

State Vs. Saad Iqbal &Ors.

CNR No.: DLCT01-010085-2021

SC No. 384/2021

FIR No. 50/2021

Under Section : 307/324/341/34 IPC

PS : Chandni Mahal

21.02.2022

Vide Office Order No. 67/RG/DHC/2022 Dated 11.02.2022 on the subject '*System of Hearing of Matters before Delhi District Courts w.e.f. 14.02.2022*', Hon'ble High Court of Delhi has been pleased to order that physical hearings in the District Courts in Delhi shall resume in a graded manner with effect from 14.02.2022 till 28.02.2022.

Physical Hearing

Present : Mr. Amit Dabas, Ld. Addl. PP for the State.
Mr. S.N. Ali, Advocate for the accused, namely, Saad Iqbal.
Mr. Sumit Wadha, *Amicus Curiae* with the accused persons, namely, Karimuddin and Mohd. Ali. **(through video conferencing)**
Mr. M.N. Khan, Advocate for the accused, namely, Farman.
The accused, namely, Farman not produced from judicial custody.

ORDER ON CHARGE

1. On examination of police report, statements of the witnesses, MLC of the injured persons, nature of weapon, nature of injuries and previous enmity as well as words spoken at the time of offence, there is a *prima facie* case against the accused persons under Section 307/34 IPC.
2. This Court is not in agreement with contention of Ld. Counsel for the accused, namely, Farman that the nature of injuries, individually or collectively, is of such nature from which the inference that they were caused with intention to cause death cannot be drawn.

3. For determination of intention under Section 307 IPC, the presence of injuries is not necessary. However, nature of injuries, nature of weapon used for causing injuries, nature of body parts where injuries were inflicted and words spoken at the time of offence are relevant for reaching to conclusion regarding existence of requisite *mens rea*.

4. From the record, it emerged that the accused persons, namely, Farman and Mohd. Ali were keeping grudge against injured, namely, Mohd. Zaid on account of an incident of slapping in Goa. The accused persons beaten injured, namely, Mohd. Zaid. The accused persons, namely, Saad Iqbal and Mohd. Ali caught his hands. The accused, namely, Mohd. Ali exhorted the accused, namely, Farman to kill injured, namely, Mohd. Zaid. The accused, namely, Farman caused as many as 6 incised injuries to injured, namely, Mohd. Zaid. One injury was over right lower mandible measuring 10 x 2 x 2 cm. with muscles and vessel exposed. He suffered multiple lacerated wound on right chest measuring 4 x 5 cm. and multiple sharp incised wound on abdomen besides lacerated wound on left forehead measuring 3 x 1 cm. The said injuries were caused with the surgical blade.

5. The nature of injuries suffered by the injured, namely, Mohd. Zaid is '*grievous*'. He remained under treatment for 2 days in Lok Nayak Hospital.

6. When the complainant intervened, the accused, namely, Farman had caused injuries to him and the other accused persons beaten him. He suffered multiple incised wound over right shoulder, right upper and right back.

7. From the aforesaid discussion, it is evident that the accused, namely, Farman caused injuries to injured, namely, Mohd. Zaid with requisite intention as required under Section 307 IPC and the other accused persons, namely, Saad Iqbal, Karimuddin and Mohd. Ali shared common intention with him.

8. On examination of the material, as stated above, there is a *prima facie* case that on 10.03.2021 at 11.30 p.m. in the street opposite to shop No. 1553 and 2484, Bazar Chittli Qabar, Delhi-110006, the accused persons, in furtherance of their common intention, caused multiple incised injuries to injured, namely, Mohd. Zaid with such intention or knowledge that, if they by that act caused death, they would be guilty of murder punishable under Section 307/34 IPC and the accused persons caused multiple simple injuries to injured, namely, Mohd. Kaif with a surgical blade punishable under Section 324/34 IPC.

9. On application, the accused, namely, Saad Iqbal is exempted from personal appearance. The accused, namely, Mohd. Ali and Karimuddin are appearing, through virtual mode. The accused, namely, Farman is not produced from judicial custody. To come up for framing of charge on **05.03.2022.**

All the accused persons are directed to appear before the Court physically. Issue notice to concerned Jail Superintendent to produce the accused, namely, Farman physically before the Court. IO as well as SHO, PS Chandni Mahal be summoned for receiving instruction to ensure presence of the witnesses alongwith record on the dates of trial.

Sanjay Sharma-II
ASJ-03, Central District,
Tis Hazari Courts, Delhi
21.02.2022