

IN THE COURT OF ASHWANI PANWAR:
LD. ACJM-04, ROUSE AVENUE COURTS, NEW DELHI.

FIR No. 80/2024

PS Parliament Street

U/s 132/221/223 (A)/285 BNS

State Vs. Alka Lamba

Date of Institution of case: 27.06.2025

Date of Judgment: 25.05.2026

JUDGMENT

a.	Serial Number of the case	Cr. Case No. 14/2025
b.	Date of commission of offence	29.07.2024
c.	Name of the complainant	HC Manish
d.	Name, parentage and address of the accused Person	Alka Lamba, D/o Sh. Amar Nath Lamba, R/o H. no. 24, Akbar Road, New Delhi (office), C-39, Tagore Garden, West Delhi, Delhi -110027
e.	Offence complained of	U/s 132/221/223(a)/285 BNS
f.	Plea of Accused	Pleaded not guilty
g.	Final order	Convicted

BRIEF STATEMENT OF THE REASONS FOR THE DECISION

1. The jurisdiction of this Court has been invoked to decide allegations against the accused namely, Alka Lamba, who is a former Member of Legislative Assembly. At present, accused is the President of All India Mahila Congress.
2. It needs to be mentioned herein that this is a Special Court constituted upon the order of the Hon'ble Supreme Court of India, to decide the matters pertaining to sitting/former Members of Parliament and Members of Legislative Assembly only, by virtue of the Judgment in case titled **Ashwini Kumar Upadhyay vs Union Of India, Writ Petition (C) NO. 699 OF 2016.**
3. The prosecution story, in brief, is that on 29.07.2024, PSI Anita Singh was on emergency duty when HC Manish (Belt no. 1880/ND), came to the police station and got his statement recorded that on the aforesaid date, his duty was at Jantar Mantar protest site where Smt. Neetu Soin, National Women President Congress, had called for protest in support of the issue of Women Reservation and that the accused was the main speaker. It was also stated that 2-3

other protests were also being organized and all were informed that Order under Section 163 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as “BNSS”) had been promulgated outside the protest site. Furthermore, the complainant stated that, at about 01:30 PM, the accused alongwith other protesters came to the barricades towards the Tolstoy Road and started raising slogans, being adamant to “*gherao*” (surround/siege) the Parliament. That the Senior Police Officials employed loud hailers to warn the protesters about the imposition of Section 163 of the BNSS and requested to end their protest, however the protesters, on being instigated by the accused, did not pay any heed to the same. It is further stated that the accused and the protesters pushed the female and male police officials, jumped the barricades and some of them even blocked the road opposite Free Church by lying on the main road which hindered public’s right of way. It is also mentioned that despite repeated explanations, accused and the protesters did not listen and thus, were detained. On basis of the complaint, which disclosed commission of cognizable offence, the present FIR was registered and the investigation commenced. Investigation revealed that Order dated 14.05.2024, under Section 163 of the BNSS was issued vide No. 3401-3525/R-ACP/Pt. Street by ACP, Sub-Division Parliament Street, New Delhi District. Site plan was prepared, and videos of the whole incident were collected

from the Photo Cell Section of Jantar Mantar on 29.07.2024. It was also revealed during investigation that Ms. Neetu Verma Soin wrote a letter as General Secretary, All India Mahila Congress on 11.07.2024 and 23.07.2024, seeking permission to organize a protest at Jantar Mantar. On 05.03.2025, the accused was served with a notice under Section 35(3) of the BNSS through her staff while she was on a video call and she authorized her staff to receive the said notice. Further, she undertook to appear before the Court as and when summoned. The complaint dated 14.04.2025, under Section 215 of the BNSS from ACP, Sub-Division Parliament Street is also annexed with the police report since the offence involved Section 221 and 223(a) of the BNS. The prosecution submits that the accused, despite being informed that order dated 01.07.2024, u/s 163 of the BNSS had been promulgated outside the protest site i.e., Jantar Mantar Road, came alongwith her supporters and started marching towards the Parliament House by raising slogans of Woman Reservation. That the accused alongwith her supporters moved to the barricades towards the Tolstoy Road and started raising slogans being adamant to “*Gherao*” (surround/siege) the Parliament. The accused and her supporters were warned to end the protest, however, in vain and the protest continued. That during the protest, the accused obstructed the police officials who were performing their duty and pushed the female as well as the male police

officials at the place/site where the alleged incident occurred. That the accused and her supporters jumped the barricades by pushing the police officials and even blocked the road, opposite Free Church and obstructed the public way. The prosecution thus, submits that the acts committed by accused constitute grave offences, including obstructing the public servant in discharge of public functions (Sec.221 of the BNS), assault or criminal force to deter public servant from discharge of his duty (Sec.132 of the BNS), danger/obstruction in the public way (Sec.285 of the BNS) and disobedience to the order duly promulgated by public servant (Sec.223(a) of the BNS).

4. After the completion of the investigation, charge sheet was filed in the court. Thereafter, on 20.08.2025, supplementary charge sheet was filed. On basis of the police reports and annexed documents, cognizance of offence was taken and the accused was summoned to face trial on 20.08.2025. Copies were supplied to the accused on 15.10.2025.
5. After detailed arguments under Section 274 of the BNSS, notice of accusation was put to the accused on 19.12.2025 for offence punishable under Sections 132/221/223(a)/285 of the BNS, to which she pleaded not guilty and claimed trial.

6. Before proceeding to discuss the testimonies of prosecution witnesses, it is relevant to note the exhibited documents and witnesses who exhibited the same, which are given below –

Witness Exhibiting	Identification	Description
PW1 HC Ravinder Kumar	Ex. PW1/A	Seizure memo of the Pen Drive (Silver HP USB 3.2, 32GB).
	Ex. PW1/B	Certificate u/s 63(4) BSA regarding the video recording.
	Ex. P-1	The physical Pen Drive containing 25 video files.
PW4 HC Manish	Ex. PW4/A	Written complaint regarding the incident at Jantar Mantar.
PW5 Sh. Ajay Kumar Gupta	Ex. PW5/A	Order u/s 163 BNSS dated 01.07.2024.
	Ex. PW5/B	Map showing the Sub-Division area and exempted zones.
	Ex. PW5/C	Complaint/Sanction u/s 215 BNSS dated 14.04.2025.
	Ex. PW5/D	Second Complaint/Sanction u/s 215 BNSS dated 03.08.2025.
PW6 SI Om	Ex. PW6/A	Endorsement made on the complaint (Ex. PW4/A).

Prakash	Ex. PW6/B	FIR No. 80/2024, PS Parliament Street.
	Ex. PW6/C	Certificate u/s 63(4)(c) of the BSA regarding the copy of the FIR.
PW11 WSI Anita Singh	Ex. PW11/A	Rukka prepared for the registration of FIR.
	Ex. PW11/B	Site plan of the place of incident.
	Ex. PW11/C	Notice u/s 35(3) BNSS sent on 09.11.2024 via Whatsapp.
	Ex. PW11/D	Notice u/s 35(3) BNSS served physically on 05.03.2025.
	Ex. PW11/E & F	Permission applications dated 11.07.2024 and 23.07.2024.
	Ex. PW11/G & H	Undertakings from All India Mahila Congress.
	Ex. PW11/I	Traffic arrangement letter from Special Branch.
	Ex. PW11/IA	Letter from Police Commissioner to accused.
	Ex. PW11/J, K, L	General Diary (GD) entries regarding departure of staff.

7. In order to prove its case, the prosecution examined eleven witnesses. Before proceeding further, it is deemed

appropriate to take on record the gist of testimonies of all the eleven prosecution witnesses.

8. **PW-1 HC Ravinder Kumar** deposed that, on 29.07.2024, he was posted at photo section branch of New Delhi. He deposed that on the said date a protest was conducted at Jantar Mantar Protest Area by All India Mahila Congress and he alongwith SI Devender was covering the protest via Sony FDRAX43A video Camera colour black. The entire proceeding was captured by him by the abovesaid camera. Then on demand by PSI Anita Singh, P.S. Parliament Street, he transferred the video recordings of the entire protest in a computer, which were then transferred in a Pen Drive, make HP USB 3.2 storage 32 GB silver colour. He further deposed that the IO seized the pen drive vide seizure memo Ex. PW1/A, bearing his signature at point “A” and in support of the electronic evidence, he gave certificate Ex.PW1/B, u/s 63 (4) of the Bharatiya Sakshya Adhinyam (hereinafter referred to as “BSA”) to the IO, bearing his signature at point “A”. He deposed that no tampering or any kind of alteration was done to the video which was recorded by him during the protest when the video camera was in his possession. With the permission of the Court, brown coloured envelope containing a pen drive was taken out. The pen drive was silver in colour. After seeing the same, witness correctly identified the pen drive which was seized by the IO in his

presence and the same was then Ex. P-1. Further, with the permission of the Court, the said pen drive was ordered to be played in open Court and a total of 25 video files were found in the pen drive, which were played and found that the said videos were covering the protest and the incident in question. PW1 was duly cross-examined by Sh. Imran Ali, Learned counsel for the accused. PW-1 answered that he was posted at photo section New Delhi District, by the Senior Officer i.e., Reserve Inspector, on the date of the incident to record the video. He deposed that no document was handed over to them regarding assigning of duty at the spot and also stated that he had not received any written order to go to the place of incident and conduct the recording. He, however, volunteered that their duty was assigned through “*chitha*” (duty roster). He had reached the spot at 08.30 am. He had not provided any copy of duty roster to the IO to show that he was deputed to record the incident. He volunteered that IO had not asked about the same. PW1 then deposed that the protest had started at around 10.00 am and it continued till around 01.00 p.m. He volunteered that he did not remember the exact timing of the incident and expressed that he could tell after seeing the video record. He deposed to have done the recording himself and admitted that he had mentioned in his certificate u/s 63 (4) of the BSA that the recording was done by the staff on duty. He volunteered that he and SI Devender recorded the *dharna*/protest. He also stated that the

IO herself arranged the Ex. P-1 i.e., pen drive. He then deposed that the recording was done by him inside the protest area of Jantar Mantar and on Tolstoy Marg. PW1 denied the suggestion that he was not posted at the place of the incident on the said date and that was why he had not given any document to IO to show that his duty was at the place of incident. He further denied the suggestion that he had not done any recording and the suggestion that on asking of senior police officials, he had signed the seizure memo and issued the certificate u/s 63 (4) of BSA.

9. **PW-2, SI Devender** deposed that on 29.07.2024, he was posted at photo section branch of New Delhi. On 29.07.2024, IO PSI Anita Singh came to the photo section, NDD and she gave a pen drive to HC Ravinder for transferring the video of the incident in the said pen drive from the video camera, whereafter he deposed to have transferred the video in the pen drive. He identified the seizure memo Ex. PW1/A prepared by the IO and also identified his signature at point “B”. He also identified the pen drive Ex. P-1. In his cross examination, PW2 stated that he was posted at photo section New Delhi District on the date of the incident and also stated that the IO came to photo section to take the video at about 12.00 p.m. to 1.00 p.m. on 29.07.2024. He explained the process of transfer of the video as first to the computer and then into the Pen Drive by HC Ravinder. He deposed that the computer of HC Ravinder was

of make HP, but he could not remember the exact model of the said computer. He admitted that in his presence the video files were transferred from the Camera to the computer and then to the pen drive by HC Ravinder.

