

State vs. Sudama @ Langada @ Ashok

CNR No.: DLCT01-000981-2023

SC No. 57/2023

FIR No. 56/2022

Under Section 328/379/411 IPC & 147/179 IR Act

PS Old Delhi Railway Station

21.02.2023

Present : Mr. Amit Dabas, Ld. Addl. PP for the State.
Mr. Himanshu Singh, Advocate for the accused.
The accused is produced from JC.
IO ASI Bhupender Singh is present.

ORDER ON CHARGE

1. The case of the prosecution is that on 04.09.2022 in General Coach of Mussoorie Express Train No. 14041 at Old Delhi Railway Station, the accused administered two cups of tea and mixture mixed with intoxicating substance to the complainant and his wife, namely, Smt. Laxmi Devi and stolen ear-rings of Smt. Laxmi Devi and Rs. 5,000/- from the complainant.

2. Ld. Counsel for the accused contended that there is delay of one month in registration of FIR. He contended that there is no medical report that the complainant and his wife were administered any poisonous substance and in the absence of any FSL report pertaining to examination of gastric lavage of the complainant and his wife, charge under Section 328 IPC cannot be framed. He contended that the accused did not know the complainant and the complainant was planted by the police to frame the accused. He contended that verbal statements in the absence of any corroborative evidence is not sufficient. He contended that there is no *prima facie* case against the accused.

3. Ld. Addl. PP for the State contended that the complainant and his wife are senior citizens. He contended that the complainant's left hand is also not mobile. He contended that the complainant alongwith his wife went to Platform No. 13, Old Delhi Railway Station in order to board Mussoorie Express Train for Haridwar where the accused met them and stated that he can make arrangement for their sitting in a coach for disabled persons. He contended that the accused taken them to a coach for disabled persons where he offered them tea and snacks mixed with intoxicating substance and stolen ear-rings of the complainant's wife and Rs. 5,000/- from the complainant. He contended that the complainant had given description of the accused in his initial statement recorded on 07.09.2022. He contended that the complainant and his wife were found in unconscious condition in the said train in Dehradun on 05.09.2022. He contended that the complainant and his wife were admitted in unconscious condition in Government Doon Medical College. He contended that there is *prima facie* material disclosing commission of *offences* under Section 328 and 379 IPC.

4. On examination of the material on record, it is seen that the complainant and his wife were found in unconscious condition on 05.09.2022 in Mussoorie Express Train in Dehradun. They were admitted in Government Doon Medical College on 05.09.2022 in unconscious condition.

5. The complainant, in his initial statement contained in Zero FIR No. 8/2022, narrated the incident and description of the accused. The accused did not join Test Identification Parade (TIP). Therefore, there is *prima facie* material on record that the accused committed *offences* punishable under Section 328 and 379 IPC.

6. Accordingly, charges under Section 328 and 379 IPC are framed against the accused to which he pleaded not guilty and claimed trial.

7. *Vide* letter No. 111/HOD/Chem Dated 16.02.2023, Director, FSL informed the Court that FSL report will be ready by 31.03.2023.

8. In view of the fact that the complainant is not a witness to recovery of substance from the accused, it would be appropriate to proceed with the trial.

9. PW Ram Shekhar Chaudhary, SI Devender Prasad, Dr. Amit Arun, SI Kushal Pal, Duty Officer, *through IO ASI Bhupender Singh*, alongwith IO be summoned for **05.04.2023**. At this stage, Ld. Counsel for the accused stated that bail application of the accused be kept pending.

Sanjay Sharma-II
ASJ-03, Central District
Tis Hazari Courts, Delhi
21.02.2023

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