

SC No. 232/2023
FIR No. 236/2013
PS LODHI COLONY
U/s. 143/145/147/148/149/155/156/153/436 /
451/447/354/509/395/120B IPC
STATE Vs. ZAHRUL HASAN & ORS.

15.09.2023

Present: Sh. Himat Singh, Ld. Addl. PP for the State.
Accused Zahrul Hasan, Dilawar Abbas, Bilal Hussain, Rais Abbas, Zafar Abbas Naqvi and Ali Quazim on bail.
Accused Mehmood Pracha absent.
The proceedings as against accused Badrul is abated on his death.
Mr. Zameer Ahmad, Proxy Counsels for all the accused persons is also appearing in person.
Mr. Sanawar Chaudhary, Ld. Counsel for accused Mehmood Pracha.

1. Accused Mehmood Pracha is stated to be a practicing advocate and is stated to be busy in some other Court today.

An application for exemption from personal appearance filed on behalf of accused Mehmood Pracha. The application is considered and allowed. Accused Mehmood Pracha is exempted for today from personal appearance. The application is disposed of accordingly.

2. The FIR pertains to year 2013, whereas, the charge-sheet was filed before Ld. MM on 10/03/2015. The case was committed to this Court on 06/05/2023.

Contd..2..

SC No. 232/2023 --2--
FIR No. 236/2013
PS LODHI COLONY
STATE Vs. ZAHRUL HASAN & ORS.

Arguments on charge heard in detail from both sides.

3. From the material available on record, the allegation of offence U/s. 395 IPC is not made out against the accused persons, the allegations being limited to that of theft. The accused persons are discharged of the offence U/s. 395 IPC.

4. From the material available on record, the offence U/s. 354/509 IPC is not made out against the accused persons since the allegations are not specifically directed against any of the accused. Hence, the accused persons are discharged of the offence U/s. 354/509 IPC.

5. From the material available on record, charge for offence U/s.447/452/143/145/147/148/149/436/379 IPC r/w Section 120B IPC is made out against accused Zahrul Hasan, Dilawar Abbas, Bilal Hussain, Rais Abbas, Zafar Abbas Naqvi, Ali Quazim and Mehmood Pracha.

6. From the evidence available on record, charge for offence U/s. 109/114 IPC is also made out against accused Bilal Hussain and Mehmood Pracha.

7. The charges are framed accordingly and explained in vernacular Hindi to all the accused persons present today, to which they pleaded not guilty and claimed trial.

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SC No. 232/2023 --3--
FIR No. 236/2013
PS LODHI COLONY
STATE Vs. ZAHRUL HASAN & ORS.

8. Accused Mehmood Pracha shall appear before the Court on 18/09/2023 to sign the charge framed against him.

Put up for PE on 20/11/2023.

PW/complainant Waseem Khan and PW Shamim Khan be summoned, accordingly.

(File be put up on 18/09/2023 for signing of charge by accused Mehmood Pracha).

(VISHAL SINGH)
ASJ-05, South-East District
Saket Courts, New Delhi:15.09.2023