

SC 180/2024
STATE Vs. MAAN PARSHAD
FIR No. 133 /2020
PS (Gazipur)

16.03.2024

Pr. Sh. Gaurav Pandey, Ld. Additional P.P. for the State.
Accused on bail with Sh. Durgesh Pal and Sh. Ashok
Budhiraja, Ld. Counsels.

Arguments on charge have been heard and record perused.

Ld. Counsel for accused has submitted that accused has been falsely implicated in this case. Accused has not caused any injury on the persons of complainant Bansarsi Goswami, Preeti and Bablu and no case for charge is made out against the accused and he is liable to be discharged.

Per contra, ld. Additional P.P. for the State submitted that accused alongwith his co-accused Tejbali, Sandeep and Godhara caused hurt on the head of complainant Banarsi Goswami, Preeti and Bablu with *dandas* and *lathies*. It is further argued that weapon of offence i.e. *danda* has also been recovered from the possession of accused. It is argued that injuries sustained by the complainant, Preeti and Bablu also corroborates with the medical evidence filed on record. It is further argued that accused is liable to be charged for the offence u/s 308/34 IPC.

I have considered the submissions of Ld. Counsel for the accused persons and ld. Additional P.P. for the State.

The prosecution case is that complainant Banarsi Goswami is a guard in shop no. 314, Brijvasi Tent House, near DDA Park, Paper Market and on 09.04.2020 at about 10.00 P.M., some

people from nearby jhuggies lit fire, due to which he felt burning sensation in his eyes. When complainant asked them to put out the fire, they started abusing and beating him. Thereafter, complainant called his friend Bablu Gautam, resident of Khoda Colony, on phone and he reached there with his two friends. Preeti, one of neighbour, Bablu and his friends tried to pacify the matter. In the meantime, accused Maan Prasad, who lit the fire came alongwith Tejbali, Sandeep and Godhar (not yet arrested) equipped with *dandas* and *lathies* and started beating them with the same. Someone called police. Police reached at the spot and shifted complainant and Preeti to LBS Hospital, where they were medically treated. Bablu and his friends also left the spot.

Keeping in view the facts and circumstances of the case, statements of the witnesses coupled with medical evidence, *prima facie* case for framing of charge for commission of offences punishable under Sections 308/34 IPC is made out against the accused.

Accordingly, charge for offence punishable under Section 308/34 IPC is framed against the accused Maan Parshad to which he pleaded not guilty and claimed trial.

Put up for prosecution evidence on **28.05.2024**.

Material prosecution witnesses be summoned for the next date of hearing.

(Shail Jain)
Principal District & Sessions Judge,
East District, KKD Courts, Delhi.
16.03.2024 (pm)