



2026:DHC:7451



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Reserved on: 25.08.2026

Pronounced on : 03.09.2026

Uploaded on: 03.09.2026

CNR No. DLHC010132792026

+ **CRL.A. 320/2026 & CRL.M.A. 10175/2026**

KXXXXX

.....Appellant

Through: Mr. Jitendra Kumar Tiwari and Mr.
Abhishek Chaudhary, Advs.

versus

THE STATE GOVT. OF NCT OF DELHI & ANR.Respondents

Through: Mr. Ajay Vikram Singh, APP with SI
Abhishek Rane, PS Dwarka North.

CORAM:

HON'BLE MS. JUSTICE MADHU JAIN

JUDGMENT

MADHU JAIN, J.

1. This hearing has been done through hybrid mode.
2. The present appeal has been filed by the prosecutrix under Section 419 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as, 'BNSS'), against the judgment of acquittal dated 07.10.2024 passed by the learned ASJ , Dwarka Courts, New Delhi, in **SC No. 151/2022**, arising out of **FIR No. 138/2021**, registered at Police Station Dwarka North, under Sections 328/376(2)(n)/377/506/509 of the Indian Penal Code, 1860 (hereinafter referred to as, 'IPC'), whereby Respondent No. 2 (Anoop) was acquitted of all charges.

FACTUAL MATRIX

3. Briefly stated, the case of the prosecution is that the prosecutrix was residing with her husband and their adopted child. Her husband had



sustained a fall from a roof in 2007, resulting in 75% disability, and was unable to father a biological child. Consequently, the couple adopted a child in the year 2014.

4. It is alleged that Respondent No. 2, who was known to the family of the prosecutrix, used to visit their house and, from the year 2017 onwards, established physical relations with the prosecutrix against her wishes by extending threats and inducements. It is further alleged that on one occasion she was administered an intoxicating substance, following which physical relations were established with her. According to the prosecutrix, the alleged acts continued thereafter and included repeated sexual acts, including unnatural intercourse, accompanied by threats and coercion.

5. The prosecutrix became pregnant and gave birth to a child on 20.06.2019. During the course of investigation, DNA samples of the prosecutrix, the accused and the child were obtained and sent to the Forensic Science Laboratory, Rohini. The DNA examination report stated that Respondent No. 2 was the biological father of the child.

6. The prosecutrix subsequently disclosed the alleged incidents to her husband and family members. On the basis of her complaint, FIR No. 138/2021 came to be registered at Police Station Dwarka North on 17.03.2021 under Sections 376/377/506 IPC. Her statement under Section 164 Cr.P.C. was recorded on 18.03.2021.

7. During investigation, the prosecutrix was medically examined and the requisite biological samples were collected. The DNA report was thereafter received from the FSL. The police filed the charge-sheet against Respondent No. 2 for offences under Sections 376/377/506/509 IPC, followed by a supplementary charge-sheet placing the DNA report on



record. Cognizance was taken on 07.09.2021, whereafter the case was committed to the Court of Sessions and registered as SC No. 151/2022.

8. Vide order dated 23.02.2024, the learned Trial Court framed charges against the accused Anoop for offences punishable under Sections 328, 376(2)(n), 377, 506 and 509 IPC. The accused pleaded not guilty and claimed trial.

9. During trial, the prosecution examined four witnesses, namely, the prosecutrix as PW-1, her husband as PW-2 and the two Investigating Officers as PW-3 and PW-4. The prosecutrix deposed regarding the alleged repeated sexual acts and the threats allegedly extended by the accused. Her husband deposed regarding the circumstances in which he came to know of the alleged relationship and the pregnancy, as well as the DNA test.

10. The statement of the accused under Section 313 Cr.P.C. Code of Criminal Procedure, 1973 (hereinafter referred to as , 'Cr.P.C.') was recorded on 07.09.2024. In his statement, the accused admitted that he had physical relations with the prosecutrix, but stated that the relationship was consensual and was within the knowledge of her husband. The accused did not lead any evidence in defence.

11. Vide impugned judgment dated 07.10.2024, the learned Trial Court acquitted Respondent No. 2 of all the charges. While considering the evidence on record, the learned Trial Court, inter alia, considered the alleged inconsistencies in the testimony of the prosecutrix, the delay in disclosure/reporting of the alleged incidents and the defence taken by the accused that the relationship was consensual.

