

State vs. Naseem Ahmed & Ors.

CNR No.: DLCT01-016607-2021

SC No. 660/2021

FIR No. 98/2021

Under Section 307/411/120B/34 IPC

PS Burari

27.03.2023

Present : Mr. Amit Dabas, Ld. Addl. PP for the State.
Mr. Virender Singh Griwan, Advocate with the
accused persons.

ORDER ON CHARGE

1. Ld. Counsel for the accused persons stated that the entire case of the prosecution is based on assumption. He contended that there is no evidence to show *prima facie* existence of conspiracy between the accused persons. He contended that the accused persons, namely, Naseem Ahmed and Amit Mehra were not present at the place of incident. He contended that there is no *WhatsApp* chatting or messages between the accused persons pertaining to any conspiracy for committing any offence *qua* the complainant. He contended that there is no police complaint pertaining to the alleged dispute between the complainant and the accused, namely, Naseem Ahmed. He contended that motorcycle recovered from the accused, namely, Naseem Ahmed has no connection with the offence in question. He contended that MLC of the complainant is not credible. He contended that CCTV footage does not connect the accused, namely, Naveid and Imran to the offence in question. He contended that FSL report does not support the case of the prosecution.

2. Ld. Counsel for the accused persons contended that there is no evidence that the accused persons entered into any criminal conspiracy or shared common intention to commit any offence *qua* the complainant. He contended that in any case, offence under Section 307 IPC is not made out. He contended that a case under Section 324 IPC is made out.

3. Ld. Addl. PP for the State contended that there is sufficient material on record disclosing *prima facie* existence of conspiracy between the accused persons and pursuant thereto, commission of offence under Section 307 IPC *qua* the complainant. He contended that the complainant sustained grievous head injuries with a sharp edged object and he was admitted in unconscious condition in hospital and he remained unfit for statement till 07.20 p.m. on 15.02.2021. He contended that nature of injuries, vitality of body parts, number of injuries, manner of commission of offence, condition of the complainant and attending facts and circumstances of the case, disclose *prima facie* commission offence under Section 307 read with Section 120B IPC.

4. There is *prima facie* material that the accused, namely, Naveid was driving motorcycle bearing registration No. **DL 11F 6981** and the accused, namely, Imran was sitting on the pillion seat.

5. On 15.02.2021 at 08.00 a.m. in front of Balram Vatika, within jurisdiction of PS Burari, the accused, namely, Imran jumped on motorcycle of the complainant. He attacked on his head with a sharp edged object and caused three incised wound on his head besides three other incised injuries on his cheek, right ear and right hand. The complainant was admitted in Bhatia Hospital in unconscious condition. He regained consciousness at 07.20 p.m. on 15.02.2021. The nature of injuries sustained by the complainant are '*grievous*'. The complicity of the accused, namely, Naseem Ahmed surfaced from recovery of motorcycle bearing registration No. **DL 11F 6981** from the accused, namely, Amit Mehra with registration numbers concealed with a tape. The accused, namely, Naseem Ahmed revealed involvement of the accused, namely, Naveid and Imran. There are Call Details Record amongst the accused persons before and after the incident. There is history of enmity between the complainant and the accused, namely, Naseem Ahmed.

6. Therefore, there is sufficient material on record *prima facie* disclosing conspiracy amongst the accused persons and commission of offence under Section 307 IPC in pursuance thereof.

7. The nature of injuries, the nature of body parts, number of injuries, nature of weapon, manner of commission of the said injuries and past enmity disclose commission of offence under Section 307 read with Section 120B IPC.

8. Accordingly, the charges under Section 120B IPC and 307/120B IPC are framed against the accused persons to which they pleaded not guilty and claimed trial.

9. PW Rajkumar be summoned, *through IO*, for **12.05.2023**.

Sanjay Sharma-II
ASJ-03, Central District
Tis Hazari Courts, Delhi
27.03.2023

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