10. **PW-3 ASI Ashok** deposed that on 29.07.2024, he was posted at PS Parliament Street as ASI and, on that day, he was on arrangement duty at Jantar Mantar from 09.00 a.m. He further deposed that at Jantar Mantar, there was a protest going on of All India Mahila Congress led by the accused. He deposed that the accused was giving speech and stating to cordon the Parliament building. He then deposed that at about 01.30 p.m., the accused alongwith women group, which she was leading, crossed the first barricade towards Church Road north. After that, the second barricade was also crossed by the accused alongwith her supporters, which was installed at about 10 meters apart towards Church Road North. He further deposed that the accused was lying on the road and blocked the Church Road for the passersby, whereafter, the women police officials dispersed the crowd, following which the accused was detained alongwith the supporters and put in the police van. He also stated that the police tried to disperse the crowd, but the accused alongwith her supporters pushed the police officials. He deposed that he could identify the accused if shown to him, however, identity of the accused was not disputed by the defence. He

deposed that in his presence, the senior officers announced that order u/s 163 of the BNSS was in force in that area. In his cross examination by the defence counsel, PW3 stated that his duty hours were from 09.00 a.m. to 05.00 p.m. on that day. He also answered that there was arrangement duty that day and accordingly, his duty was assigned at Jantar Mantar. He answered that he was telephonically informed by “*Chitha Munshi*” one day prior to the incident, to be present at the protest site and stated he was not given any written order for the same. He stated that at about 10.00 a.m., people started gathering for the protest called by All India Mahila Congress. He did not know whether any other protest was going on alongwith protest organized by All India Mahila Congress. He deposed to have known the accused before the day of incident and he could not tell exactly at what time accused reached the protest site. He then answered that the accused first addressed the crowd alongwith other speakers and thereafter, they started moving towards the barricades. He deposed that there were 200 to 300 people in the protest and that there were around 30-40 people who marched towards the barricades and tried to climb and jump over it. He deposed that there were three barricades starting from Jantar Mantar protest site till Church Road. He did not know under how much area at Jantar Mantar people can protest. He did not know till which barricade out of the three barricades Section 163 of the BNSS was imposed. He did

not know how much area was exempted for holding protest at the place where the incident in question occurred. He did not remember the name of the senior officers who had made the announcement of imposition of Section 163 of the BNSS, and he again stated that the ACP was one Gupta Ji. PW3 then denied various suggestions of the defence that he was not present at the site of the incident on the said day; that his duty was not at the site of incident and that was why he could not produce the written order of his duty at the site of the incident; and that in his presence, any of the protester crossed any barricade and stopped the public traffic.

11. **PW-4, HC Manish** deposed that on 29.07.2024, he was posted at Parliament Street as HC. On that day his duty was assigned at the protest site from 09.00 a.m. He deposed that there were protests going on and one of them was organized by All India Mahila Congress wherein, many women supporters had gathered. He deposed that 5-6 speakers had delivered the speech and one of the speakers was the accused. He also deposed that she was instigating the supporters for surrounding “*Gherao*” of the Parliament building and, on her instigation, she and her supporters marched towards the barricade. He deposed that at the same time, Senior Officers announced on the loud speaker about imposition of Section 163 of the BNSS at the site, however, all the women supporters alongwith the accused defied the

announcement and jumped the first barricade and crossed the same. He deposed that the accused alongwith the supporters, used force against the police official who were stopping them and jumped the second barricade and crossed the same. He stated that the accused constantly instigated the supporters for surrounding (*Gherao*) of the Parliament building and that the accused alongwith supporters lied down on the Tolstoy Road due to which public way was obstructed, whereafter, the accused and her supporters were detained and sent via police van. He deposed that he gave his complaint to the IO, which was then exhibited as Ex.PW4/A, bearing his signature at point "A". He deposed that he could identify the accused if shown to him, however, identity of the accused was not disputed by the defence. PW4 in his cross examination, stated that his duty hours were from 09.00 a.m. to 05.00 p.m. that day. He answered that there was arrangement on that day and accordingly, his duty was assigned at Jantar Mantar. He deposed that he was telephonically informed by the duty officer one day prior to the incident, to be present at the protest site and was not given any written order for the same. He deposed that at about 10.00 a.m., people started gathering for the protest called by All India Mahila Congress and he knew the identity of the accused before the day of the incident, but he did not know exactly at what time accused reached the protest site. He answered that the accused first addressed the crowd

alongwith other speakers and thereafter, they started moving towards the barricades. He did not know the number of people present at the protest site but answered that there were around 50-100 people who marched towards the barricades and tried to climb and jump over it. He stated that there were three barricades and all three barricades were put to close the Jantar Mantar protest site. He stated that there were two barricades from where the accused and other supporter jumped the barricade and he could not tell the name of the supporters who had jumped the barricade alongwith the accused. He stated that none of the place after the barricade was exempted from Section 163 of the BNSS enforcement as told to him by the Senior Officers. He stated that he had also seen the order promulgated under section 163 of the BNSS and after seeing the judicial record, particularly the order promulgated under section 163 of the BNSS as well as the map annexed with the said order, he could not tell about the area which was exempted from protest in the said order. PW4 also could not show from the order that the area outside the barricades was also not exempted. He stated that he had seen the violation of law by the accused and her supporters with his eyes and he deposed to have given the complaint to the DO himself. He stated that he gave the complaint to the DO at about 09.00 p.m. and that the DO had not given any receiving of his complaint. He identified Ex. PW4/A as his complaint, which was given to

DO by him and stated that he had not given any other written complaint to the DO. He stated that he had typed the complaint himself as he knows Hindi Typing, but he did not remember on which computer he had typed the same. He stated to be present at the Police Station after his duty got over at 05.00 o'clock and stated that there was no computer allotted to him at the PS in his personal capacity. He did not know from which printer he had printed the complaint at the PS. At that stage, witness was shown the back side of the complaint i.e., Ex. PW4/A and was asked to see from point "X" to "X-1". After seeing the same, witness stated that he had typed the portion in his complaint which was from Point "X" to "X-1" before giving it to DO. When he had given the complaint, only he had signed it and there were no second signatures below his signature. The second signature was then encircled as 'Z'. He did not know whose signature that was. IO had taken his statement after registration of FIR on 29.07.2024 after 10.00 p.m. PW3 then denied various suggestions that he was not present at the site of incident on the said day; that his duty was not at the site of incident and that was why he could not produce the written order of his duty at the site of incident; that in his presence any of the protesters crossed any barricade and stopped the public traffic; that he had not given any complaint typed by him and Ex. PW4/A was prepared by Senior Officers and he was asked to sign; that IO had recorded his statement after the

registration of FIR; that Ex. PW4/A was an already prepared statement by the IO before registration of FIR; that the said statement Ex. PW4/A was recorded before the registration of FIR and other statement was recorded; that he had signed Ex. PW4/A on instructions of Senior Officials and he never wanted to give any complaint in his personal capacity; and the suggestion that he was deposing falsely on instructions of Senior Officials.

12. **PW-5, Sh. Ajay Kumar Gupta** deposed that, on 01.07.2024, he was posted as SDPO, Parliament Street. He deposed that on that day he had issued an order u/s 163 of the BNSS vide no. 5345-5470/R-ACP/Pt. Street/NDD dated 01.07.2024, copy of which was then Ex. PW5/A, bearing his signature at point "A". The map showing area of sub-division Parliament Street including the exempted area for demonstration, was exhibited as Ex. PW5/B bearing his signature at point "A". He further deposed that, later on 14.04.2025, on requisition of IO, he issued complaint u/s 215 of the BNSS against the accused, vide no. 2314/SO/ACP/Pt. Street for the offence u/s 223A of the BNS, which was then Ex. PW5/C bearing his signature at point "A". Again, on 03.08.2025, another complaint u/s 215 of the BNSS, against the accused, for offence u/s 221 of the BNS, was issued vide no. 5513/SO/ACP/Pt. Street dated 03.08.2025 which was then Ex. PW5/D bearing his signature at point "A". Witness PW5

in his cross examination, stated that the exempted area was from Jantar Mantar Road, Tolstoy Marg upto the shop in name of Kuti which was always cordoned by putting barricades wherein the exempted area must be around 125-150 meters. He deposed that this exempted area was as per the guidelines issued by DCP, New Delhi, however, he did not remember the specific guidelines issued by the concerned DCP in the year 2017-2018. He stated that these guidelines were with the X-branch where the applications were given by the organizer for seeking permission of any demonstration and his office used to get the copy of the permission/rejection letter issued in pursuance of any application for staging any demonstration. He deposed that the copy of the application was directly submitted with the X-branch, but he could not say whether the applicant while granting permission for demonstration got the information as to under how much of area he was allowed to stage the demonstration. He however volunteered that the applicant was supposed to sign an undertaking containing the guideline for holding any demonstration. He then deposed that he was also posted at the demonstration site on the date of the incident, but he was not the eye-witness of the jumping of the barricades by the accused alongwith her supporters, however, stated that he reached the spot where the accused and her supporters were sitting at Parliament Street and obstructing the public way. He stated that it was

at the T point of YMCA guest house lane opposite Registrar of Cooperative Societies office and in front of free church compound. He answered that there were 8-10 people sitting on the road and obstructing the Parliament Street and stated that he was inside the demonstration area at Jantar Mantar when accused alongwith 8-10 people tried to jump the barricade. He deposed that the barricades were placed at about 120-150 meter at the point of Jantar Mantar Road and Tolstoy Marg. He admitted as correct that on the date of signing of Ex. PW5/C he had full knowledge about the whole incident but he had given the sanction only u/s 223A/3(5) of the BNS. On being questioned as to if on the date of signing of Ex. PW5/C he was aware of the whole incident and had also seen 8-10 people blocking the road on the date of incident, why he had given complaint only against accused Alka Lamba and not against others, PW5 answered that the complaint was issued on basis of the investigation report and document submitted by the IO wherein the identity of other accused persons was not established by the IO. He answered that he did not ask IO whether she had made any attempt to identify other 8-10 accused and stated that he had no idea who had moved the application seeking permission for the protest. PW5 was shown the permission application alongwith ID card of the permission seeker which was the part of the Chargesheet and was questioned as to why he had not filed complaint against

the permission seeker for violation of Section 163 of the BNSS, to which he answered that the copy of this document was not part of the application sent to his office for grant of sanction for complaint u/s 215 of the BNSS. He further answered that he had signed the complaint u/s 215 of the BNSS only after seeing the draft chargesheet and documents those were attached with the draft chargesheet whereas the application form for seeking permission for the demonstration was not attached. He admitted as correct that he was not shown complete chargesheet by the IO on the day when he had signed the complaint u/s 215 of the BNSS. Attention of PW5 was then drawn to his signature on the chargesheet at point "A" which were put on 15.04.2025 and asked as to whether he had not seen the complete chargesheet before signing the same and find out that there were documents which clearly showed the identity of the permission seeker. PW5 answered that at the time of forwarding the chargesheet on 15.04.2025, he had only gone through the report u/s 193 of the BNSS and had not seen the documents. PW5 then answered that it was his responsibility to go through entire chargesheet alongwith its documents before forwarding it to the Court and the chargesheet had not been forwarded in a mechanical manner. He voluntarily stated that he had forwarded the chargesheet on the report of SHO PS Parliament Street and had gone through the facts. PW5 then denied various suggestions that the area which

was exempted was more than 500 meters; that he had not seen the accused persons blocking the Parliament street; that he had given sanction on asking of senior officers and he was not aware about the facts of the case; that he had also not seen the chargesheet and its documents and signed it in a mechanical manner on the directions of senior officers; that he was not empowered under law to sign second complaint u/s 215 Ex. PW5/D and had signed on asking of Senior officials to implicate the accused falsely; that he was deposing falsely on asking of senior officers; that the accused was made accused in the chargesheet malafidely on asking of senior officers; that other persons protesting alongwith the accused were deliberately not made accused in the present matter.

