

State Vs. Manjeet Kumar and Ors.
FIR no.371/2023
PS Shastri Park
u/Sec. 307/34 IPC

21.09.2023

Present: Sh. Vikas, Ld. Addl. P.P (substitute) for the State.
All the three accused persons produced from JC with
Sh. Mohit Kumar, Advocate, who filed vakalatnama
today.

Heard the Ld. counsel. Perused the record.

Ld. counsel submitted that in this case as per the prosecution story, it was a sudden fight and there was no pre-planning. It happened as vehicle which was driven by one of the accused and the DTC bus touched each other. In this sudden fight, one of the accused took out a paper cutter and used the same. Even the circumstances does not show that he had any intention to cause death. Injuries are not deep enough. There is one injury on the shoulder and the other is on the abdomen. From these facts it is clear that they had no such intention or knowledge to cause death. It is a simple case of causing injuries with blade. It is prayed that the accused persons be discharged of the offence punishable under Section 307 r/w Section 34 of IPC.

Ld. Addl. P. P submitted that infact accused persons were driving vehicle DL-1LAF-3367 on wrong side of the road and while so driving their vehicle touched the left side rear view mirror of the DTC bus. The driver of the DTC bus Gajender told them *“ek to wrong side chal rahe ho upar se gaadi ka sheesha*

bhi tedha kar diya” and thereafter the driver asked conductor Beer Singh to put the rear view mirror in right position. Beer Singh also asked them to drive properly on which all the accused persons got down. They pulled down the conductor from the bus and started beating him. When Beer Singh resisted, out of three accused, the two who dragged him from the bus said:

“आज तेरा काम तमाम करना है। उन्हें अपने तीसरे साथी से कहा निकल ब्लेड और बिठा दे साले की गर्दन में। इतनी ही देर में उनके तीसरे ने अपनी जेब से एक पेपर कटर ब्लेड निकाला और मेरी गर्दन पर जान से मरने की नियत से उस ब्लेड से वार कर दिया। मैं एकदम पीछे हटा लेकिन फिर भी वो ब्लेड मेरी गर्दन पर लगा। इससे पहले कि मैं कुछ संभल पाता उसी लड़के ने अपने हाथ में लिए हुए ब्लेड से मेरे पेट पर जोर से वार किया जिसे मेरे पेट पर काफी लंबा घाव हो गया”

Ld. Addl. P. P submitted that from this fact it is clear that these three accused persons were together and assaulted Beer Singh in furtherance of their common intention. The fact that they intended to kill Beer Singh is evident when they exhorted “*aaj tera kaam tamaam karna hain*” and asked their co-accused to take out knife and hit on his neck. The third accused took out a knife and attacked Beer Singh on his neck but he escaped from sustaining deep injury on his neck as he moved backward but still the blade hit on his neck and immediately thereafter second blow was given.

Ld. Addl. P. P submitted that the first blow was given on the neck and the second blow was given on the abdomen that also 18 cm x 0.5 cm x 1 cm. Ld. Addl. P. P submitted that this fact clearly shows that they not only had the intention but also had the knowledge that by hitting on the neck, they would have caused death and that is what the two accused exhorted “*aaj tera*

kaam tamaam karna hain” and then they asked their co-accused to take out blade and hit on the neck. Ld. Addl. P. P submitted that at the stage of charge only prima facie view is to be taken. There is sufficient evidence to show that all the accused persons assaulted Beer Singh with intention to cause his death. It is prayed that they be charged for the offence punishable under Section 307 read with Section 34 of IPC.

After hearing the arguments and going through the record, I found that in this case accused persons were driving on the wrong side of the road. They hit the left side rear view mirror of the DTC bus which was going in the right direction. The driver of DTC bus asked them to drive carefully as their vehicle was coming from the wrong side, the conductor who came forward to set the mirror also asked them to drive carefully. This itself shows that all the three accused persons assaulted the conductor of the bus. They pulled him outside the bus and thrashed him. When it was resisted by the conductor, they asked their co-accused to kill him. Two blows were given one after the other in such succession that from the second blow Beer Singh could not escape. The first blow itself would have been fatal which was given on the neck and also landed on the neck of Beer Singh would not have moved backward but still the blade hit on his neck. The intensity of the second blow itself shows their intention as the cut is 18 cm x 0.5 cm x 1 cm.

Keeping in view these facts, it is clear that accused persons had the intention and knowledge that by this act they would have caused death of Beer Singh. Beer Singh is saved as he moved

backward. Therefore, prima facie offence punishable under Section 307 read with Section 34 of IPC is made out against all the accused persons. They are charged accordingly to which they pleaded not guilty and claimed trial.

Now to come up for PE on 01.12.2023.

Witness Beer Singh, Mohan Singh along with doctor and concerned IO be summoned for the next date.

Final opinion on the MLC no.10907/23 of Beer Singh is not yet received. Issue notice to the concerned Medical Superintendent to appear in person along with the MLC.

(V. K. BANSAL)
Principal District & Sessions Judge
North-East, Karkardooma Courts/21.09.2023