

31.05.2023

Present: Sh. Vikas Kumar, Ld. Addl. PP for the State.

Accused Dilip is produced from JC (on bail in this case).

Accused Salim is present on court bail with Ld. Counsel.

1. Matter is fixed for arguments on charge. Arguments have been heard on behalf of Ld. Addl. PP for State on charge qua accused Dilip.

2. Charge was framed against co-accused on 30.11.2019 till then accused Dilip was not sent for trial.

3. Briefly stated allegations are that victim Nanhe Khan, a rickshaw puller was carrying 116 shirts with the label of 'Good Morning' and 681 open cotton shirts from the factory of his employer, on 10.08.2019, at about 10:30AM. When he reached temple near Chand Bagh area, one boy came to him and gave him a *Laddu* as prasad. When the victim reached near Yamuna Pusta, he started feeling unwell. He called his employer saying “*meri tabiyat jyada kharab hai, aap aajao*”. At that time, one more boy had come there on the spot.

4. Thereafter, he lost his consciousness and regained the same on next day and he found himself inside a stationary TSR on slope down the 4th Pusta. He was taken to hospital. The mobile phone of victim was also stolen apart from his rickshaw

and loaded material.

5. When accused Salim was arrested by the police, he was wearing one of the stolen shirts with 'Good Morning' label. The accused who had offered *Laddu* to the victim is Salim.

6. In these circumstances, since both the accused persons alongwith other co-accused persons who could not be arrested, had in furtherance of their common intention, committed a prima facie offence u/s 328/379/34 IPC is attracted against the both accused persons. In addition, the offence u/s 411 IPC is also attracted against accused Salim and accused Dilip is discharged u/s 411 IPC as nothing was recovered from the possession of accused Dilip. Put up for framing on charge on 19.07.2023.

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