

SC No. 142/2022
State Vs. Sorav Sharma @ Golu
FIR No.598 /2017
PS Gokul Puri

05.07.2022

Present: Ld. Substitute Addl. PP for State.
All the accused are on bail.
Ld. Counsel for accused.

Ld. Counsel for accused has submitted that as per the allegations of the prosecution, no offence under Section 307/34 IPC is made out against the accused. It is further argued that as per the allegations of the complainant Manish, all the accused in furtherance of their common intention fired upon the complainant and other members of Flying Squad Toll Tax, North Zone, MCD, but there was no recovery of fired cartridge from the spot which suggests that this complainant has concocted a story just to aggravate the allegations. It is further submitted that complainant sustained injuries on face and two his teeth were broken due to offence under Section 325 IPC is made out against accused, which is exclusively triable by the court of Ld. MM. It is further submitted that recovery of the alleged weapon was also planted upon the accused and all accused are liable to be discharged under Sections 307/34 IPC and Sections 25/27 of Arms Act.

On the other hand, Ld. Substitute Addl. PP for the State has strongly opposed these arguments on the ground that the statement of complainant Manish has made it clear that that all the accused in furtherance of their common intention assaulted the complainant by bricks and caused him teeth injuries and his two teeth were broken. It is further submitted that they also fired upon Flying Squad Members of Toll Tax and recovery of weapon has duly supported these

allegations and rest is matter of the trial due to charges under appropriate Sections may be framed against all accused.

I have heard the arguments and gone through the record.

As per the allegations of the complainant, on 14.10.2017 at about 8:30 PM, at Toll Tax, Johripur, near Om Bharti School, Delhi, all the accused in furtherance of their common intention attempted to cross their vehicles from Toll Tax without paying toll and when the complainant and other members objected to it, they assaulted complainant and caused him injuries. When Flying Squad members of Toll Tax intervened, accused Mahender Singh @ Moni under the instigation of others also fired upon them and attempted to kill. The injuries sustained by the complainant was opined grievous. Later on, katta was recovered from accused Shubham Giri @ Bhim. As such, a prima facie offences under Sections 307/325/34 IPC is made out against all the accused, whereas charges under sections 25 and 27 of Arms Act are also made out against Subham Giri @ Bhim and Mahender Singh @ Moni.

So far as plea of Ld. Counsel for accused that accused have been falsely implicated in this case or weapon was planted or no recovery of fired cartridge was made, are matter of the trial. Charges under above-said sections have been framed against accused, to which, they pleaded not guilty and claimed trial.

Put up for PE on **04.11.2022**.

PWs be summoned for next date of hearing.

(Devender Kumar)
ASJ-02(NE), KKD/Delhi
05.07.2022