

IN THE COURT OF SH. SUSHIL ANUJ TYAGI,
ADDITIONAL SESSIONS JUDGE-04:CENTRAL,
TIS HAZARI: DELHI



SC No: 279/2023
State Vs.: Imran & others
FIR No.: 439/2013
P.S.: I.P. Estate
U/s:307/506/34 IPC &
25/27/54/59 Arms Act.
CNR No.: DLCT01-006345-2023

ORDER ON CHARGE

22/10/2024

Present: Mr. A.B. Asthana, Id. Addl.PP for the State.
All four accused are present on bail.
Mr. A.A. Qureshi, Id. Counsel for all accused persons.

1. Arguments on the point of charge heard.
2. Record Perused.
3. Ld. Addl.PP has submitted that there is sufficient material on record for framing of charges against the accused persons as mentioned in the chargesheet.
4. Ld. Counsel for accused persons has argued that accused persons have been falsely implicated in the present case. It is therefore, prayed that the said sections are not made out in the present case and accused persons may not be charged for the same.
5. Briefly, the case of the prosecution is that on 01/12/2013 at

about 12:30 PM, complainant Tammi alongwith his uncle Ishtqar Ahmad was going to his home in his vehicle and when they reached at service road near Dayal Singh Library, DDU Marg, Delhi where the accused persons were already present and with whom a quarrel had already been taken place with complainant's elder brother namely Aftab and a case FIR 194/13, u/s 308/506/34 IPC & 25/27/56 Arms Act at PS Kamla Market had already been registered against accused persons. The accused persons asked complainant to stop his vehicle and park in the gali as they could not talk on the road as police was searching them. Complainant parked his vehicle there and started talking with accused persons. Accused Ameer and Imran asked complainant to withdraw the said case otherwise they would kill him. Complainant denied the same. In the meanwhile, accused Ameer and Imran took out a country made pistols and accused Ameer fired a gun shot upon the complainant which hit the right hand of complainant. Accused Imran also fired gun shot upon the complainant. Complainant somehow saved himself and ran towards the road side. Accused persons started running towards the gali where they had parked their bikes. Thereafter, accused again fired gun shot upon the complainant from the gali but the same could not hit him. Thereafter, accused persons fled away from the spot. Complainant went to his vehicle from where he called on 100 number.

6. The MLC of the complainant reveals gun shot injury. The first information vide DD No. 17PP dated 01/12/2013 PS

IP Estate which was given by the complainant also records '*Bal Bhawan ITO ke paas chaar jankar ladko ne ek aadmi ko goli maar di, police bhej di jaye*'.

7. At this stage, of framing of charge, this Court has to see whether there is sufficient ground for proceeding against the accused. It is axiomatic that even the strong suspicion that the accused has committed the crime, is sufficient to frame the charges. It is also well settled that the standard of proof adhered to at the final decision of the case is not to be adopted at the stage of framing of charge. The court is not to appreciate or weigh the evidence, which the prosecution proposes to lead during the trial.
8. There is prima facie case made out for framing of a charge U/s 307/506/34 IPC against all the accused persons and charge u/s 27/54/59 Arms Act against accused Imran and Ameer and there is sufficient material on record to proceed against them.
9. Accordingly, charges are framed in the aforementioned sections against the accused persons namely Imran, Ameer, Irshad @ Mulla and Mohd. Arshad to which they pleaded not guilty and claimed trial.
10. List this case for PE for **04/02/2025**. Witnesses at Sl. No. 1 and 16 be summoned for the next date of hearing.

(SUSHIL ANUJ TYAGI)
ASJ-04/CENTRAL/DELHI
22/10/2024^{MK}