

02.02.2023

Present: Sh. Indresh Kumar Gupta, Ld. Addl. PP for the State.
All the accused are produced from J/C.
Sh. Anurag Saxena, Ld counsel for accused .

1. Arguments on charge heard.
2. Briefly stated allegations contained in the FIR are that on 05.05.22 at about 8.20 pm, the complainant Manish was robbed of his mobile phone and purse containing some documents and Rs.950/- by three persons while he was returning home from his work. When complainant raised alarm, three persons pushed aside him and ran towards Shastri Park Flyover. As complainant raised alarm for help, one person namely Sachin offered to drop the complainant nearby the Police Station on his motorcycle. While the duo was heading towards PS, the complainant saw the assailants again and demanded robbed articles from them, they attacked Sachin with blade and Sachin received injuries on his abdomen as a result, his intestine came out of his body. Having received serious injuries, Sachin was taken to the hospital by the complainant. Next day in the morning supplementary statement of the complainant was recorded wherein he had stated that there were total five persons and not three. Accused Rohit Sharma is one of three persons who had committed robbery with the victim. Other two robbers were JCLs. Remaining two persons (accused Mohit and Nitesh) were keeping watch and were to alert actual offenders in the event of any danger. He was so frightened during the whole development when injured Sachin was stabbed by accused persons that he did not state about two remaining accused persons at that stage. When injured Manish Chauhan was declared fit for statement by the doctor, he also made statement that there were total five persons.

3. As per the case of the prosecution, all the accused persons were working near Mori Gate at the time of incident and are also residing in near by areas. The IO had shown the CDRs of the accused persons in order to show that they were in touch with each other even prior to the incident, some of them even during the period when the incident took place and also after the incident. They had conspired to commit the dacoity when they met at Mori Gate, Delhi. Accused Nitesh had deliberately switched off his mobile phone around the time of incident so that his location could not be traced anywhere near the spot. After the accused persons refused for their TIPS, they were identified on the basis of dossier prepared by the police. Applicant Mohit and Nitesh were first time offenders, so they were identified only after the dossiers were prepared after the arrest in the present matter. The photographs of injured Sachin showed how his intestine came out of his abdomen after he was stabbed by a JCL.

4. The robbed mobile phone of complainant Manish was recovered from the girl friend of JCL apprehended in the present case.

5. Under these circumstances, a prima facie offence u/s.395 IPC and 307/34 IPC is attracted against the accused persons. Since the mobile was not recovered at the instance of any of them, all of them are discharged of the offence under section 412 IPC. Charge under the afore-said sections has been given to all three accused persons, to which they plead not guilty and claim trial.

6. Ld. Counsels for accused submits that they will take their stand on next date of hearing regarding admission of statements of formal witnesses and documents prepared by them(witnesses at serial No. 4 and 5).

7. Now, the matter be listed for PE on 16.02.2023, 23.02.2023 and 01.03.2023.

i).16.02.2023- witnesses mentioned at serial No. 1 and 12, as per list of witnesses, be summoned.

ii).23.02.2023- witnesses mentioned at serial No.3 and 13, as per list of witnesses, be summoned.

iii). 01.03.2023- for remaining evidence.

8. The bail application of accused Nitesh is kept pending till the examination of important public witnesses.

9. IO and MHC(M) with case property be summoned for next date of hearing.

(Savitri)
ASJ-02(NE)/ KKD/Delhi
02.02.2023