13. **PW-6, SI Om Prakash** has deposed that on 29.07.2024, he was posted at PS Parliament Street as Duty Officer and his duty hours were from 04.00 p.m. to 12.00 midnight. He deposed that at about 09.30 p.m., he received the complaint already Ex.PW4/A and on the said complaint, he made endorsement at the bottom of the second page, the said endorsement was then Ex. PW6/A bearing his signature at point "A". He further stated that he registered the FIR no. 80/2024 PS Parliament Street, which was exhibited as Ex. PW6/B bearing his signature at point "A" and exhibited certificate u/s 63(4)(c) of the BSA, same was then Ex.

PW6/C bearing his signature at point “A”. In his cross examination, PW6 answered that the complaint already Ex. PW4/A, was given to him by WSI Anita and admitted as correct that complaint was not given by Manish to him. He also admitted as correct that the information regarding the complaint was received at PS at 1700 hours and voluntarily clarified that complaint might have been received by WSI Anita and she had given him at 09.40 p.m. He deposed that the DD entry of the complaint was made by the computer operator on his directions before registering the FIR and the DD no. 105A was given to the complaint. He did not know whether Ex. PW4/A was a statement given to the IO by the complainant or a complaint and stated that Ex. PW4/A was given to him by WSI Anita. He deposed that the complainant Manish did not come to his office to give the complaint and the signature at point “Z” were of WSI Anita and he did not know whose signature are at point “A”. He admitted as correct that portion on second page of Ex. PW4/A from “X” to “X1” was already typed when he had received the said document as complaint.

14. **PW-7, SI Sudeep Chahar**, has deposed that on 29.07.2024, he was posted at PS Parliament Street as SI. He deposed that at about 09.00 a.m., he was on duty at Jantar Mantar Protest site, wherein the protest was organized by All India Women Congress in which the accused was the chief speaker and

while giving her speech she was provoking the crowd for surrounding the Parliament building. He deposed that the senior officer were giving information regarding the applicability of section 163 of the BNSS in the said area through loud speaker, however, due to provocation by the accused, all the protesters were ready to surround the Parliament building and they suddenly crossed the first barricade at Jantar Mantar side towards Free Church. He further deposed that the female staff which were on duty tried to stop the protesters from crossing the second barricade but the protesters pushed them and crossed the same after jumping it towards opposite Free Church and blocked the road as well as they lied on the road. He also deposed that the senior officers requested not to block the road but request was not acceded to and then the ATO namely, Insp. Neeraj Kumar sent message on the wireless set to the control room, whereafter, the order was received from the senior officers to detain the protesters. Thereafter, with the help of female staff, the protesters including the accused were picked up and detained. He specifically deposed that the accused also started pushing the police officials in order to resist their detention and the road was opened for the general public. He deposed that he could identify the accused if shown to him, however identity of the accused was not disputed by the defence. PW7 in his cross examination answered that his duty was from 09.00 a.m. till

the end of the program and the *dharna*/demonstration ended at about 02.30 p.m. He could not remember at what time accused reached the spot, but stated that the accused in her speech made from the dais instigated the gathering to “Gherao the Parliament house”. He deposed that at about 01-01.30 p.m., the accused made the speech at the gathering and immediately after the speech given by the accused, protesters jumped the barricades. He could not tell how many people joined the protest and that he did not know the exact number of protesters who jumped the first as well as the second line of barricades. He also did not know as to how he got to know that his duty was at the spot that day, however voluntarily stated that sometime there was *Chithha* pasted in the Police Station or *Chithha Munshi* informed the staff telephonically. He did not have any document showing that he was on duty that day when the alleged incident took place and stated that the buses in which protesters were detained and transported were already called before the protest by the senior officers present there. He did not know where the buses took the detained persons and also the number of buses in which the protesters were detained and transported. He further answered that in the evening, he came to know about the registration of FIR the same day, which he came to know from the staff of PS. He replied that he had not received any notice u/s 160 CrP.C, but stated that the IO had recorded his statement after a year of the incident, at which time he was

posted in the same police station. PW7 then denied the suggestion that his duty was not on the spot and that he was not present at the spot on the day of incident.

15. **PW-8 Insp. Mahabir Singh** deposed that on 29.07.2024, he was posted at PS B. K Road as SHO, wherein at about 09.00 a.m., he was on duty at Jantar Mantar Protest site. He deposed that the said protest was organized by All India Women Congress in which the accused was the chief speaker, and while giving her speech she was provoking the crowd for surrounding the Parliament House. He stated that around 01-01.30 p.m., the accused alongwith some protesters moved towards the barricades placed near Tolstoy Marg, whereafter the accused alongwith some protesters climbed the barricades and tried to cross the barricades. He stated that he made announcement regarding imposition of prohibitory orders under section 163 of the BNSS and requested not to create law and order problem and disperse peacefully, however, the accused alongwith other protesters kept on raising slogans and jumped the barricades and ran towards Tolstoy Marg pushing the staff deployed on the barricades. He also stated that the accused alongwith other protesters ran towards Parliament Street opposite Free Church and also, blocked the main road after lying on the same due to which inconvenience was caused to the general public. He further deposed that further hindrance was also

created to the free flow of traffic on the main road, whereafter, he had flashed a message to Control Room regarding the situation. PW8 stated that they also followed them and with the help of staff detained the accused as well as the protesters and removed them from the road. PW8 further stated that his statement was recorded by the IO later on, and he could identify the accused if shown to him, however, the identity of the accused was not disputed by the defence. PW8 in his cross examination by the defence, stated that his statement was recorded by IO after around a year from the date of the incident. He answered that no notice u/s 160 CrP.C was given to him by the IO and that he had reached the spot at around 09.00 a.m. on the day of the incident. He could not tell how many protests were going at Jantar Mantar on the said date, however stated that the accused delivered a speech wherein he heard the accused instigating the crowd to march towards Parliament house. He replied to have received written instruction about his duty at Jantar Mantar on the said date and also got information of the duty through the control room a day prior. He also answered that he was at the spot till 02.30-03.00 p.m. but did not know how much area was exempted from proclamation of Section 163 of the BNSS at around Jantar Mantar. He also did not know whether the barricades placed at Jantar Mantar were in the exempted area or were placed outside the exempted area. He stated that around 20-25 people jumped

the barricades, of which around 10-15 people were detained and transported in the bus. He replied that he had not given any written complaint that the accused and 25 people had breached the 163 BNSS prohibitory order. When questioned about the exempted area and whether the barricades were placed inside or outside the exempted area, how come he made an announcement to not to cross barricades, PW8 answered that the protesters were supposed to protest peacefully and not to cross the barricades in unruly manner. He stated that the protesters were apprised about the prohibitory orders, jump the barricades and march towards Parliament house. He deposed that he came to know about registration of the present FIR the same day, that, it was registered at about 08.00 to 09.00 p.m. He also deposed to have known the accused before the incident. PW8 then denied the suggestions of the defence, that he was not deputed at the spot and he was not present at the time of the incident; that he, on the directions of senior officers, deposed falsely after a year.

16. **PW-9, WCt. Renu** has deposed that on 29.07.2024, she was posted at PS Parliament Street as WCt. and on that day at about 09.00 a.m., she was on duty at Jantar Mantar Protest site. PW9 deposed that the said protest was organized by All India Women Congress in which the accused was the chief speaker and while giving her speech she was provoking the

crowd for surrounding the Parliament building. She deposed that the senior officer were giving information regarding the applicability of section 163 of the BNSS in the said area through loud speaker, however, due to the provocation from the accused all the protesters were ready to surround the Parliament building and they suddenly crossed the first barricade at Jantar Mantar side towards Free Church. She deposed that she alongwith other female staff, which were on duty, tried to stop the protesters and the accused from crossing the second barricade but they pushed them and crossed the second barricade after jumping on it towards opposite Free Church and blocked the road and lied on the same. PW9 stated that the senior officers requested not to block the road but request was not acceded to, whereafter the ATO namely Insp. Neeraj Kumar sent message on the wireless set to the control room. She deposed that the order was received from the senior officers to detain the protesters and accordingly the female staff picked up and detained the protesters including the accused. PW9 also deposed that the accused also started pushing the police officials in order to resist their detention, after which the road was opened for the general public. PW9 deposed that she could identify the accused if shown to her, however the identity of the accused was not disputed. PW9 in her cross examination answered that she did not know the identity of the accused before the protest. She replied that the staff on duty told her that the

accused person was Alka Lamba and deposed that her duty was from 09.00 a.m. till the end of the program, which ended at about 02-02.30 p.m. PW9 then replied that the accused reached the spot at about 11-11.15 a.m. and in her speech made from the dais instigated the gathering to “Gherao the Parliament house”. PW9 also answered that at about 12-12.30 p.m. the accused made the speech at the gathering, after which she herself started walking towards the barricade and other protesters followed her. PW9 answered that there were 200-250 people present to join the protest, of which about 20-25 protesters jumped the first as well as the second line of barricades. She deposed that there were other protests also going on at the spot other than the program organized by Mahila Congress. PW9 answered that there was *Chithha* pasted in the Police Station, or *Chithha Munshi* who informed the staff telephonically about the duty, but she did not have any document showing that she was on duty on the day when the alleged incident took place. PW9 also did not know whether the buses in which protesters were detained and transported were already called before the protest by the senior officers or called after detaining the protesters and she did not know where the buses took the detained persons. She could also not know the number of buses in which the protesters were detained and transported. She also did not know who all were detained alongwith the accused. PW9 then replied that she came to know about the registration of

FIR after a year at the time when IO recorded her statement, but she had not got any notice u/s 160 CrP.C. She also deposed that she was posted in the same Police station when her statement was recorded and was not amongst the staff who were detaining the protesters and boarding the bus. She replied that she sustained no injury, even when the accused pushed her when she alongwith her supporters were running towards the barricades for jumping the same. PW9 did not know the exact number of female staff present at the spot and also did not know about any female staff member who had sustained injury due to the *Dhakka Mukki* done by the accused and other protesters. The witness denied the suggestion that her duty was not on the spot and that she was not present at the spot on the day of the incident.

