

SC No. 156/2024
STATE Vs. JEESAN @ HADDI
FIR No. 249 /2024
PS Shastri Park

28.09.2024

Present: Sh. Vikash Kumar, Ld. Addl. PP for the State with
IO/SI Jugnu Tyagi.
Sh. Parveen, Ld. LAC for the accused Maaz.
Mohd. Tasleem, Ld. Counsel for accused Jeeshan @
Haddi and Fardeen.
Accused Fardeen is present on court bail.
Other two accused persons are produced from JC.

1. Matter is fixed for arguments on charge. Both defence counsels concede charge against all accused persons.
2. Briefly stated allegations are that the victim and his 2 friends were robbed by the 3 assailants who came to his poultry farm, located at gali no. 7, near Nala Road, Brijpuri, Delhi, on 10.04.2024 at about 10:30AM. The assailants were armed with pistol type weapons. In initial statement of victim, victim has mentioned just about 3 assailants, whereas in his supplementary statement recorded on the same day, he has stated that when the 3 assailants had gone out after robbing the victim and his friends, the victim followed them outside and victim saw that there were 2 more boys standing outside with a scooty and a motorcycle. The 3 assailants, rode on these vehicles with them. There was another scooty parked outside gali no. 6. The other assailants asked that person also to follow them saying "*Bhag yahan se*". At that time, victim had noted the number of scooty i.e. DL5SC9794. During investigation the said scooty was found to be registered in the name of accused Fardeen.
3. Accused Jeeshan and Mohd. Maaz were arrested by the police. A

countrymade pistol and one cartridge each were recovered from their possession. They were arrested on different dates. Accused Jeeshan was arrested on 14.04.2024 and on his disclosure statement, accused Mohd. Maaz was arrested on 17.04.2024. Accordingly, prima facie, offence u/s 397 IPC is attracted against both accused persons Jeeshan and Mohd. Maaz. Offence u/s 397 IPC is not attracted against accused Fardeen as role regarding using weapon has not been assigned to him.

4. Since the number of assailants were 6, offence u/s 395 IPC is attracted against all accused persons there. Accused Jeeshan and Mohd. Maaz had used firearm in the present case, offence u/s 27 Arms Act is attracted against both of them. So far as offence u/s 25 Arms act is concerned, the charge for the same cannot be framed for want for sanction u/s 39 Arms Act. Otherwise, it is made out against accused Jeeshan and Mohd. Maaz. The weapons have been sent to FSL for expert opinion.
5. Now coming to the section 120B IPC, IO has submitted that as per CDR collected in the matter, accused Jeeshan and Maaz were in touch with each other prior to the incident which is prima facie sufficient to infer conspiracy to commit the offence of the dacoity in question.
6. Therefore, offence u/s 120B IPC is attracted against both of them. Accused Fardeen is discharged for the offence u/s 120B IPC. IO has further submitted that two co-accused Shahjad and Rihan are absconding. Put up for framing of charge on 15.10.2024.

‘P’

(Dr. Savitri)
ASJ-02(NE)/ KKD/Delhi
28.09.2024