

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



SC No.:397/2023

FIR:413/2023

PS:Burari

State Vs Vinit Kumar

U/s: 392/397/411/34 IPC &

25/27/54/59 Arms Act.

CNR No.: DLCT01-009181-2023

ORDER ON CHARGE

08/11/2023

Present: Mr. Robin Singh, ld. Addl.PP for the State.
Accused produced from JC.
Mr. Gaurav Tyagi, ld. Counsel for accused.

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 person has argued that accused has 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 may not be charged for the same.
5. Briefly facts of the case are that as per the FIR are that on 15.04.2023, when the complainant was present in his jewellery shop at around 5.15 p.m., three persons entered a shop out of which two were wearing helmet and one was

wearing cap. The person who was wearing cap pointed the pistol upon the complainant and the other two persons started taking out the jewellery from the almirah and putting them in their bag. One public person came outside the shop and due to fear, those three persons started running and one of them left his helmet. The complainant hit the helmet due to which the magazine filled with cartridges fell down from the pistol and all three of them ran away on the bike. On checking, the complainant found that several silver and gold jewellery was looted alongwith Oppo mobile phone having two Sim cards of Airtel and Jio.

6. Charge-sheet reveals that CCTV cameras were checked and at around 5.15 p.m., three persons on white colour Apache bike are seen coming and entering the shop of the complainant. The person wearing cap pointed the pistol upon the complainant and the second person can be seen taking out the jewellery from the almirah and the third one was filling the jewellery in their bag. Thereafter, all three can be seen running and the complainant followed them with helmet and hit the helmet due to which magazine from the pistol fell down and those three fled away on the bike.
7. On the basis of secret information, the accused Vineet Kumar was arrested and he disclosed his involvement in the present case. The robbed mobile phone of the complainant was recovered at the instance of the accused. The accused also got recovered cap and black coloured T-shirt which he was wearing on the day of the incident.
8. At this stage, of framing of charge, this Court has to see 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.

9. There is no sanction u/s 39 Arms on record. Therefore, charge u/s 25 Arms Act is not made out in the present case at this stage.
10. There is prima facie case made out for framing of a charge **U/s 392/397/411/34 IPC & 27 Arms Act** against the accused and there is sufficient material on record to proceed against the accused.
11. Accordingly, charges are framed in the aforementioned sections against the accused namely Vinit Kumar to which he pleaded not guilty and claimed trial.
12. List this case for PE for **31/01/2024**. Witnesses at Sl. No. 1, 6, 7, 8 & 9 be summoned for the next date of hearing.

(SUSHIL ANUJ TYAGI)
ASJ-04/CENTRAL/DELHI
08/11/2023_{MK}