17. **PW-10, WCt. Chanchal**, has deposed that on 29.07.2024, she was posted at PS Parliament Street as WCt., wherein at about 09.00 a.m. she was on duty at Jantar Mantar Protest site. She stated that the All India Women Congress organized protest where the accused was the speaker and she was provoking the crowd by giving speech to surround the Parliament building. PW10, like other prosecution witnesses, deposed that senior officer were giving information regarding the applicability of section 163 of the BNSS in the said area through loud speaker. PW10 also said that due to provocation from the accused, all the protesters were ready

to surround the Parliament building and they suddenly crossed the first barricade at Jantar Mantar side towards Free Church. PW10 also stated that she alongwith other female staff, which were on duty, tried to stop the protesters and the accused from crossing the second barricade but the crowd and the accused pushed them after jumping it towards opposite Free Church and blocked the road and lied on the same. PW10 further deposed that the senior officers requested not to block the road but request was not acceded to, whereafter the ATO namely Insp. Neeraj sent message on the wireless set to the control room. PW10 deposed that then the order was received from the senior officers to detain the protesters and with the help of female staff the protesters including the accused were picked up and detained. PW10 further deposed that the accused also started pushing the police officials in order to resist their detention, only after which the road was opened for the general public. PW10 stated to be able to identify the accused if shown to her, however the defence did not dispute the identity of the accused. PW10 when cross examined by the defence, stated that she did not know the identity of the accused Alka Lamba before the protest. She stated that the staff on duty told her that the accused person was Alka Lamba. PW10 also stated that her duty was from 09.00 a.m. till the end of the program and about the program, she answered that it ended at about 02-02.30 p.m. PW10 stated that the accused reached the spot

at about 11-11.15 a.m. and in her speech made from the dais, she instigated the gathering to “Gherao the Parliament house”. PW10 then answered that at about 12-12.30 p.m., the accused made the speech at the gathering, whereafter she herself started walking towards the barricade and other protesters followed her. PW10 said that there were 200-250 people present to join the protest, of which about 20-25 protesters jumped the first as well as the second line of barricades. PW10 said that there were other protest also going on at the spot other than the program organized by Mahila Congress. PW10 said that there was *Chithha* pasted in the Police Station, or *Chithha Munshi* informed the staff telephonically about the duty. PW10 also did not have any document showing that she was on duty on the day when the alleged incident took place and she did not know whether the buses in which protesters were detained and transported were already called before the protest by the senior officers or called after detaining the protesters. PW10 could not tell where the buses took the detained persons or the exact number of buses in which the protesters were detained and transported. PW10 did not know who all other persons were detained alongwith the accused and she replied to know about the registration of FIR after a year at the time when IO recorded her statement. PW10 also said that she got no notice u/s 160 CrP.C and that her statement was recorded after a year of the incident. PW10 also stated that she was

not amongst the staff who were detaining the protesters and boarding the bus and that she had not sustained any injury. She did not know the exact number of female staff present at the spot and also did not know about any female staff member who had sustained injury due to the *Dhakka Mukki* done by the accused and other protesters. PW10 also denied the suggestion that her duty was not at the spot and that she was not present at the spot on the day of the incident.

18. **PW-11, WSI Anita Singh** has deposed that on 29.07.2024, she was posted at PS Parliament Street as WSI. PW11 said that she was on emergency duty from 08.00 A.M to 08.00 P.M., when HC Manish gave his complaint at the PS which was marked to her for the further course of action. She said that the complaint was already Ex. PW4/A bearing her signature at point “Z”. PW11 deposed that *rukka* was prepared by her which was then Ex. PW-11/A bearing her signature at point “Z”, which was then sent to DO for registration of FIR. PW11 deposed that she prepared the site plan after taking complainant to the spot, which was then Ex. PW-11/B bearing her signature at point “A”. PW11 deposed that on 29.07.2024 itself, video from photo cell section, New Delhi was seized in a Pen Drive, vide seizure memo Ex. PW1/A bearing her signature at point “C” and the Pen drive in which video footage was collected and same was already Ex. P-1 and the certificate regarding the same from HC

Ravinder was already Ex. PW1/B. PW11 deposed that on 09.11.2024, notice u/s 35(3) of the BNSS was given to the accused Lamba which is Ex. PW11/C, and then she recorded statement of the witnesses u/s 163. PW11 deposed that the accused had not joined the investigation and again on 05.03.2025, she went to the office of All India Congress and served the notice u/s 35 (3) of the BNSS which is Ex. PW11/D, to the staff of the accused as she was busy on a Video Call and told that whenever court will summon her, she will be present. She deposed about the other facts of the investigation, i.e., the order u/s 163 of the BNSS with the sub-division area map issued by the ACP concerned on record which she identified to be exhibited as Ex. PW5/A and Ex. PW5/B. She also deposed about obtaining sanction u/s 215 of the BNSS which is Ex. PW5/C; the application seeking permission to organize protest at Jantar Mantar dated 11.07.2024 and dated 23.07.2024 filed by All India Mahila Congress to concerned office through Neetu Verma Soin with ID proof, which are Ex. PW11/E & Ex. PW11/F (respectively); and the undertakings dated 12.07.2024 and 23.07.2024 from the All India Mahila Congress through Neetu Verma Soin regarding protest at Jantar Mantar which were Ex. PW11/G & Ex. PW11/H, respectively. PW11 also identified Ex. PW11/I i.e., the letter dated 28.07.2024 from DCP Special Branch to DCP concerned, New Delhi regarding traffic arrangement at the protest site on

29.07.2024 and Ex. PW11/IA i.e. letter no. 114553 dated 22.07.2024 to the accused from Police Commissioner regarding Gherao of Parliament. She then deposed about filing of police report in April 2025, and about further investigation wherein she recorded statements of four witnesses i.e., Insp. Mahabir Singh, SI Sudeep, Ct. Renu and Ct. Chanchal who were acquainted with the facts of the case and present at the spot. PW11 also deposed that the supplementary chargesheet was prepared and filed in the court in August 2025. PW11 deposed that Ex.PW5/D was also obtained i.e., second sanction u/s 215 of the BNSS dated 03.08.2025 and copy of General diary regarding departure at the site of Insp. Mahabir Singh SHO PS B. K Road, Ct. Chanchal and Ct. Renu i.e., Ex.PW11/J, Ex.PW11/K and Ex.PW11/L, respectively were filed and placed on record. PW11 deposed that she could identify the accused, however the identity was not disputed by the defence and then the witness was cross examined. PW11 answered that she knew the accused before the protest. PW11 also stated that she got posted in PS Parliament Street in December 2023 and was on training before that. PW11 answered that on the date of incident, she was on emergency duty from 08:00 AM to 08:00 PM and all the PCR calls and complaints were marked to Emergency Duty Officer. PW11 admitted that no complaint or PCR call could be marked to the Emergency Duty Officer after his/her expiry of emergency duty hours.

She also admitted that at 08:00 PM, another duty officer had taken the charge as Emergency Duty Officer in the police station. PW11 answered that HC Manish gave complaint to the DO in the evening but she did not know the exact time. PW11 then answered that the complainant had given the complaint to the DO and DO had informed her telephonically about the complaint and thereafter DO had marked the complaint to her. PW11 further replied that the complaint was marked by SHO through DO and the complaint was marked to her 15-20 minutes after it was handed over to DO by the complainant. PW11 replied that she got the soft copy of the complaint and she took out the print out of Ex. PW4/A from her computer. She stated that soft copy of the complaint was given to her in the pen drive by the complainant and DO. PW11 also stated that the complainant also had given a written complaint to the DO which was typed copy and the typed copy of the printed written complaint was not part of the chargesheet. PW11 voluntarily stated that the soft copy was given by the complainant which was the same to the typed copy. PW11 identified her signatures at Point "Z" on Ex. PW4/A and stated that IO signs below the signature of the complainant for endorsement. PW11 denied few suggestions of the defence, that no complaint was given by H.C. Manish and Ex. PW4/A was typed and prepared by her on the instructions of senior officers that is why her signatures were

at the end of the complaint. PW11 also denied that HC Manish was forced by the senior officers to sign the complaint. PW11 then answered that H.C Manish had given the complaint Ex. PW4/A in his official capacity as he was on duty at the spot and that is why sanction was required, she then had typed the endorsement which was Ex. PW11/A in soft copy of the complaint and gave it to DO; thereafter, DO had made endorsement which was Ex. PW6/A. PW11 stated that she had not filed any certificate under Section 65-B Indian Evidence Act with regard to printing of Ex. PW4/A from her computer and volunteered that it was not mandatory. PW11 did not know the exact time, however, stated that the FIR was registered between 09:00 PM to 10:00 PM. PW11 further stated that at about 10:00 PM, after registration of the FIR, she went to the spot with the complainant to make the site plan and came back to the police station within half an hour; that she was called back to the police station by the senior officers to take the case after expiry of her duty hours as she was the junior most IO in the police station. She answered that the photo section is in the same building of PS New Delhi. She did not remember exact time when she collected the video footage of the incident from the photo cell section but stated that it was collected on the same date on 29.07.2024. She deposed that she gave the pen drive Ex. P-1 to the photo cell section for providing the video footage of the incident and she had

collected the pen drive from a General Store located in police station which provides the articles required for the investigation. PW11 stated that there was no requisition application on record to procure the pen drive from the General Store and stated that she already had 3-4 pen drives with her which were issued by the General Store to her earlier and she used one of them for collection of the video from the photo cell of the present matter. PW11 then stated that Ex. PW1/B was signed by H.C. Ravinder at the time of handing over the video in the pen drive and later she recorded statement of witness namely ASI Ashok (PW-3) on 16.08.2025. PW11 further stated that she had not given any notice to PW-3 to join the investigation and she had not investigated who all police personnel were on duty at the spot of incident from PS Parliament Street. PW11 did not know how many persons were present at the spot from the PS Parliament Street on the date of incident and further she came to know PW-3 was present on the spot of incident after going through DD entries of the date of incident. She stated that she only found PW-3 relevant for recording of statement under Section 161 of the CrP.C for preparing first chargesheet and volunteered that it was her first case and she had recorded the statement of those witnesses whom she considered fit for the case. PW11 denied the suggestions that she picked and chose witnesses who were ready to depose falsely against the accused on the instructions of senior

official. She deposed to have sent notice under Section 35(3) of the BNSS on 09.11.2024 on whatsapp number of the accused which is Ex. PW11/C, and also she had gone through the CCTV footage provided by the photo cell section i.e. Ex. P-1. She deposed that around 10-15 accused were clearly seen violating the proclamation under Section 163 of the BNSS and jumping the barricades and blocking the road, however despite her best efforts, she could not find out their names and whereabouts. PW11 then denied various suggestions of the defence that she did not investigate about the other accused on the instructions of senior officers as they only want to implicate the accused in the present case; that senior officers told her to prosecute only the accused; that on instructions of senior officers, she did not conduct fair investigation. PW11 admitted that Ms. Neetu Verma Soin had applied for the permission to organize protest at Jantar Mantar and the two applications filed by Ms. Neetu Verma Soin are already Ex. PW11/E and Ex. PW11/F, but said that she did not find Ms. Neetu Verma Soin relevant to be called to join investigation at that time. PW11 also admitted that she was aware of the identity and address of Ms. Neetu Verma Soin who was the organizer of the protest at Jantar Mantar in which the accused participated and violated the orders under Section 163 of the BNSS. When asked as to why Ms. Neetu Verma Soin has not been made accused in the present case, PW11 answered that the

