

14.03.2022

Present: Sh. Maqsood Ahmed, Ld. Chief. PP for State.

Accused is present on bail with Ld. Counsel.

Arguments heard.

Ld counsel for accused has submitted that no offence u/s.328 IPC is made out against the accused as there is no supporting medical evidence regarding the administration of any poisonous substance to the victim and remaining offences are pertaining to the jurisdiction of Ld. MM due to accused is entitled for discharge u/s.328 IPC. It is further argued that this matter may be transferred to the court of Ld. MM for the trial of the rest of the offences.

On the other hand, Ld. Chief PP for the State has strongly opposed these submissions and has submitted that the allegations against the accused are clear regarding the offence u/s.328 IPC and duly supported by the MLC of the injured. It is further argued that even the statement of witnesses recorded by police under section 161 Cr. P.C are also clear that accused committed the theft of the e-rickshaw of the injured/victim after administering the poisonous substance. It is further argued that even the victim was also recovered in unconscious state at the instance of accused itself, due to section 328 IPC is prima facie made out against the accused and charges under appropriate provisions may be framed.

I have heard the arguments and perused the record.

As per the allegations of the prosecution, on 11.08.2020, accused was found in the possession of E-rickshaw of the victim on the basis of the GPS location and on inquiry by the family members and police, he got recovered victim Javed from a place in unconscious

state. Even MLC has supported the allegations of the complainant. At the stage of framing of charge, prima facie offence has to be seen and prima facie offence u/s. 328/379/411 IPC are made out against the accused. Charges under the aforesaid sections are framed against accused, to which, he pleaded not guilty and claimed trial.

Put up for PE on 17.08.2022 and 18.08.2022.

Material witnesses be summoned for next dates of hearing.

(Devender Kumar)
ASJ-02(NE), KKD/Delhi
14.03.2022