The relevant extracts of the impugned judgment dated 07.10.2024 are reproduced hereinbelow:



"40. It is pertinent to note, that there is also a delay in registration of the FIR in the instant matter. As per PW-1, the first alleged incident of rape occurred on 10.03.2017. A child was born to the prosecutrix on 20.06.2019. Complaint was filed on 17.03.2021."

"42. The FIR in the present matter is highly belated. There is a lack of clarity as to the stand of the prosecutrix. She has stated that her husband had objected to the pregnancy and that a DNA test was not possible during pregnancy. Why then had PW-2 entered the child's name in his service books. Why had the prosecutrix not come to the police after the birth, after her husband despite having some doubt not taken any further action to this knowledge. The delay in the present matter further discredits the version of the prosecution.

43. Though the sole testimony of the prosecutrix is sufficient to base the conviction of the accused, however, that testimony must be consistent and unblemished. It should be of such high standard that it infers no other conclusion except the guilt of the accused, leaving no doubt in the mind of the Court.

*44. In the instant matter, considering the improvements, inconsistencies and lack of coherence in the testimonies of PW-1 and PW-2, the Court cannot rule out the possibility that the relationship between the accused and the prosecutrix could have been consensual. Accused has successfully rebutted the presumption. The accused has rebutted the presumption under Section 114A, Indian Evidence Act. **Accused Anoop is hereby acquitted in respect to offence under Section 376(2)(n) IPC.**"*

"46. As noted above, there are several inconsistencies in the testimony of the prosecutrix. The version of the prosecutrix is not one which has been found to be such that it can be relied upon



without corroboration. In the instant matter, there is no corroboration, either medical or otherwise, as to whether accused had oral sex with the prosecutrix. There are improvements in the statement of the prosecutrix even to this regard. As PW-1, she stated that whenever the accused came to her house, he used to make relations with her in a brutal way and used to have both vaginal and anal sex with her. However, the prosecutrix had not given such a blank statement for all acts in her earlier statement.

*47. Prosecution has failed to prove this charge against the accused. **The accused Anoop is hereby acquitted under Section 377 IPC.***"

*"52. Further as noted above, the testimony of the prosecutrix is fraught with inconsistencies and contradictions. The statement of the prosecutrix is not found to be reliable. There is also a delay in the prosecutrix registering the present FIR. Prosecution has failed to prove this charge against the accused. **The accused Anoop is hereby acquitted under Section 328 IPC.**"*

"58. In the instant matter, as stated above, prosecution has failed to prove the alleged nude photographs/videos on record. The photographs or videos were never proved. In fact, the prosecutrix could only not even confirm its existence, despite having even claimed that such photos and videos had been sent by the accused to her relatives by which she was defamed.

59. Even in respect to the video calls, the fact that the relationship between the prosecutrix and the accused was consensual cannot be ruled out, which would entirely change the nature of calls between them. There are also several other contradictions as already pointed out above. The ingredients set out haven't been met. There are also inconsistencies and improvements in the version of the prosecutrix



which does not credibility to the case of the prosecution. Prosecution has failed to prove these charges against the accused. Accused Anoop is hereby acquitted under Section 506 and 509 IPC.

FINAL ORDER—

60. Accordingly, accused Anoop is hereby acquitted of the charges punishable under Sections 376(2)(n), 377, 328, 506 and 509 IPC.

61. Accused is directed to furnish bail bonds under Section 437A CrPC, which shall remain in force for a period of six months. Previous surety stands discharged. Documents, if any, of the surety be returned to the rightful owner after due acknowledgment and endorsement, if any, made on it be cancelled accordingly."

12. Aggrieved by the aforesaid judgment of conviction and order on sentence, the Appellant preferred the present appeal before this Court

SUBMISSIONS ON BEHALF OF THE APPELLANT

13. Learned counsel for the appellant submits that the Ld. Trial Court failed to appreciate that the testimony of the prosecutrix, PW-1, was cogent, consistent, and trustworthy. Learned counsel places reliance upon the judgment of the Supreme Court in ***State of H.P. v. Sanjay Kumar @ Sunny, (2017) 2 SCC 51*** and ***Phool Singh v. State of M.P., (2022) 2 SCC 74*** and submits that it is settled law that the sole testimony of the prosecutrix, if credible, is sufficient for conviction.