complainant stated that it was the accused who had violated the law and pushed the police officers and only the name of the accused was stated to her. PW11 could not say after going through Ex. PW5/B as to what were the dimensions of the area which is exempted under Section 163 of the BNSS at Jantar Mantar, but voluntarily stated that the area which is exempted is highlighted in the map was surrounded by barricades. She admitted that no dimensions of the exempted area are given in the map or in the order under Section 163 of the BNSS and also admitted that there is no document to show that the barricades at Jantar Mantar were placed outside or inside the exempted area. She even admitted that there is no permanent marking or demarcation of exempted area at Jantar Mantar so that protesters could be aware of the exempted area. PW11 deposed that she had supplied the chargesheet alongwith all the documents to the ACP for obtaining complaint/sanction under Section 215 of the BNSS. PW11 then admitted that the ACP had granted first sanction under Section 215 of the BNSS for offences under Section 223(A)/3(5) of the BNS only and then she had filed the first chargesheet under Section 221/223(A)/3(5)/132/285 of the BNS however, there was sanction only for the offence under Section 223(A)/3(5) of the BNS. PW11 further answered that she had conducted further investigation because Hon'ble Court declined to take cognizance with respect to sections other than under Section 223(A)/3(5) of

the BNS. PW11 then admitted that neither the court nor the senior officers directed her to conduct the further investigation and even admitted that there was no written order to conduct further investigation, however, she was orally asked by the court and the senior officers to conduct the further investigation. PW11 answered that she had obtained the second sanction under Section 215 of the BNSS dated 03.08.2025 Ex. PW5/D only to ensure that the court takes cognizance on the chargesheet. PW11 then admitted that she did not find out any new fact or evidence in her further investigation on basis of which she had filed the second chargesheet. PW11 could not tell whether second sanction can be taken for the same chargesheet, however stated that she had placed on record general diary entry of the witnesses mentioned in the second chargesheet but she did not place general diary entry of the witnesses in the first chargesheet as there was only one witness. PW11 deposed that there was no injury to any staff or general public on the date of incident caused by accused as there was only *Dhakka Mukki* with the police staff and that the protesters blocked the Tolstoy road which caused inconvenience to the general public, however, no statement of any public witness was recorded by her. PW11 however denied the suggestions of the defence that she had made only Alka Lamba as accused on instructions of her senior officers; that the barricades were put inside the exempted area; that the ACP clearly told

her that the offence is only made out under Section 223(A)/3(5) of the BNS and that is why he has signed the sanction only for the prosecution under the said section; that she had conducted further investigation and obtained second sanction to cover up the lacuna in her first chargesheet; that there was no need for further investigation except for the reason to cover up lacuna in the first chargesheet; that Tolstoy Road also falls under the exempted area under Section 163 of the BNSS; that the accused did not block any road or caused any inconvenience to the general public that is why there is no public witness in the present case; that she has prepared the charge sheets on instructions of senior officers to falsely implicate only the accused Alka Lamba; that she was deposing falsely on instructions of her senior officers.

19. No other witness was examined in PE and on the statement of Ld. Addl. PP for the State, PE was closed on 13.04.2026.

20. All the incriminating facts and circumstances were put to the accused, as appeared in the testimonies of the prosecution witnesses. In the course of examination u/s 313 of the Cr.PC (Section 351 of the BNSS, 2023), dated 09.04.2026, accused stated that she was falsely implicated in the matter. In particular, accused stated that she was one of the speakers in the program organized by All India Mahila Congress at

Jantar Mantar, where women supporters joined in solidarity from across the country demanding women reservation in Parliament. She defended that she has not committed any offence as the protest was going on peacefully in the exempted area and at no point there was any violent act or violation of law committed by her or the protesters. She also defended that no order of imposition of section 163 of the BNSS was communicated to her or to the protesters and the protesting women wanted to symbolically show that they wanted to Gherao the Parliament to put pressure on the government; however, the call for Gherao was merely symbolic and the protesters never proceeded towards the Parliament building. She stated that on asking of women protesters, she along with others crossed the first barricade to register a symbolic protest and lay down between the first and second barricades, but neither she nor any of the protesters crossed the second barrier. She then defended that no public way or road, including Church Road or Tolstoy Road, was blocked or obstructed, and they caused no difficulty for the public in free passage. She lastly defended that when police persons tried to lift them, neither she nor any protesters pushed any official intentionally; rather, pushing was initiated by the police and protesters only lightly pushed back to save themselves from being pulled by the male police officials.

21. The defence chose not to lead DE, despite grant of opportunity and DE was closed on 18.04.2026.
22. As is the norm, the matter was then taken to the stage of final arguments. Due opportunity was given to both the sides. Oral arguments were heard at length. This Court has heard Sh. Chiranjit Singh, Ld. Addl. PP for the State and Sh. Imran Ali, Ld. Counsel for the accused.
23. The prosecution based on the evidence adduced above alleges the commission of offence punishable under the following provisions of the BNS – 1. Section 132 – Assault or criminal force to deter public servant from discharge of his duty; 2. Section 221 – Obstructing the public servant in the discharge of public functions; 3. Section 223(a) – Disobedience to the order duly promulgated by public servant; and 4. Section 285 – Danger/obstruction in the public way or line of navigation. Ld. Addl. PP submits that presence of the accused at the protest site is not disputed, that the accused was instrumental in leading the demonstrators out of the permissible area of the protest, that the accused can be seen in the videos using criminal force and assaulted the police officers on duty while willfully disobeying order duly promulgated by a public servant, that accused caused obstruction to road/public way, caused annoyance to the public as well as police officers on duty

and that the accused caused danger to life, health and safety of other demonstrators as well the police officials on duty and accordingly it is prayed that the accused be convicted in the present matter.

24. Per contra, it is argued by Ld. Defence Counsel that accused be acquitted in the present matter while taking defences which are summed up as follows— that the prosecution is barred ab initio by Section 215 of the BNSS (Section 195 Cr.P.C.) for want of a valid written complaint by the public servant concerned with the first charge-sheet; that the supplementary charge-sheet and Second Complaint u/s 215 of the BNSS are bad in law; that the order under Section 163 of the BNSS was admittedly never communicated to the accused or to the protesters and there exists no proof of communication, even the exempted area and its dimensions are in the knowledge of officer concern; that the prosecution has failed to prove that the protest crossed the “exempted area” and the prosecution’s own witnesses admit ignorance of the dimensions of the exempted area; that the protest was a peaceful, symbolic, constitutionally protected protest under Articles 19(1)(a) and 19(1)(b) of the Constitution of India for the implementation of women’s reservation in Parliament — a cause that has since been accepted and acted upon by Parliament; that there is no proof whatsoever of “assault” or “criminal force” against any public servant

within the meaning of Section 132 of the BNS and there is no MLC to that effect; that there is no proof of any “obstruction” in any “public way” within the meaning of Section 285 of the BNS as the accused never crossed the exempted area; that the entire investigation is a tutored, mala fide and politically motivated exercise with grave material contradictions in the deposition of the prosecution witnesses; and that no fair investigation and accused version was never taken by IO.

25. In support of the above, defence has also cited about 18 judgments. The defence firstly cited **Devender Kumar v. State (NCT of Delhi), 2025 INSC 1009**, to argue that the bar under Section 195 of the CrPC is absolute on the Court taking cognizance. The next defence has been that the power to order further investigation rests with the Magistrate concerned or a higher Court and not with the investigating agency itself. Defense relies on the said ratio-decidenti reiterated in four judgments namely **Pramod Kumar & Ors. v. State of Uttar Pradesh, SLP (Crl.) No. 350 of 2024**; **Vinay Tyagi v. Irshad Ali, (2013) 5 SCC 762**; **Devender Nath Singh v. State of Bihar**; and **Peethambaran v. State of Kerala, (2024) 16 SCC 65**.

26. To bring home the argument that Section 178(3) of the CrPC obligates the IO to obtain further evidence – oral or

documentary and only then forward a supplementary report. It is argued that in absence of new evidence, a judicial magistrate is not compelled to take cognizance, as such a police report lacks investigation rigour and fails to satisfy the requisites of Section 173(8) of the CrPC. It is also argued that a supplementary chargesheet merely re-appreciates material already on record is, in law, no supplementary chargesheet at all. In this regard the defence has relied upon the judgment titled as **Mariam Fasihuddin and Anr. v. State by Aduгоди Police Station and Anr., 2024 INSC 49**. Two other judgment namely **Saloni Arora v. State (NCT of Delhi), (2017) 3 SCC 286** and **Daulat Ram v. State of Punjab, AIR 1962 SC 1206**, are also relied upon to argue that a prosecution commenced without recourse to the procedure under Section 195 of the CrPC is void ab initio, there being an absolute bar against the Court taking seisin of such a case otherwise. Further, judgment of **Mohan Kukreja v. State (NCT of Delhi), 2019 SCC OnLine Del 6398** is relied upon by the defence to argue that non-compliance with Section 195 is a defect which cannot be cured subsequently, whether by the prosecution filing a supplementary chargesheet or by the public servant filing a fresh complaint after cognizance. The said ratio-decidenti has been reiterated in **Sachin & Ors. v. State (NCT of Delhi), 2019 SCC OnLine 8986**.

27. The defence, while arguing on the merits of the case, stated that the protest in question was a peaceful, symbolic, constitutionally protected protest for women's reservation without any personal gain and no criminal intent. The judgments to support this right of the accused, cited are **Anita Thakur & Ors. v. Government of J&K & Ors., (2016) 15 SCC 525; Himmat Lal K. Shah v. Commissioner of Police, AIR 1973 SC 87; and Mazdoor Kisan Shakti Sangathan v. Union of India, (2018) 17 SCC 324.** Defence also argued that **Mahendra Kumar Sonker v. State of Madhya Pradesh,** is the legal authority on the point that mere physical contact during an arrest, without requisite intent to cause harm or deter a public servant from duty, is insufficient for a conviction under Section 353 of the IPC/ Section 132 of the BNS.
28. Defence also stated that the Hon'ble Supreme Court of India in **Anvar P.V. v. P.K. Basheer, (2014) 10 SCC 473** and **Arjun Panditrao Khotkar v. Kailash Kishanrao Gorantyal, (2020) 7 SCC 1,** held that absence of certificate under Section 63 of the BSA (corresponding to Section 65-B Indian Evidence Act), renders Ex.PW4/A inadmissible in evidence. Again arguing factual lacunae in the present case, the defence while placing reliance upon the judgements of **Dharam Pal v. State of U.P., AIR 1975 SC 1917,** and **Kashmiri Lal v. State of Haryana, (2013) 6 SCC 595,** stated that it is settled law that

a prosecution's case has to be viewed with grave suspicion where not even a single independent/ public witness has been cited.

Analysis of the material/Appreciation of evidence

Communications before the date of incident

29. Ex.PW11/E is a letter dated 11.07.2024 written by one Ms. Neetu Verma Soin, General Secretary, All India Mahila Congress to The Deputy Commissioner of Police, New Delhi District seeking permission to hold "Protest to implement Women Reservation Bill" on Monday 29th July, 2024 at Jantar Mantar, New Delhi. Ex.PW11/G and Ex.PW11/H are two identical 'undertakings' dated 12.07.2024 and 23.07.2024, respectively, to abide by the terms and conditions of Standing Order No.48/2022 framed on the guidelines laid down by the Hon'ble Supreme Court of India, in Writ Petition (Criminal) No. 1153 of 2017 for conducting the above programme. The undertaking categorically recorded that the participants of *dharna*/demonstration shall immediately comply with all lawful directions given to them by the Commissioner of Police, Delhi or any other police officer on duty at any stage of the rally or *dharna*/demonstration. The undertaking also records that the organizers shall not move in shape of march from the prescribed place of *dharna*/demonstration except from the parking to the prescribed place of

dharna/demonstration or as symbolic march duly permitted by the District Police. During this the organizers were to abide by the instructions/directions of the police. The undertaking was also to the effect that *dharna*/demonstration/meeting shall only be held at the prescribed place/venue.

