

SC 7/2026
STATE Vs. Alok Nath Mishra
FIR No. : 691/2025
PS : Kotwali

At 4:00 p.m.

ORDER ON CHARGE

1. Arguments on charge have been heard. An application u/s 250 BNSS seeking discharge has been filed on behalf of accused Sohail. Arguments on the said application have also been heard.
2. Ld. CPP for the State submitted that there is sufficient material on record to frame charge u/s 309(4) r/w Section 61(2) BNS against Wasim, Alok Nath Mishra, Sohail and Mohd. Kaif, u/s 309(4) r/w Section 3(5) BNS against accused Wasim, Sohail and Alok Nath Mishra, u/s 311/317(2) BNS and 27 Arms Act against accused Alok Nath Mishra and u/s 317(2) BNS against accused Waseem and Mohd. Kaif.
3. Ld. Counsel for accused Alok Nath Mishra submitted that the pistol allegedly recovered from him was not issued in his name; the said pistol was planted on him; no fingerprints on the said pistol were recovered; the accused has been falsely implicated and is thus, entitled to be discharged.
4. Ld. Counsel for accused Mohd. Kaif submitted that there is no direct evidence against him; he has been implicated only for entering into a criminal conspiracy; the only basis

of implicating him are his whatsapp chats and voice chats which cannot be relied upon and the accused was granted bail by the Hon'ble High Court on this very aspect; no recovery has been effected from him; he was not present at the spot; he has been implicated only on the basis of assumption.

5. Ld. Counsel for the accused Wasim submitted that he has been falsely implicated; he was shown to the witnesses before TIP proceedings; the recovery has been planted on him and thus, no charge can be framed against him.
6. Ld. Counsel for the accused Sohail submitted that accused Sohail was not aware of any design to commit robbery; he had no *mens rea*; he was merely present at the scene of crime; he was taken there by co-accused Mohd. Kaif on the pretext of a business meeting; there was no meeting of mind between him and co-accused persons; no recovery was effected from him; the complainant's mobile phone allegedly recovered from him has no evidentiary value; identification in TIP proceedings is only a corroborative piece of evidence; the disclosure statement of co-accused persons has no value in the eyes of law and hence, the accused Sohail is entitled to be discharged.
7. I have considered the rival submissions and have gone through the case file.
8. On 19.07.2025, on receipt of DD No. 79A, SI Jaipal reached the place of incident where the house was found ransacked. Complainant Bhim Sen Joshi gave his

statement that on 19.07.2025 at about 11:00 am, the door of his house was knocked; his daughter-in-law Neelam went to open the door; the person outside disclosed his name as Sunil and asked to meet Bhimsen; when Neelam opened the door, three persons entered the house and closed it from inside; they started searching the house; when grandson of the complainant namely Harshit opposed this, one of the said persons took out a pistol and threatened to kill him; they tied mouth and hands of Harshit; one of the said persons brought his daughter-in-law Neelam from the kitchen at gunpoint and they all were made to sit at one place; their five mobile phones were kept on the table; they all committed robbery in the house; after committing the offence, they took DVR of the CCTV camera and left alongwith the looted articles.

9. During investigation, CCTV footage was shown to a secret informer who informed that one of the persons comes on his scooty bearing No. DL 3SCK 5630; the scooty was registered in the name of Ankita Srivastava; she informed that the scooty was in possession of a driver Alok Nath Mishra; Alok Nath Mishra was arrested; he got the pistol used in the commission of the offence recovered; one of the looted mobile phones was also recovered from him; he also got recovered the cloth worn by him on the day of the incident.
10. Search for co-accused Mohd. Kaif was made alongwith accused Alok Nath Mishra; he was apprehended; one

mobile phone was recovered from him; it was found that he was in touch with accused Alok Nath Mishra through whatsapp chats and voice recordings. His disclosure statement was recorded. On the disclosure of these two accused persons, accused Sohail Malik was arrested on the basis of CCTV footage; one SAMSUNG mobile phone was recovered from his possession; he also got the cloth worn by him at the time of the incident, recovered. Accused Wasim was apprehended on the basis of secret information and location of his mobile phone; he was also seen in the CCTV footage; he got several pearls, rings, diamond like stones, silver like rings, anklets, earrings, bangles (*kangan*), pendants, recovered.

11. Accused Alok Nath Mishra, Sohail and Mohd. Kaif were correctly identified during TIP proceedings. After completion of the investigation, chargesheet was filed in the Court.
12. From the contents of the FIR, statement of the witnesses recorded u/s 161 Cr.P.C and the evidence collected during the investigation, prima facie case for commission of offence **u/s 309(4) r/w Section 61(2) BNS is made out against Wasim, Alok Nath Mishra, Sohail and Mohd. Kaif**, for offence **u/s 309(4) r/w Section 3(5) BNS is made out against accused Wasim, Sohail and Alok Nath Mishra**, for offence **u/s 311/317(2) BNS and 27 Arms Act is made out against accused Alok Nath Mishra and u/s 317(2) BNS is made out against accused Waseem and Mohd. Kaif** for

which charge is to be framed. The assertions of the Id. Counsel for the accused persons are a matter of trial and cannot be adjudicated at this stage.

13. The application seeking discharge u/s 250 BNSS filed on behalf of accused Sohail is dismissed.

14. Put up for framing of charge on **01.08.2026**.

(Nishant Garg)
ASJ-06 (Central),
Tis Hazari Courts, Delhi
03.06.2026