

SC No. 28554/16 (Old No.23/16)

State Vs. Shisha etc.

FIR No. 757/15

PS : ODRS

11.07.2016

Present : Sh. Alok Saxena, Id. Addl. PP for the State.
Both the accused are present on bail alongwith
Sh.Rajesh Kumar, Adv.

Heard on the point of charge.

Counsel for the accused submits that there is no recovery in this case and the accused were already shown to the witnesses.

The recovery is not the essential ingredients of the offence u/S 395 IPC and the fact as to whether the accused were already shown to the witnesses or not, may be a defence of the accused which is to be tested during the trial.

In the circumstances and from perusal of the charge sheet, I am of the considered opinion that prima facie a case u/s 395 IPC is made out against both the accused.

The charge framed separately to which the accused pleaded not guilty and claim trial.

Now to come up for PE on 23.8.2016.

(Rakesh Tewari)
ASJ-03 (Central)/11.07.2016