30. Ex.PW5/A is a prohibitory Order dated 01.07.2024 passed by the Assistant Commissioner of Police, Sub-Division Parliament Street, which records that, unrestricted holding of public meetings, processions/demonstrations are likely to cause obstruction to traffic, danger to human safety and disturbance to public tranquility. Accordingly, exercising powers conferred by section 163 of the BNSS prohibitory order was passed covering the whole area of Sub-Division Parliament Street excluding the exempted area at Jantar Mantar Road. The area map has been separately exhibited as Ex.PW5/B.

31. The above document clearly shows that the organizers as well as all participants were aware of the permissible activities within the permissible area, and all were duty bound to scrupulously follow the instructions of the Senior Police Officials on duty. These are not unreasonable restrictions upon the rights of the organizers, participants and the accused. There were two categorical undertakings to

abide by such terms by the organizer Ms. Neetu Kumar Soin and the same was to be informed to the leaders and speakers attending the same.

Incident as seen in the videos and testimonies

32. This Court is reminded of a cardinal rule of evidence that documentary evidence shall exclude oral evidence. The defence has tried to show certain discrepancies in the testimonies of the witnesses present at the spot and even challenged the extent of protest area and countered allegations of the prosecution case. In such eventuality, this Court shall look at the videos of the incident first, which are in the form of documentary evidence, which would not only counter the allegations but also the defence, if found contrary to the documentary evidence. One pen drive was exhibited Ex.P1 and proved through PW1 and PW2. PW1 deposed that he was in photo section branch of New Delhi and on 29.07.2024, there was a protest held at Jantar Mantar by All India Mahila Congress and he alongwith SI Devender was covering the protest via Sony FDRAX43A video Camera colour black. The entire proceeding was captured by them in the abovesaid camera. PW1 further deposed that on demand by PSI Anita Singh PS Parliament Street, he transferred the video recording of the entire protest in computer and thereafter, the same video was transferred in a Pen Drive, make HP USB 3.2 storage 32 GB silver colour,

which is Ex.P1. PW2 also deposed that PSI Anita Singh produced the same pen drive Ex.P1 and at her request, he transferred all the videos in the pen drive Ex.P1.

33. Ex.P1 is found to be, as described, make HP USB 3.2 storage 32 GB silver colour, and an effort has now been made to chronologically arrange the 25 videos. The videos do not bear time stamp, however coupled with the testimonies of the witnesses and backtracking the sequence of events, some sense of chronology can be made, considering that the first arrangement of *dharna*/protest has been recorded, then some speeches, etc. are recorded, followed by the events as alleged which are subject matter of this trial. Same events have been captured from two cameras since PW1 and PW2 were recording the place of the incident from different locations from their respective cameras. The table of chronology and events is as under –

Video no. & duration	Event
00387.MTS 0Min:50Sec	This video covers some other protest at the Jantar Mantar Area on the same date as the date of incident.
00392.MTS 2Min:15Sec	Protest in question, wherein the protesters are arriving.
00393.MTS 1Min:41Sec	Protest in question, when speeches were delivered and protesters started to gather.

00076.MTS 1Min:39Sec	Speeches made in the protest and accused Alka Lamba can be seen on the stage, while one speaker Jyoti stating on the microphone to the gathering that protest was being led by National President Ms. Alka Lamba (accused herein).
00404.MTS 04Min:33Sec	Speeches made in the protest and (at 2:53 internal clock) accused Alka Lamba can be seen giving her speech
00405.MTS 0Min:35Sec	One song is being played and in the end part accused Alka Lamba again takes on the microphone to thank the gathering.
00434.MTS 5Min:53Sec	Shows some movement of protesters from the sitting area of the protest towards barricade while sloganeering can be heard.
00436.MTS 5Min:53Sec	<p>The protests reached first layer of barricades (physically two rows of barricades have been placed and tied together). Alka Lamba can be seen posing for the media/ news cameraman and gestures other protesters to cover the entire barricade from the protest area side. The police force comprising of women forms human chain and are seen holding the barricades which is being pushed by the protesters from the other side. Accused Alka Lamba can be seen gesturing protesters to cover other portions of the barricades and also gestures some protesters, who were present between first and second layers of barricades, to reach the second barricades.</p> <p>At 2:55 of internal clock, accused can be seen climbing the first layer of barricades and she stands on the two layers of barricades with other protesters.</p> <p>At 5:20 of internal clock, announcements</p>

	<p>were made that climbing barricades can cause injuries and protest was declared illegal for having climbed the barricades and exceeded the time undertaken for protest.</p>
00437.MTS 1Min:48Sec	<p>The video opens with announcement being made that climbing barricades could hurt someone and the protest was declared illegal.</p> <p>At 0:33 of internal clock, accused can be seen to have first jumped the first layer of barricade in the middle of the human chain formed by women police force and then pushed and rushed towards the second layer of barricades.</p> <p>At 1:13 of internal clock, the protesters led by the accused can be seen to have lied on the asphalt road with some of the protesters and despite announcement to clear the area and seize the protest, the accused and protesters continue to lie on the road. This asphalt road is between the first and second layer of barricades.</p>
00088.MTS 17Min:13Sec	<p>The video shows chaos and sloganeering while protesters can be seen to push the first layer of barricades from the protest area side, which is being held by women force forming chain.</p> <p>At 4:20 of internal clock, accused can be seen to have climbed the first layer of barricades and is standing on the two rows of barricades tied together to form the first layer of barricade.</p> <p>At 6:35 of internal clock, announcement can be heard that standing on the barricade can cause hurt and protest being declared illegal.</p> <p>At 7:57 of internal clock, the accused can be</p>

	seen to jump the first barricade first and held other protesters to jump with her. She then can be seen leading the protesters to push the police officials to reach the second layer of barricade and at 10:25 of internal clock, the accused can be seen to have lied on the asphalt road between the first and second layer of barricading.
00438.MTS 2Min:00Sec	Protesters can be seen lying on the asphalt road between the first and second layer of barricades. Accused is surrounded by other protesters lying on the road.
00439.MTS 1Min:23Sec	Accused with other protesters is still lying on the asphalt road and announcements being made to clear the protest site. She further can be seen gesturing the protesters to cover more area on asphalt road.
00440.MTS 3Min:00Sec	Some of the protesters were gestured by the accused to engage with women police officers and police officials.
00441.MTS 2Min:00Sec	Accused gestures some of the protesters to engage with police personnel towards the second layer barricade, while she moves towards the corner of the second layer of barricade with other protesters scheming to jump the second layer of barricading.
00442.MTS 0Min:38Sec	At 0:08 of internal clock, accused is seen to jump the second barricade.
00089.MTS 07Min:07Sec	Accused can be seen to gesture the protesters to cross the second layer of barricade and at 0:51 of internal clock, the accused can be seen jumping the second layer of barricade.
00090.MTS	Protesters can be seen being removed by the

17Min:13Sec	police one by one in a peaceful manner. There are buses arranged to detain the protesters and to be removed from the protests site.
00446.MTS 2Min:25Sec	Few protesters who jumped both the layers of barricades can be seen running on the main Tolstoy Road. Protesters were detained and removed from the protest site in buses.
00091.MTS 13Min:03Sec	Protesters continued to be removed from the protest site.
00447.MTS 2Min:24Sec	Protesters continued to be removed from the protest site.
00448.MTS 1Min:06Sec	Protesters continued to be removed from the protest site.
00449.MTS 1Min:03Sec	Protesters continued to be removed from the protest site.
00450.MTS 3Min:13Sec	Protesters continued to be removed from the protest site.
00453.MTS 2Min:19Sec	Protesters continued to be removed from the protest site.
00457.MTS 3Min:18Sec	Protesters continued to be removed from the protest site.

34. As already deposed by PW1 and PW2 (both from photo section branch, New Delhi District and have covered the relevant events of the protests), that the videos as described above, shows the accused being National President, All India Women Congress, leading the *dharna*/demonstration. She

herself made speeches/announcements and even took center stage in the entire demonstration. The events have been captured by two different cameras and videos show that the accused was amongst the first to get over the first layer of barricades. The videos clearly show that the accused was amongst the first few to climb these barricades and she continued to pose for the news channels and cameras on the opposite side of the first barricades. She then can be clearly seen to gesture protesters to cover the entire length of the barricades and they all can be seen to push the barricades. These barricades could be seen held by women officials from the opposite side. The accused can clearly be seen to be the first to jump the barricade onto the human chain of women police officials, other protesters followed the suit, and they all pushed the police officials and ran towards the second layer of barricades. The following videos show that, when the police officials stopped the protesters before the second layers of barricades, the accused with other protesters lied on the asphalt road. All these acts of the accused and other protesters were in contravention of constant appeal of the senior police officials made on the loud hailers at the protest site. The accused can then be seen gesturing the protesters to engage police officials at the second barricades, while she, with other protesters can be seen to jump the second layer of barricades which opened right onto the main Tolstoy Road. The accused played a pivotal role in leading

the protesters and continued with her gestures in guiding every move of the protesters. The loud hailers were used to request the accused and protesters to climb down the barricades, to vacate the asphalt road area and to confine the protests only to the permitted Jantar Mantar Protest Area, which was the actual the exempted area.

35. In backdrop of this documentary evidence, the defence of the accused at the stage of framing of notice and her statement, post prosecution evidence, need to be read. The accused pleaded not guilty and claimed trial. At later stage of the trial, in her statement under section 313 of the CrPC, she admitted her presence at the place of incident, however defended that the call for *gherao* of Parliament was symbolic call and at no point any of the protesters intentionally wanted to disrupt the ongoing parliamentary proceedings that day. She also stated that neither she nor any of the protesters crossed the exempted area at Jantar Mantar and blocked any public road and that there was no hindrance or blockage of the public freeway to have caused annoyance to public. She further stated that there was no demarcation of exempted area at Jantar Mantar which could be identified by the protesters and none of the protesters had crossed the second barricade. She also stated that protesters symbolically lied down on the area between the two barricades and that neither she nor any other protester pushed any police official

intentionally and also, she stated that pushing was done by the police officials. She finally stated that the protesters were only trying to save themselves from pulling by the male police officials and protesters lightly pushed back the police officials.

36. From the above statement of the accused, her presence at the place of protest has not been denied. She even admits being in the area beyond first layer of barricade and to have lied on the road in the area between first and second layer of barricade. This part of the statement of accused finds corroboration in pen drive Ex.P1. The said exhibit has not been challenged for want of proof nor any part of the video has been disputed to be doctored or morphed. The videos as explained above, are categorically contradictory to the defence of the accused and brings home the allegations of the prosecution.

