

03.02.2023

Present: Sh. Indresh Kumar Gupta Ld.Addl. PP for the State.

All the four accused are present on bail with Ld.

Counsel.

1. Arguments on charge heard.
2. Ld. Counsel for accused has argued that offence under section 308 IPC is not attracted in the present matter.
3. Briefly stated allegations are that on 03.07.2020, at about 6.30 PM, a quarrel had taken place between the complainant side and all the accused persons. The accused persons came to the house of the complainant Lavkush and made the wall of his house fall by kicking the same. When he confronted them, all of them started beating with *dandas* and rods. His family members also came to the spot after hearing commotion. They were also beaten by the accused persons. Victim Phool Wati suffered CLW on right parietal region of head and as per MLC, injury was simple, whereas complainant Luvkush and his brother Shailender both suffered fractures of the legs. As per MLC, both received grievous injuries. Victim Chanda Devi suffered CLW on her head and also injuries on her legs. Victim Rishi received pain and swelling on his limbs. Victim Ashok received CLW on left parietal region of head and also another injury on his forehead above right eyebrow. As per MLC, injury was simple.
4. It is mentioned in the statement of complainant that accused Arun obstructed the way of victim Shailender when he tried to escape from beating. Accused had also threatened the victim side to kill them, if they reported the matter to the police.
5. Under these circumstances, a *prima facie* offence under section 308/325/341/506/34 IPC is attracted against all the accused. Accordingly, charge has been framed against them, to which they plead not guilty and claim trial.

6. Notice was issued to IO to apprise the status of the cross FIR No. 256/20, u/s. 323/341/506/34 IPC. IO has stated in reply that charge-sheet has been filed by IO/HC Vikash in that matter before the Ld. MM concerned and next date of hearing is 13.03.2023. Accordingly, this fact has been apprised to the accused persons.

7. Ld. Counsel for accused submits that he will take his stand on next date of hearing regarding admission of statements of formal witnesses and documents prepared by them(witness at serial No. 7).

8. Now, the matter be listed for PE on 21.08. 2023, 24.08.23 and 31.08.2023.

i).21.08.203- witnesses mentioned at serial No.1 and 10 , as per list of witnesses, be summoned.

ii). 24.08.2023-witnesses mentioned at serial No.2 and 11, as per list of witnesses, be summoned.

iii).31.08.2023- for remaining evidence.

PWs be summoned accordingly. IO and MHC(M) with case property be summoned for each date of hearing.

9. Surety bonds and personal bonds qua accused Rohit, Monu Bansal and Sundari in the sum of Rs.10,000/- each furnished and provisionally accepted. Bail bonds be verified through SHO/IO concerned for the date already fixed.

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