14. Learned counsel for the appellant further submits that the Ld. Trial Court erred in discarding the testimony of PW-1 on the basis of minor contradictions, overlooking the settled position of law that the sole testimony of the prosecutrix, if credible, is sufficient for conviction. Reliance is placed on ***State of Himachal Pradesh v. Sanjay Kumar, (2017)***



2 SCC 51.

15. Learned counsel for the appellant submits that the Ld. Trial Court gravely erred in disregarding the DNA report, which categorically established the respondent as the biological father of the child born to the prosecutrix on 20.06.2019. It is submitted that the Delhi High Court has repeatedly held DNA evidence to be the most clinching form of scientific evidence, and reliance is placed on ***Raju v. State (NCT of Delhi), 2022 SCC OnLine Del 2432*** and ***Sunil v. State (NCT of Delhi), 2021 SCC OnLine Del 4505***.

16. Learned counsel for the appellant submits that the respondent's plea, taken in his statement recorded under Section 313 Cr.P.C., that the relationship was consensual and with the knowledge of the prosecutrix's husband, PW-2, is patently false, inherently improbable, and unsupported by any defence witness or material. It is submitted that the Ld. Trial Court failed to note that no prudent husband would consent to such conduct, and that PW-2, in his deposition, categorically refuted the said suggestion.

17. Learned counsel for the appellant submits that the Ld. Trial Court placed undue emphasis on minor contradictions in the testimony of PW-1 and on the alleged delay in disclosure of the incidents, whereas the Hon'ble Supreme Court has consistently held that delay in lodging a complaint, or minor discrepancies in the testimony of the prosecutrix, do not discredit an otherwise trustworthy witness. Learned counsel places reliance upon the judgments in ***Phool Singh v. State of M.P. (supra)*** and ***State of Punjab v. Gurmit Singh, (1996) 2 SCC 384***.

18. Learned counsel for the appellant submits that the testimony of PW-1 did not stand uncorroborated but was supported by the suspicion and



testimony of PW-2, her husband, as also by the DNA report, and that the Ld. Trial Court ignored this cumulative corroboration available on record while appreciating the evidence. Learned counsel for the appellant further submits that the respondent's partial admission of physical relations with the prosecutrix was not given due weight by the Ld. Trial Court, and that the impugned judgment of acquittal, in these circumstances, suffers from grave perversity in the appreciation of evidence.

19. Learned counsel for the appellant submits that the impugned acquittal, despite overwhelming evidence on record, has resulted in a serious miscarriage of justice to the appellant, and has emboldened the respondent to escape liability for a heinous crime. It is further contended that the Ld. Trial Court failed to appreciate that the prosecutrix, being a married woman whose husband is disabled, would have had no reason to falsely implicate the respondent and subject herself to social stigma, unless the allegations made by her were true. Learned counsel further submits that under Section 114A of the Indian Evidence Act, once the prosecutrix states that she did not consent, and the DNA report establishes that intercourse took place, the burden shifts to the respondent to prove consent.

SUBMISSIONS ON BEHALF OF THE RESPONDENT

20. Learned APP for the State submits that the learned Trial Court has duly appreciated the evidence on record and has arrived at its findings after considering the testimony of the prosecution witnesses, the documentary evidence and the defence taken by the accused.

21. It is submitted that the impugned judgment does not suffer from any illegality, infirmity or perversity warranting interference by this Court. According to the learned APP, the conclusions reached by the learned Trial



Court are based on a proper appreciation of the material available on record and, therefore, the impugned judgment acquitting the accused calls for no interference.

ANALYSIS AND FINDINGS

22. I have heard the learned counsel for the petitioner and have gone through the material on record.

23. The principal question which arises for consideration is whether the judgment of acquittal dated 07.10.2024 suffers from such perversity, patent illegality or misappreciation of material evidence as would warrant interference by this Court in an appeal against acquittal.

24. It is well settled that where the view taken by the learned Trial Court is a reasonably possible view on the evidence, the appellate Court would not interfere merely because another view is also possible. An acquittal can be reversed only where the appreciation of evidence by the learned Trial Court is shown to be perverse, manifestly illegal, based on a misreading of material evidence, or where the conclusion of guilt is the only conclusion reasonably possible on the evidence. The Supreme Court has repeatedly reiterated that an acquittal cannot be reversed merely on account of a difference of opinion.

