

SC No. 294/2022
State Vs. Saif Ali @ Sibbu & Anr.
FIR No. 443/2022
PS: Bhajanpura

13.04.2023

Present: Sh. Sukhbeer Singh, Ld. Addl. PP for the State.
Both the accused produced in JC.
Sh. Vikas Sharma, Ld. Counsel for both the accused.
IO/Insp. Rajnikant Chaurasiya.

The matter is fixed for filing of the report of FSL, sanction under the Arms Act and also for consideration on charge.

Today, on calling the case, both the accused, who are in judicial custody, have been produced. Ld. Counsel for the accused has also appeared. IO has filed the report of FSL and sanction under the Arms Act. Copies thereof have been supplied to the ld. Counsel for the accused.

Sh. Sukhbeer Singh, the Ld. Addl. PP for the State has submitted that in the case in hand, prima facie case u/s. 302/34 and 307/34 of IPC is made out against both these accused and since, the firearm was used in the commission of offence by the accused Saif Ali @ Sibbu, so, the prima facie case u/s. 27 of Arms Act is also made out against the accused Saif Ali @ Sibbu. He has also submitted that since, the firearm used in commission of the offence was recovered from the house of the accused Aamir @ Sahil at his instance, so, the prima facie case u/s. 25 of Arms Act is also made out against accused Aamir @ Sahil.

On the other hand, Sh. Vikas Sharma, Ld. Counsel for both the accused has submitted that he does not want to argue on charge and charges may be framed against both the accused in the sections, as, contended by the Ld. Addl. PP for the State.

This court also finds that the prima facie case u/s. 302/34 and 307/34 of IPC is made out against both the accused and since, the firearm is allegedly used in the commission of offence by the accused Saif Ali @ Sibbu, so, the prima facie case u/s. 27 of Arms Act is also made out against the accused Saif Ali @ Sibbu and since, the firearm used in commission of the offence was allegedly recovered from the house of the accused Aamir @ Sahil at his instance, so, the prima facie case u/s. 27 of Arms Act is also made out against accused Aamir @ Sahil.

Accordingly, charges, in the said sections, have been framed against both the accused, to which, they have pleaded not guilty and claimed trial.

Accordingly, matter stands adjourned for evidence of the prosecution. To come upon **01.06.2023** and **05.06.2023**. Public witnesses be summoned at the first instance for the next date of hearing. IO and the MHC(M) are also called upon for the next date of hearing.

(PAWAN KUMAR MATTO)
Addl. Sessions Judge (Special Judge NDPS)
North East/KKD Courts/Delhi/13.04.2023