

02.08.2024

Present: Sh. Vikash Kumar, Ld. Addl. PP for the State.
Accused Vikash is present on court bail.
Remaining two accused are produced from J/C.
Sh. Hari Shankar and Sh. Arun Kumar Ld. Counsels
for accused Vikash.
Sh. Praveen Goswami and Anuj Tyagi, Ld. Counsels
for accused Ayush Pal.
Sh. Swayam Ld. Counsel for accused Amit.
Sh. Nitin and Ajay, Ld. Counsels for complainant.

1. Matter is at the stage of arguments on charge. Arguments on charge have been heard.
2. Briefly stated the facts of the prosecution case are that the present FIR was registered on the statement of complainant Himanshu. He stated to the police that on 31.12.2023 at about 10.30 pm, he along with his friend Prem had gone to some hotel near 4th Pusta, Usmanpur, Delhi, for new year party. Sagar, Rohan and Shubham were also present there and they were standing outside the hotel before the party. In the meantime, accused persons came there from 4th Pusta side and started abusing them. When the complainant side confronted them, accused persons started beating the complainant side.
3. Accused Rahul Pal and Amit attacked the complainant side with knives. As a result, complainant Himanshu and other victim Prem received stab injuries. Other accused persons hit the complainant side with stones also. Victim Prem

4. suffered eight stab injuries. Injuries were received on vital parts.
5. While running away from there, accused persons left two motorcycles at the spot which ultimately helped in identifying them. One of the motorcycles belonged to accused Vikash which was registered in the name of his father.
6. As per medical opinion, victim Himanshu suffered simple injuries. As per the opinion of ophthalmology and surgery record, injuries received by victim Prem are also simple.
7. There is CCTV footage on record collected by the IO during investigation wherein incident is recorded in part. Accused Vikas was identified during TIP. The knife used for stabbing the victim was recovered at the instance of accused Rahul@ Ayush Pal.
8. Ld. Counsel for accused Vikas has relied upon judgment titled **Kakashan Kausar @ Sonam & Ors Vs. State of Bihar & Ors, Criminal Appeal No.195 of 2022 (arising out of S,L.P (Crl.) No. 6545 of 2020)**. I have considered this judgment and same is not applicable in the given facts and circumstances of the case as this judgment lays down that only general and omnibus allegations cannot manifest in a situation where the relatives of the complainant's husband are forced to undergo trial for the offence under section 498A IPC. In the present case, allegations are neither general nor omnibus and also the context is much different.
9. One CCL was also involved in the assault of the victims.

10. Victims were stabbed several times and received injuries on vital parts. In overall circumstances of the case, a prima facie offence under section 307/34 IPC is attracted against all the accused persons.

11. Put up for framing of charge on 30.08.2024.

(Dr. Savitri)
ASJ-02(NE)/ KKD/Delhi
02.08.2024

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