25. In ***Tulasareddi @ Mudakappa & Anr. v. State of Karnataka & Ors.***, **2026 SCC OnLine SC 89**, the Supreme Court, after considering the earlier decisions on the scope of appellate interference with an order of acquittal, reiterated the aforesaid principles in the following terms:

“From the aforesaid decisions rendered by this Court, it can be said that if two reasonable conclusions are possible on the basis of the evidence on record, the Appellate Court should not disturb



the findings of acquittal recorded by the Trial Court. Further, if the view taken is a possible view, the Appellate Court cannot overturn the order of acquittal on the ground that another view was also possible. The following principles have to be kept in mind by the Appellate Court while dealing with the appeals against an order of acquittal:

- (a) whether the judgment of acquittal suffers from patent perversity;*
- (b) whether the judgment is based on misreading/omission to consider the material evidence on record;*
- (c) an order of acquittal is to be interfered with only when there are 'compelling and substantial reasons' for doing so. If the order is 'clearly unreasonable', it is a compelling reason for interference;*
- (d) the appellate court, while deciding an appeal against acquittal, after reappreciating the evidence, is required to consider whether the view taken by the trial court is a possible view which could have been taken on the basis of the evidence on record;*
- (e) if the view taken is a possible view, the appellate court cannot overturn the order of acquittal on the ground that another view was also possible; and*
- (f) the appellate court can interfere with the order of acquittal only if it comes to a finding that the only conclusion which can be recorded on the basis of the evidence on record was that the guilt of the accused was proved beyond a reasonable doubt and no other conclusion was possible."*

26. In the present case, the learned Trial Court examined the prosecution evidence not merely with reference to the factum of sexual relationship between the prosecutrix and the accused, but also with reference to the circumstances in which such relationship allegedly took place and whether the prosecution had established the allegations of absence of consent,



coercion, intoxication and threats beyond reasonable doubt.

27. There is no dispute that the DNA report, Ex. P-7, establishes that the accused is the biological father of the child born to the prosecutrix. The said evidence is undoubtedly significant as it establishes the fact of sexual intercourse between the parties. However, the DNA report by itself does not establish the circumstances in which such intercourse took place, nor does it determine whether the relationship was consensual or non-consensual. The question before the learned Trial Court was therefore not merely whether the accused and the prosecutrix had sexual relations, but whether the prosecution had established the offence punishable under Section 376(2)(n) IPC.

28. The learned Trial Court was conscious of the statutory presumption under Section 114A of the Indian Evidence Act. The provision becomes relevant where sexual intercourse by the accused is proved and the woman states in her evidence that she did not consent. The statutory presumption is undoubtedly required to be given its due effect; however, its existence does not render the testimony of the prosecutrix immune from judicial scrutiny. The Court must still examine whether the foundational facts are established and whether the evidence and circumstances relied upon by the defence are sufficient to rebut the presumption, wherever attracted.

29. In the present case, the learned Trial Court did not reject the testimony of PW-1 merely because it was that of the prosecutrix. It examined her testimony in the light of her earlier statements, the testimony of PW-2 and the other evidence on record, and found material inconsistencies and improvements.

30. One of the material discrepancies noticed by the learned Trial Court



relates to the allegation of administration of an intoxicant. In her statement under Section 164 Cr.P.C., PW-1 stated that during the initial incidents the accused used to administer an intoxicant before establishing sexual relations with her. However, such assertion finds no corresponding mention either in her initial complaint or in her substantive testimony before the Trial Court. Even with regard to the first alleged incident, there is a variation in her account. In the complaint, Ex. PW-1/A, she stated that the accused had mixed an intoxicant in the milk which was consumed by both her and her husband. In her deposition, however, she introduced a further circumstance that while she was preparing the milk, her husband called her, whereupon she left the kitchen and, on returning, saw the accused coming out of the kitchen. Thus, the manner in which the intoxicant was allegedly introduced into the milk is not consistently stated at the different stages.

31. There is also a material discrepancy regarding the state of consciousness of the prosecutrix during the alleged first occurrence. In the complaint, she stated that after consuming the milk she became drowsy, that she could see what the accused was doing, but was unable to move her hands and legs. In her deposition before the learned Trial Court, however, she initially stated that after the accused took her to the other room, she remembered nothing until she woke up the following day. It was only when she was confronted during cross-examination by the learned APP that she agreed to the suggestion that she was conscious at the relevant time, though unable to move her hands and feet. This inconsistency assumes significance since the prosecution itself attributes the alleged absence of consent during the first incident to the administration of an intoxicating substance and the consequent condition of the prosecutrix.