37. The videos show that constant announcements were made by senior police officials to seize the protest when the protesters crossed the first layer of barricade. The announcement was categorical that protest was limited in time and only at Jantar Mantar Protest Area, which was marked up to the first layer of barricades. Nevertheless, it was the All India Women Congress, which had sought permission for holding dharna/demonstration and the two

undertakings as mentioned above make it amply clear that it was the duty of the protesters to adhere to the timings and area of protest. No effort, from the stage of the protest in question, was made by any speaker to apprise the protesters as to the timing as well as the area of protest. The Delhi police had put in place sufficient barricade to demarcate the protest area. The accused Ms. Alka Lamba was announced as National President and primary leader to lead the protest in question, even the number of posters at the venue depict her as the center figure leading the protest. It was thus, duty of the organizers as well as the accused to know exactly the timing and area of protest and even adhere to said timing and area. The undertakings Ex.PW11/G and Ex.PW11/H shows number of volunteers to be 40 and 50, respectively, and none of the videos in pen drive Ex.P1, shows any of the volunteers guiding the protesters to adhere to timings and area of protest. The accused can be seen repeatedly gesturing the other protesters to cover the barricade, jump the same and even led them by jumping off the first barricade first and she was the first one to jump the second barricade too. Between these two events, she led the protesters to lie on the asphalt road with other protesters, not once but twice and she could even be seen in the video gesturing the protesters to cover more area to lie down.

38. The videos would show that this asphalt road was beyond the first layer of barricade and before the second layer of barricade. Prior to the forceful entry of the protesters, this area could be seen to be used by the police officers, media personals and other pedestrians for free movement. Pedestrian walks, dividers are present in this area, however, clearly the asphalt road is public way and was being used as such, for free movement by media, police and other persons. Once the accused and the protesters jumped the first layer of barricade and they were stopped from reaching the second layer of barricade, the accused with other protesters lied on this asphalt road. The accused and protesters even got up from the road for a brief moment only to lie again on the same road and the accused could be seen in one video to gesture the protesters to cover more area. The announcement from senior police officials could also be heard in the background, that such act of lying on the road could hurt persons and protesters were even directed to vacate the area within 10 minutes. No such compliance was done by the accused or the protesters and the accused led the protesters to engage with the police officers to cross the second layer of barricade and she even led the other protesters to herself cross the second layer of barricade first. The videos thus, clearly show the aggressive action of the accused in leading the other protesters to violate the duly promulgated Order, block a public road and even use criminal force against the

police officers, both male and female. The accused, being central leader in the protest in question, fueled the aggression of protesters instead of abating the same. Once she jumped the second barricade and was detained by the police, remaining protesters could be seen in the videos, asking the police officers to produce the accused to talk to her before ending the protest. This clearly shows that she played pivotal role in organizing, leading and fueling the protest to aggressive levels. Once she enjoyed such prestige amongst the protesters, she cannot be allowed to escape the legal consequences of her actions for mere defence that she was one of the several speakers. The accused defence of innocence has been disproved by documentary evidence.

39. Returning to the cardinal principle of law that documentary evidence excludes oral evidence. Section 54 and Section 56 of the Bharatiya Sakshya Adhiniyam, 2023 (hereinafter referred to as 'BSA') incorporates this principle. In the facts and circumstances of the present case, once the documentary evidence Ex.P1 is proved on record, even the prosecution ocular testimonies would be excluded from being read in evidence, if found contrary to the documentary evidence. The witnesses PW1 to PW11 have deposed in support of the documentary evidence about presence of the accused at the place of incident, the protest exceeding its allotted time as well as protesters forcing their way beyond the exempted

area. The defence has pointed to certain discrepancies and inconsistencies in the testimonies of the witnesses about dimensions of the exempted area, whether barricades were inside or outside the exempted area, source/ authenticity of 'exempted area', how many barricades were placed at Jantar Mantar, which barricade was crossed and distance between barricades. No doubt certain differences do appear in testimonies of the police officials, however, it is common understanding that not all the police officials who were present and have deposed before the Court, were acquainted with all the minute details of Jantar Mantar Protest Area. Most witnesses who deposed in this case, were informed about duty roster one day prior to the incident and hence, when order to depute police officials for maintaining law and order at a place of protest is issued, such officers are placed under the authority of senior officer deputed to manage the same. All such police officials would thus follow orders rather than on their own, interpret the extent of exempted area. The barricades placed around the Jantar Mantar protest area clearly show that ample effort was made by the police to clearly show the extent of exempted area. The first layer of barricades (which consisted of two rows of barricades tied together), showed that exempted area was inside this layer of barricade. The organizers were duty bound to know the area of protest and communicate the same to the protesters gathered there. The 40 or 50 volunteers mentioned in the

undertakings Ex.PW11/G and Ex.PW11/H were duty bound to control the protesters within time and place of protest. The protesters had no right to climb the said barricades, while announcements were also made that the same could cause injuries and also that protest had exceeded its time limit and crossing the first barricade was violation of prohibitory order making further protest illegal. In fact, no announcement could be heard from the police while the protesters were inside the first layer of barricade, same would ipso facto make it clear as to the extent of exempted area.

40. The defence has tried to put all the burden on the police officials to prove the same, while it was the organizers' duty to adhere to the timings and extent of protest area. The two undertakings Ex.PW11/G and Ex.PW11/H make no communication to the police to seek clarification as to the extent of protest area. Certain differences in the testimonies of the police officials could be of no detriment to the prosecution case, when Ex.P1 establishes and proves all the allegations. Moreover, it is the common knowledge that Jantar Mantar is a regular protest site and see numerous protests on daily basis and, at times, several protests are organized simultaneously in a single day. In view of the same, not all details could be and would be remembered by the police officials who witness many protesters at the place of incident. Besides that, prosecution witnesses were

examined before the Court after about two years from the date of incident. In such a scenario, certain differences are bound to occur and are even natural to show that they are deposing truthfully to the best of their memory.

41. The defence reliance on judgments of **Anita Thakur case (Supra)**, **Himmat Lal K. Shah case (Supra)**, **Mazdoor Kisan Shakti Sangathan case (Supra)** and **Mahendra Kumar Sonker case (Supra)** are clearly distinguishable and not applicable in the facts of the present case. The allegations which stands proved by the prosecution, does not favour the accused's plea of peaceful, symbolic, constitutionally protected protest. The protest in question was clearly beyond time period allotted, exceeded the exempted area and even exceeding the legitimate expectancy of peace and order. The accused by her words, gestures and actions, turned the protest aggressive and there were visible concerns of risk of hurt to herself, fellow protesters as well as police officials. The human chain of the women police officials was pushed several times by the protesters and they were deterred from maintaining law and order in the area, beyond the exempted area. The protest when was within the barricading was not announced by the police to be disbursed.

42. Another set of judgments relied by the defence of **Dharam Pal case (Supra)** and **Kashmiri Lal case (Supra)** are also not

covering the facts and circumstances of the present case. Merely because the prosecution witnesses are only police officials, itself cannot be the sole ground of disbelief. The investigation as well as trial established a documentary proof in the form of Ex.P1. The accused also admitted her presence as well as jumping of first layer of barricade. Ex.P1 has not even been challenged by the defence to be morphed or manipulated. Ex.P1 itself was sufficient documentary proof to sustain the case of the prosecution, however each of the witnesses PW1 to PW11 have further corroborated the prosecution's allegations to meet the requirement of law to prove its case beyond any shadow of doubt.

Technical and legal challenge

43. The defence has raised a technical challenge as to the facts surrounding lodging of the FIR, typed format of first information and typed record of Duty Officer as well as signatures on the same. Even grant of sanction under Section 215 of the BNSS has been challenged to be opposed to principle of law. As regards the lodging of FIR, the same has caused no prejudice to the accused. There are no allegations that FIR contents have been manipulated and the incident as narrated in the FIR as well as police report stands proved by documentary and other ocular evidence.

44. The defence stated that there is contradiction in the testimonies of PW4, PW6 and PW11, wherein PW4/ complainant states that he typed the complaint in a computer, then PW11/ Investigating Officer states that she received the complaint in soft copy from PW4/ complainant, which she used to print from her computer. PW6/ Duty Officer then stated that he received typed copy of complaint from PW11/ IO. When the whole sequence as narrated and highlighted by the defense is seen, no inconsistency could be noticed, it rather points out to a natural course. There is no law barring filing of a written complaint, since PW4/complainant is a police officer, he chose to submit a soft copy of the complaint to the IO/ PW11, who also made relevant entry for receiving the said complaint in typed form and once the print was taken, the complaint was signed and PW11/ IO took the same to the Duty Officer. This Court could not find fault with any of the steps followed by the witnesses especially, when there are no allegations of manipulation or exaggeration in the complaint. The FIR records the correct sequence of events, which the prosecution has already proved from the documentary and ocular evidence.

45. The other defence is that the original complaint is filed without certificate under Section 63(4) of the BSA. Section 63(4) of the BSA requires certificate qua 'computer output',

however, the present case is not where a computer output has been used. The present case is one where first information (which formed basis of the FIR) was typed instead of hand written. PW4 deposed that he knew typing and he used a computer to type the complaint and he took the same in a soft copy to PW11/IO, who endorsed the same in a soft copy and same was then handed over to PW6/ Duty Officer. PW11/IO had actually printed the complaint and endorsement, and physical signatures were put upon by the complainant/PW4 as well as the IO/PW11. This would not require any certificate under Section 63(4) of BSA. It is a routine affair to type a document, instead of writing it by hand, and once print is taken, physical signatures are appended. As long as the signatory testifies that the typed complaint duly signed by him is the true and correct record of what he typed, the document could not be said to be faulty. Further, the said defence does not merit acceptance as it is a settled law that an FIR or an initial complaint is not a substantive piece of evidence. Its primary object is merely to set the criminal law in motion. Therefore, any alleged defect or lack of certificate under Section 63(4) of BSA or any discrepancy as allegedly shown in the initial complaint by the defence, cannot by itself vitiate the prosecution case. Relevant here is to mention that the present case does not solely rests upon the initial complaint as during investigation witnesses were examined who supported the prosecution

story and documentary evidence in the form of video recordings has been correctly placed on record. The evidentiary foundation of the prosecution is thus, based on substantive material gathered during the investigation and not merely upon the complaint Ex.PW4/A. In light of the above, this Court is of the view that unless prejudice or miscarriage of justice is demonstrated, irregularities with respect to the complaint Ex.PW4/A cannot demolish an otherwise sustainable prosecution case. Merely by pointing out contradiction in the testimonies of PW4, PW6 and PW11 and without showing any prejudice to the accused, the case of the prosecution stands firm. The defence even put various suggestions to the witnesses that the present case was a result of deliberate, false and manipulated effort at the instance of senior police officials, however, the said suggestions are nothing but futile and failed efforts. Except for the baseless and bald suggestions, no positive evidence or material has been proved on record by the defence.

46. Thus, both the judgments, relied upon by the defence I.e, **Anvar P.V. case (Supra)** and **Arjun Panditrao Khotkar case (Supra)** would not be applicable to the facts of the present case. Ex.PW4/A is not a computer output, but computer has only been used as a typing tool to prepare the complaint and endorsement of the IO. Both the above were then printed and the original Ex.PW4/A is on record.

