

State Vs. Mohd. Mannan & Ors.

CNR No.: DLCT01-009508-2023

SC No.: 407/2023

FIR No.: 385/2021

Under Sections: 393/397/411/34 IPC

P.S.: Sarai Rohilla

04.01.2024

Present: Mr. Balbir Singh, Ld. Addl. (substitute) PP for the State.

Mr. Manoj Kumar, Ld. Counsel for the accused persons, namely, Vicky Goyal and Rishab.

Accused Vicky Goyal and Rishab are present.

ORDER ON CHARGE

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

2. Laconically, the case of the prosecution is that on 19.06.2021, the complainant, Mohd. Najim was present at 56 Bigha Park, Shashtri Nagar, Delhi. When the complainant reached at near Dhobhi Ghat side, at around 05:30 p.m. on the said day, the accused persons came in front of him from behind. Amongst the accused person, accused Mohd. Mannan (since PO) grabbed hold of complainant's neck/throat, co-accused, namely, Rishab inflicted knife injury on the complainant's left hand, while accused, namely, Vicky Goyal took out the complainant's purse from his pants, containing a sum of Rs. 1000/- and the complainant's Aadhar Card. Thereafter, all the said accused persons attempted to flee from the spot, however, the complainant raised an alarm and started running behind/following the accused persons. Consequently, the

complainant was able to grab hold of the accused, namely, Vicky Goyal and two police officials, namely, Bharat and Rajender, who were patrolling at the spot, caught hold of co-accused persons, Mohd. Mannan and Rishab. Subsequently, the identities of all the accused persons were ascertained as well as the complainant's purse was got recovered from the accused namely Vicky Goyal. Pertinently, on the complainant's complaint, FIR was registered, followed by ensuing investigation, leading to the initiation of the present proceedings. Relevantly, the complainant's MLC *inter alia* records the presence of, "superficial abrasion of 1 cm X 2 cm over left forearm", as well as records the nature of her injury as 'simple fresh blunt'.

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 and the arguments addressed, *prima facie* case under Sections 392/394/34 IPC and Section 411 IPC stands established against the accused, namely, Vicky Goyal and *prima facie* case under Sections 392/394/34 IPC read with Section 397 IPC stands established against accused, namely, Rishab. Further, from the perusal of case record, it is revealed that there is strong suspicion

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; *State v. Hassan Ahmed*, Crl. Rev. Pet. No. 108/2021, dated 08.11.2021 (Hon'ble High Court of Delhi); *Ashfaq v. State (Govt. of NCT of Delhi)*, (2004) 3 SCC 116; *Murlidhar v. State*, 2018 SCC Online Del. 9401; and *Dilawar Singh v. State of Delhi*, (2007) 12 SCC 641

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. Accordingly, charges under **Sections 392/394/34 IPC and Section 411 IPC** are framed against the accused person, namely, **Vicky Goyal** and charges under **Sections 392/394/34 IPC read with Section 397 IPC** are framed against accused, namely, **Rishab**, to which they have pleaded not guilty and claimed trial.

4. List for PE on **23.03.2024**.

5. **Issue summons against PW Mohd. Najim and PW Constable Rajender along with the concerned IO** for the next date of hearing.

(Abhishek Goyal)
ASJ-03, Central District,
Tis Hazari Courts, Delhi
04.01.2024