32. The learned Trial Court also noticed material inconsistencies concerning the pregnancy and the alleged suspicion regarding the paternity of the child. In her statement under Section 164 Cr.P.C., the prosecutrix stated that when she informed her husband about her pregnancy in 2018, he doubted that he was the father on account of his disability. In her deposition, however, she placed the relevant events in 2019 and stated that her husband objected to the pregnancy, took her to the hospital and sought a DNA examination. This version was not supported by PW-2, who stated that he had neither quarrelled with his wife nor questioned her regarding the paternity of the child before its birth. The learned Trial Court was entitled to consider this inconsistency while assessing the overall credibility of the prosecution case, particularly as the alleged conduct of the husband was relied upon as a significant circumstance leading to the subsequent disclosure of the relationship.

33. Similarly, the testimony concerning the 100-number call was not consistent. PW-1 stated that her husband had called the police after seeing her and the accused in a compromising position, whereas PW-2 gave a different account of the circumstances in which the 100-number call was made. The learned Trial Court considered this contradiction along with the other discrepancies appearing in the prosecution evidence.

34. The allegations concerning threats through nude photographs and videos also did not receive corroboration from the electronic evidence. PW-1 stated at different stages that the accused had taken her nude photographs and videos and had threatened to circulate them. However, during cross-examination, she was unable to state with certainty that such photographs had been taken or to whom they had allegedly been sent. No such



photographs or videos were produced on record. The mobile phone of the accused was subjected to forensic examination, but the alleged photographs, videos or chats were not recovered. The learned Trial Court was therefore entitled to take into consideration the absence of such electronic corroboration while assessing the allegations under Sections 506 and 509 IPC.

35. The learned Trial Court further considered the evidence regarding the nature of communication between the parties. PW-1 admitted that she and the accused used to speak to each other several times during the day, sometimes for considerable periods, and that the accused had sent her money for purchasing a mobile phone. She also stated that she was disturbed when the accused stopped calling her and that she disclosed the relationship after the accused refused to keep her. These circumstances were considered by the learned Trial Court along with the inconsistencies in her testimony while assessing whether the prosecution had conclusively established a relationship maintained solely through coercion and threats.

36. This Court is conscious that the conduct of a prosecutrix in a sexual offence cannot be judged on the basis of stereotypical notions of how a victim ought to behave. Nor can delay in reporting a sexual offence, by itself, be treated as sufficient to discard the prosecution case. However, the conduct of the parties and the surrounding circumstances are not wholly irrelevant when the Court is required to determine the credibility of competing versions and whether the prosecution has established the charges beyond reasonable doubt. In the present case, the learned Trial Court did not treat any one circumstance as conclusive; rather, it considered the evidence cumulatively.



37. The principle that the testimony of the prosecutrix can, in an appropriate case, form the sole basis of conviction, does not dispense with the requirement that such testimony must inspire confidence. The Supreme Court in ***State (GNCT of Delhi) v. Vipin @ Lalla, 2025 SCC OnLine SC 78***, while dealing with material contradictions in the testimony of the prosecutrix, has observed as under:

“Definitely the prosecutrix in her examination-in-chief as well as in cross-examination has stuck to the fact that she was raped by the accused but the fact remains that she has contradicted her statement at more than one place. Moreover she has said in her statement under Section 164 CrPC she had hit the accused on her head by Danda whereas in her examination-in-chief she stated that she hit the accused on his foot. When the accused had surrendered on 10.10.2014 none of these injuries were noticed on the body of the accused.

Although it is absolutely true that in the case of rape, conviction can be made on the sole testimony of the prosecutrix as her evidence is in the nature of an injured witness which is given a very high value by the Courts. But nevertheless when a person can be convicted on the testimony of a single witness the Courts are bound to be very careful in examining such a witness and thus the testimony of such a witness must inspire confidence of the Court. The testimony of the prosecutrix in the present case thus has failed to inspire absolute confidence of the Trial Court, the High Court and this Court as well.”

38. The finding of the learned Trial Court with respect to Section 377 IPC also cannot be said to be perverse. The learned Trial Court noticed that the allegations regarding oral and anal sexual acts were not stated with the same specificity in the earlier versions and that there was no medical or



other corroboration of the alleged oral sexual acts. The Court was entitled to examine these improvements while determining whether the charge had been proved beyond reasonable doubt.

39. Likewise, in respect of Section 328 IPC, the learned Trial Court correctly appreciated that the prosecution was required to establish not merely that the prosecutrix had felt drowsy, but that the accused had administered or caused to be administered a poison, stupefying, intoxicating or unwholesome substance with the requisite intention or knowledge. The alleged incident was stated to have occurred several years prior to registration of the FIR, no substance was recovered or subjected to scientific examination, and the testimony of PW-1 itself contained the inconsistencies noted hereinabove. In these circumstances, the conclusion that the charge under Section 328 IPC had not been proved cannot be termed perverse.

