

SC 27665/2016
STATE Vs. SURAJ ETC.
FIR No. 545/2015
PS Kotwali
U/s 392/394/397/411 IPC

23.04.2025

Present: Shri K.D. Pachauri, Ld. Addl. PP for State.
Accused Suraj and Lucky produced from JC.
Accused Awdhesh Kumar Singh is already acquitted
vide separate judgment passed on 17.05.2018.
Accused Vinod is already PO (vide order dated
09.03.2018).
Shri Diwakar Choudhary, Ld. LAC for both accused.

Arguments heard on charge and record perused.

Ld. Counsel submits that accused Suraj was in JC from the period 18.11.2016 and was released on 21.12.2017 from District Jail Ghaziabad. He was lodged in case No. 1320/2016 U/s 414 IPC PS GRP, District Ghaziabad and the report of Jail Superintendent dated 21.09.2024 is already on record.

As per report dated 21.09.2024 of the Jail Superintendent : District Jail Ghaziabad, accused Suraj was in JC for the aforesaid period (lodged on 18.11.2016 and released on 21.12.2017). Record reveals that accused Suraj was declared PO on 04.07.2017. Therefore, on the date when accused was declared PO, he was in custody in District Jail Ghaziabad. Therefore, there is no ground to frame charge against accused Suraj U/s 174A IPC. Consequently, he is discharged for the said offence. Charge under Section 397 IPC has already been framed against him.

Contd/-

Prima facie case for the offences punishable under Section 392 r/w Section 34 IPC & U/s 174-A IPC is made out against the accused Lucky as the material available on record is sufficient to presume the commission of the aforesaid offences by accused.

Accordingly, charge in respect of abovesaid offences framed against the accused Lucky separately to which he pleaded not guilty and claimed trial.

Issue summons to PW-Arun Kumar, SI Pankaj Tomar, HC Sukhvir Singh (Belt No. 227/N) and MHC(M) to produce case property, if any, on next date of hearing. Ahlmad is directed to issue the process within 15 days from today.

Put up for PE on **28.07.2025**.

(PRANJAL ANEJA)
Special Judge, NDPS-02,
Central, THC, Delhi/23.04.2025_(vp)