47. The other defence of the accused has been of invalid sanction under Section 215 of the BNSS. The defence has argued that PW5 ACP Ajay Kumar Gupta, stated that all the documents were considered by him when he accorded sanction Ex.PW5/C, yet he failed to explain as to why the said sanction failed to record all the sections under which the chargesheet/police report was proposed. The defence further argues that, when Ex.PW5/D was accorded, there was no new grounds/evidence/fact before PW5 to have accorded a second sanction. The defence has also relied upon citation to bring home the said argument. Before proceeding to discuss the said defence on merits, this Court deems it fit to point out that vide Order dated 20.08.2025, order on cognizance was passed in the present matter, which was duly considered and dealt with in revision petition preferred before the Ld. Special Judge (PC Act) (CBI)-09 (MP/MLA Cases). Vide Order dated 06.02.2026 it was observed by the Ld. Special Judge that “the law does not prohibit a chargesheet in absence of a complaint under Section 215 of the BNSS. The law only requires that such a complaint must exist before cognizance is taken”. The said observation was passed by Ld. Special Court while dealing with the revision of the accused against the order framing notice of accusation. Meaning thereby, the order of cognizance on basis of the second sanction as well as the further order of framing of

notice of accusation, have attained finality as the order of Ld. Special Judge, has not been challenged before the Hon'ble High Court, as per the record available. It was for the accused to challenge the order on the point of cognizance at the initial stage, however, accused failed to do so rendering herself to risk of further prosecution.

48. Even otherwise, the facts of the present case depict a different scenario, wherein, Ex.PW5/D records that "...In this case earlier vide no. 2314/SO/ACP/Pt Street dated 14.04.2025, a complaint under Section 215 of the BNSS for taking cognizance for the offence under Section 223(a) of the BNS against the accused was given but inadvertently complaint for taking cognizance for the offence under Section 221 of the BNS was not given". PW5 thus, in Ex.PW5/D has explained that it was not a case of second sanction, rather inadvertent error in Ex.PW5/C being rectified and sanction Ex.PW5/D was correct in mentioning all relevant sections under which police report was proposed.

49. Clearly, the present case is on a different pedestal. The Sanction Order Ex.PW5/C carried an inadvertent mistake, which was pointed out by the Court. Clarification was sought from the concerned authority and accordingly, Ex.PW5/D was issued, clarifying that inadvertently one section for which police report was itself sufficient was not

mentioned. The error corrected was placed on record and accordingly, the Court passed order on cognizance based on correct sanction. Even notice of accusation was framed and no such ground was taken before the final stage of trial. No prejudice has been caused to the accused during the trial due to the aforesaid inadvertent error in sanction Ex.PW5/C. Nevertheless, Ex.PW5/D is due sanction mentioning all the Sections for which police report was filed. Valid cognizance order as well as notice of accusation has been framed since then and even the accused has been granted ample opportunity to place their case and defence. This Court thus, finds no merit in arguments of the defense that sanction Ex.PW5/D is invalid.

50. This Court has carefully scrutinized all the judgments relied upon by the defence to support its arguments. The judgments as mentioned in paragraph no 25 and 26 above are clearly distinguishable. In the facts and circumstances of the present case, when the chargesheet was pending consideration on cognizance, certain missing fact in Ex.PW5/C were noted by this Court and clarification was sought. In such clarification, the IO sought to carry out further investigation, and there, thus, was an implied permission by this Court to carry out further investigation. When the supplementary chargesheet was filed, this Court considered both the police reports as well as considered inadvertent error in Ex.PW5/C, for which

Ex.PW5/D was placed on record. This Court then took cognizance of police reports and proceeded to inquire, following which orders on framing notice of accusation was passed. The said Order was challenged unsuccessfully by the accused and even the Ld. Special Court has upheld the cognizance as well the Order on the point of charge.

51. The defence, thus is not meritorious, that cognizance was taken without valid sanction since second sanction was given after further investigation was undertaken by the police. This Court found that Ex.PW5/C had not stated all sections under which police report was filed and even some witnesses were not found to have been examined. Vide supplementary chargesheet, the IO examined some witnesses and vide Ex.PW5/D inadvertent error in Ex.PW5/C was acknowledged. The cognizance was thus taken on the police report and especially Ex.PW5/D was considered. There is neither a case of missing complaint under Section 215 of the BNSS before cognizance was taken or further investigation without Orders of the Court. The Hon'ble Supreme Court of India in **Vinubhai Haribhai Malaviya & Ors. v. The State of Gujarat & Anr, 2019 INSC 1146** held the scope and extent of further investigation before the stage of trial. The same holds valid in the present facts and circumstances, where the IO carried out investigation before this Court passed Order on cognizance.

Other factual defense

52. Some of the other defenses argued before this Court are that prosecution has failed to show as to what number of barricades were erected by the police. Defense argued that the prosecution witnesses differed in deposing, as to if 2 or 3 barricades had been installed. PW4 deposed that three barricades were there – one towards the Church Road and two layers towards the Tolstoy Road. The videos in Ex.P1 also show two layers of barricades present towards the Tolstoy Road, however in the first layer, two rows of barricades were tied together and then, in the second layer only one row of barricades were erected. In such eventuality, this Court finds that prosecution has already proved the allegations from the documentary and ocular evidence, and it is only a natural variation in the understanding of the witnesses. This Court has already found that the place of incident sees regular protests on daily basis and witnesses deposed after about two years from the date of the incident thus, to remember one particular protest in minute details is not humanly possible.

53. The defence has also argued that none of the witnesses actually deposed which barricade was crossed and actual number of protesters who crossed the barricades have not been deposed by any of the witnesses. This Court finds that

the investigation is lacking in identifying all the protesters who violated the prohibitory Order, pushed the police officers and blocked a public road. However, such shortcomings in the investigation, would not absolve the accused of her wrongdoings. This Court cannot fault the investigation qua the accused herein, pertinently when she took a lead in the *dharna*/demonstration and even found pivotal place in the posters at the venue and was addressed as National President of All India Women Congress, which had organized the *dharna*/demonstration.

54. The final defence is that broad timeline has not been given by any of the witnesses as to the incident and there is no witness who alleged that he/she was pushed. This Court at the cost of repetition, reiterates that Ex.P1 is sufficient to bring home all the charges against the accused, this documentary evidence is backed by ocular evidence of witnesses PW9 and PW10. The videos show that there was physical force used from the point the accused jumped the first layer of barricade over the human chain formed by the police officials to hold the barricades. The accused with other protesters could clearly be seen to have pushed the human chain all the way to the second layer of barricade and then lying on the road. There is no requirement of proving exact time of these events in light of the admission of the accused in her statement under Section 313 of the Cr.PC, that

she was present at the site of protest. Even if the incident alleged occurred within the time allotted for protests, the protesters and particularly, the accused was not allowed to cross the first barricade. The videos would show that announcements were made by senior police officials using loud hailers that the timings allotted for the protest were over and the gathering had been declared illegal when the protesters and the accused climbed the first layer of barricades. Even the witnesses have deposed the alleged incident occurred post 1 PM, which was the maximum time by which the protest was to end as per undertaking Ex.PW11/G and Ex.PW11/H. Again, at the cost of repetition, it is reiterated that the place of incident is a regular protest area and police officers who see regular protests at the site cannot be faulted for not remembering every minute details of one particular protest, when being examined after two years of the incident. Be that as it may, at least some defence evidence ought to have been forthcoming to bring home all the suggestions and defences put to the witnesses by the defence side.

Fundamental Right to Protest viz-a-viz Fundamental Duties

55. Finally, it is argued that the Article 19 of the Constitution of India covers the Fundamental Right to Freedom of Speech and expression coupled with right to assemble peacefully and without arms. It is argued that the accused was

peacefully protesting against non-implementation of the 103th Constitutional Amendment Act, which was a symbolic act protected under Article 19(1)(a) and Article 19(1)(b) of the Constitution. It goes without saying that in every Right there is a corresponding Duty. This Court would mention Article 51A of the Constitution of India, wherein it is stated that it is duty of every citizen to safeguard public property and abjure violence. The accused, being a responsible citizen, was duty bound and expected to ensure public order at the time of holding protest at the site. However, the accused miserably failed to fulfill the corresponding duty and paid no heed to warning given to her by the police officials declaring her protest as unlawful. The accused when claiming Freedom under Article 19(1)(a) and Article 19(1)(b), failed to read the reasonable restriction on this right contained in Article 19(2) and Article 19(3). The blatant failure to adhere to the undertakings Ex.PW11/G and Ex.PW11/H as well as giving a deaf ear to the warnings clearly given on the loud hailers by the senior police officer, speak volumes about the conduct of the accused. The warnings even contained caution that climbing barricades could hurt the accused and protesters as well as the police officials present at the protest site. Even these cautions fell on deaf ears. Accordingly, this defence too, would not help the case of the accused and cannot absolve her from consequences of her act.

Conclusion

56. From the documentary evidence and deposition of the witnesses as well as the other material on record, this Court has no hitch in saying that the accused is liable to be convicted of all the four offences she is charged with. The following table shall sum up the case of the prosecution, as the actus reus as well as mens rea to commit each of the four offences in question has successfully been proved beyond reasonable doubt against the accused Ms. Alka Lamba. The table is as under –

Section/ Act	Actus Reus	Mens Rea
132 BNS - Assault or criminal force to deter public servant from discharge of his duty.	The accused alongwith other protesters used criminal force against the police officials, when the accused jumped the barricade over the human chain of police officials as well as pushed the police officials, ran towards the second barricade. Again, criminal force was used by the accused to push the police officials while she jumped the second barricade.	The accused clearly intended to prevent and deter the police officials present from discharging their duty as such public servant, when they tried to hold the accused and the protesters within the protest area. No physical injury is strictly required, intentional causing of motion or change of motion to deter a public servant would be sufficient.
221 BNS -	The accused obstructed	The said act was

<p>Voluntarily obstructing public servant in discharge of his public function.</p>	<p>the police officials from discharging their public function i.e. maintaining law and order at the Jantar Mantar Protest Area and to hold the protest within the exempted area.</p>	<p>committed voluntarily as she intended the protest to exceed the time frame and also intended to carry dharna/ demonstration beyond the exempted area.</p>
<p>223(a) BNS- Disobedience to known Order duly promulgated by public servant, thereby causing obstruction, annoyance or injury, or risk of above three</p>	<p>The accused clearly disobeyed the promulgated Order Ex.PW5/A by jumping the barricades causing annoyance to the police officials and with risk of injury to herself, other protesters and police officials.</p> <p>The accused pushed the police officials, lied on the road causing annoyance to the police officials, general public, with risk of injury to all present at the spot, beyond the exempted area.</p>	<p>The promulgation order was in the knowledge of the accused as well as the other protesters. A clear undertaking Ex.PW11/G and Ex.PW11/H are on record by the organizers i.e. All India Women Congress of which the accused is National President</p>
<p>285 BNS - Danger/ obstruction in the public way</p>	<p>The accused lied on the asphalt road in between the first and second barricade. The said area was public way wherein, general public, police officials and media persons had</p>	<p>No mental element is required, and the act is sufficient when it caused danger, obstruction or injury to any person in public way.</p>

	right of way. The accused lied on the road for extended time despite clear announcement to vacate.	
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57. Keeping in view the above discussion, accused Alka Lamba, stands convicted for the offences punishable under Section 132/221/223(a)/285 of the BNS.

**Announced in open court
on 25.05.2026**

**(ASHWANI PANWAR)
ACJM-04, RADDC, New Delhi**