/kd