

SC No. 11/20
FIR No. 111/19
State Vs. John Arun Peter
PS Chankaya Puri

29.01.2020

Present: Sh. S.K. Tripathi, Ld.Addl. PP for State.

Accused from J/c.

Sh. Ranjit Marar and Ms. Nishtha Girotra,

Ld.Counsel for the accused.

Ld.Addl.PP submits that in view of the statement of Sh.Amar Chand dated 02.10.2019 FIR u/S 307 IPC was registered and accused was arrested. Allegedly, the accused had inflicted injuries upon the victim Roop Singh Rawat with a knife and the same was recovered from the spot. The victim Roop Singh Rawat succumbed to the injuries on 18.10.2019 in AIIMS Trauma Center. Initially, the FIR was registered u/S 307 IPC, however on the basis of statement of witnesses and the investigation conducted, it was converted into Section 302 IPC. The cause of death has been mentioned in the MLC as septicemic shock leading to multi organ failure in a case of injury to chest. All injuries were found to be ante mortem in nature.

Ld.Addl.PP has submitted that after thorough investigation, the charge sheet u/S 302/201 IPC has been filed and has submitted that the charges may be framed against the accused. Ld.Addl.PP has submitted that the supplementary charge sheet shall be filed on receipt of FSL report.

Per-contra, Ld.Counsel for accused has submitted that on the basis of statement of witnesses and the medical evidence on record, it is maximum a case of 326 IPC and there is nothing incriminating to frame charge u/S 302 IPC.

I have considered the submissions. The FIR was lodged on the statement of eye witness Sh.Amar Chand. As per the medical record, the death of the victim was directly relatable to the injury suffered in the incident. It is a settled proposition of law that at the stage of charge, the court is not required to meticulously examine the evidence. At this stage, court has to see the prima facie evidence. I consider that in view of the facts and circumstances of the case, charge u/S 302/201 IPC is made out against the accused and is accordingly framed to which the accused pleaded not guilty.

The prosecution has cited 30 witnesses in this case. The case be listed on day to day basis for entire prosecution evidence from **20.04.2019, 21.04.2019, 22.04.2019, 23.04.2019 & 24.04.2019**. Before that, case be also listed on **02.03.2020** for admission- denial and for the schedule of the witnesses to be filed by the prosecution. The case be also fixed on **23.03.2020** for report on the service of summons.

The prosecution is directed to complete its prosecution evidence positively on the dates given for evidence.

Accused need not be produced on **02.03.2020** and **23.03.2020**.

(Dinesh Kumar Sharma)
District & Sessions Judge
New Delhi/29.01.2020