40. The submission of learned counsel for the appellant that the accused did not lead any defence evidence also does not warrant interference with the acquittal. The prosecution is required to establish its case in accordance with law, and the absence of defence evidence cannot relieve it of that burden or convert deficiencies in the prosecution evidence into proof of guilt. The defence version, including the assertion of a consensual relationship, may be considered to the extent permissible in law, but the ultimate question remains whether the prosecution evidence establishes guilt beyond reasonable doubt.

41. The reliance placed by learned counsel for the appellant on the principle that the testimony of the prosecutrix can form the sole basis of conviction is unexceptionable as a proposition of law. However, that



principle operates where such testimony is found to be reliable, trustworthy and of such quality as to inspire confidence. It does not dispense with the judicial assessment of the testimony or require the Court to ignore material contradictions and inconsistencies. In the present case, the learned Trial Court assessed the testimony of PW-1 in the light of her earlier statements and the other evidence on record and gave cogent reasons for not finding it sufficient to sustain a conviction.

42. The aforesaid discrepancies have to be appreciated cumulatively and not in isolation. The issue is not whether every minor discrepancy in the testimony of a prosecutrix should result in an acquittal; plainly, it should not. The question is whether the inconsistencies noticed by the learned Trial Court materially affect the reliability of the prosecution version. Here, the variations concern the alleged administration of the intoxicant, the condition of the prosecutrix during the first alleged assault, the circumstances in which her husband allegedly came to know of the pregnancy and questioned its paternity, and the subsequent conduct attributed to him. These are not peripheral matters wholly disconnected from the prosecution case, but relate to circumstances forming an integral part of its narrative.

43. Learned counsel for the appellant has also urged that the prosecutrix had no reason to falsely implicate the accused and that she would not have exposed herself to social stigma unless the allegations were true. Such an argument, however, cannot substitute proof. The Court is required to decide the criminal charge on the evidence led before it and not on an assumption regarding the reasons which may or may not motivate a person to lodge a complaint.



44. This Court may not necessarily endorse every observation made by the learned Trial Court in precisely the same terms. However, on an independent consideration of the material placed before this Court, it cannot be said that the learned Trial Court ignored material evidence or arrived at a conclusion wholly contrary to the record. The DNA evidence was duly considered, but was correctly appreciated as establishing paternity and sexual intercourse without, by itself, establishing absence of consent. The learned Trial Court thereafter examined the testimony of PW-1, the testimony of PW-2, the documentary and electronic evidence and the surrounding circumstances.

45. The present case is therefore not one where material evidence has been wholly ignored or where the conclusion of acquittal is demonstrably unsustainable. The learned Trial Court has examined the evidence and arrived at a conclusion which is reasonably possible on the material before it. The fact that another view may also be possible is not sufficient to justify interference in an appeal against acquittal. The strengthened presumption of innocence in favour of the accused consequently operates in his favour.

46. This Court is also mindful that the offence alleged is grave and the allegations made by the prosecutrix are serious. Nevertheless, the gravity of the accusation cannot substitute the standard of proof required in a criminal trial. The prosecution must establish the guilt of the accused beyond reasonable doubt, and where the evidence permits a reasonable view consistent with innocence, the benefit must go to the accused. The reliance placed by learned counsel for the appellant on the aforesaid judgments is misplaced. The said decisions, having been rendered in materially different factual and evidentiary circumstances, are clearly



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distinguishable and, therefore, do not advance the case of the appellant.

CONCLUSION

47. In view of the aforesaid discussion, this Court finds no compelling ground to interfere with the judgment dated 07.10.2024 passed by the learned Additional Sessions Judge, Dwarka Courts, New Delhi. The findings recorded by the learned Trial Court are based on an appreciation of the evidence and cannot be termed perverse, manifestly illegal or wholly unreasonable.

48. Accordingly, the present appeal is dismissed. The judgment of acquittal dated 07.10.2024 passed by the learned Additional Sessions Judge, Dwarka Courts, New Delhi, in **SC No. 151/2022** arising out of **FIR No. 138/2021**, Police Station Dwarka North, is upheld.

49. Pending application(s), if any, stand disposed of.

50. A copy of this order shall be sent to the learned Trial Court for necessary information and compliance.

**MADHU JAIN
(JUDGE)**

SEPTEMBER 3, 2026/RM