

State Vs. Ankur @ Mental & Anr.

CNR No.: DLCT01-015065-2023

SC No.: 590/2023

FIR No.: 92/2023

Under Sections: 397/411/34 IPC

P.S.: Gulabi Bagh

16.01.2024

Present: Mr. Amit Dabas, Ld. Addl. PP for the State.
Mr. N.K. Jauli, Ld. Legal Aid Counsel for accused
namely Ankur @ Mental.
Mr. Hemant Chaudhary, Ld. Counsel for the accused
namely Amit.
Accused Amit is present.
Accused Ankur @ Mental has been produced from
judicial custody.

ORDER ON CHARGE

1. The arguments of Ld. Counsel for the accused persons and that of Ld. Addl. PP for the State have been heard as well as record(s)/material placed on record, thoroughly perused.

2. Briefly, the case of the prosecution is that as per the complainant, Raj Kumar, on 15.03.2023 at around 10:00 p.m., when he was present in front of Metro Pillar No. 115, Vir Banda Bairagi Marg, the accused Ankur @ Mental, who was wearing a yellow color lower at that point in time, as well as co-accused, CCL 'K' approached him from behind. The accused Ankur @ Mental grabbed hold of the complainant's neck and pressed his neck till blood oozed in the complainant's mouth and he got unconscious for a short while, consequent to which, as per the complainant, he could have died (*"gala dabane se mere muh mein khoon aa gaya aur main kuch shran ke liye behosh ho gaya, jiske gala dabane se meri mrityu bhi ho sakti thi"*). As the complainant regained consciousness, his blue colour Redmi mobile phone bearing idea SIM No. 9911078915, one brown colour purse, Aadhar Card, Bandhan Bank ATM Card as well as some documents, were robbed from the complainant by the said accused

persons. Pertinently, on the complainant's complaint, FIR was registered, followed by ensuing investigation, leading to the initiation of the present proceedings. Relevantly, at the behest of the secret informer and at the complainant's identification, the accused Ankur @ Mental and CCL 'K' were arrested and recovery of complainant's Bandhan Bank ATM Card as well as complainant's purse and sum of Rs. 500/- were recovered from the respective accused persons. Further, from the possession of the accused Ankit, the complainant's mobile phone was recovered. Notably, the complainant's MLC *inter alia* records, "c/o pain over Lt. elbow throat ache", as well as records the nature of his injury as 'simple'.

3. On appreciation of facts and circumstances of the case as well as upon perusal of the materials and documents placed on record, including *inter alia* the contents of the chargesheet, statements of witnesses, MLC of complainant, as well as in light of the settled judicial precedents¹, *prima facie* case under Section 392/34 IPC, Section 397 IPC and Section 411 IPC stands established against the accused, namely, Ankur @ Mental and *prima facie* case under Section 411 IPC stands established against accused, namely, Amit. Further, from the perusal of case record, it is revealed that there is strong suspicion and sufficient material/ground(s) to proceed against the said accused persons. At the same time, there are witness(es) who can depose against them. Further, in so far as the reliance placed by the Ld. Counsel of the accused on the decision of the Hon'ble Supreme Court in ***Ganesan v. State, CrI. Appeal No. 903/2021, dated***

¹ *State of Bihar v. Ramesh Singh*, AIR 1977 SC 2018; *Bhawna Bai v. Dhanshyam & Ors.*, (2020) 2 SCC 217; *Supdt. and Remembrance of Legal Affairs, West Bengal v. Anil Kumar Bhunja*, AIR 1980 SC 52; *Sajjan Kumar v. CBI*, (2010) 9 SCC 368; *Soma Chakravarty v. State*, (2007) 5 SCC 403; *State Anti-Corruption Bureau, Hyderabad & Anr. v. P. Suryaprakasam*, (1999) SCC (CrL) 373; *State of Orissa v. Debendra Nath Padhi*, 2005 (1) SCC 568; *State of Gujarat v. Dilipsinh Kishorsinh Rao*, 2023 SCC OnLine SC 1294; *Manjit Singh Viridi v. Hussain Mohammed Shattaf*, (2023) 7 SCC 633; *Veer Bahadur Singh v. State*, 2015 SCC OnLine Del 8223; *Dilawar Singh v. State of Delhi*, (2007) 12 SCC 641; *Ram Ratan v. State of M.P.*, 2021 SCC OnLine SC 1279; *Ashfaq v. State (Govt. of NCT of Delhi)*, (2004) 3 SCC 116; *Dilawar Singh v. State of Delhi*, (2007) 12 SCC 641; and *Ganesh @ Ganya Karunamurti v. State of Maharashtra, Criminal Revision Application No.718, dated 11.06.2010 (Bom. HC)*.

29.10.2021, the same would not come to the aid and rescue of the accused in the manner as sought by the Ld. Counsel at this stage.

4. Accordingly, charges under **Section 392/34 IPC, Section 397 IPC and Section 411 IPC** are framed against the accused, namely, **Ankur @ Mental** and charges under **Section 411 IPC** is framed against accused, namely, **Amit**, to which they have pleaded not guilty and claimed trial.

5. List for PE on **27.02.2024**.

6. **Issue summons against PW Raj Kumar along with the concerned IO** for the next date of hearing.

7. Arguments addressed on pending bail application.

8. List for orders at 5.00 p.m.

(Abhishek Goyal)
ASJ-03, Central District,
Tis Hazari Courts, Delhi
16.01.2024

It is 5.10 p.m.

Present: Sh. Amit Dabas, Ld. Addl. PP for the State
None for applicant/ accused.

Vide separate order, **bail application has been dismissed.**

(Abhishek Goyal)
ASJ-03, Central District,
Tis Hazari Courts, Delhi
16.01.2024