

11.10.2022

Present: Sh. Ajit Kr. Srivastava, Ld. Addl. PP for State.
All the accused are present on bail with respective counsels.

1. An application has been moved on behalf of surety of accused Jatin @ Deepak for release of FDR. It is lacking in material particulars, hence rejected.

2. Arguments on charge have to be heard again. However, Ld. Counsels for accused persons concede charges.

3. Record shows that FIR was lodged at the instance of victim Sohail. Allegations are that on 01.03.2021 at about 7.30 pm, victim and his brother Nazim were present at their fruit rehri, in fruit Market, New Seelampur, in front of Surajmal Garg Metals Pvt. Ltd. Accused persons Shadil and CCL parked their scooty in front of rehri of victim. Verbal arguments ensued between both the sides and at some distance, co-accused Jatin and Gajni were also present on another scooty. The remaining accused persons too were present nearby. During the arguments, accused Shadil, in furtherance of the common intention of all the accused, had threatened to kill the victim saying “ *do minute me teri film bana dunga aur Dhua ho jayega and tum jinda nahi bachoge*”. Thereafter, all the accused went away from the spot fearing the public.

4. On the same day at about 9.00-9.30 PM, accused Shadil along with CCL came running towards the complainant. Accused Shadil was having a country made pistol which was loaded. He aimed towards the complainant but complainant bent down, as a result, the

bullet hit a nearby tree. After firing, all the accused persons ran away from the spot.

5. After conducting investigation in the matter, charge-sheet was filed. During investigation, all the accused were arrested. Country made pistol was recovered from the possession of accused Shadil which he had used during the commission of offence. Though formal sanction for prosecution under section 25/27 Arms Act as well as FSL result is still awaited, yet Ld. Counsels for accused persons conceded charges.

6. Considering the circumstances, a prima facie offence under section 307/506/34 IPC is attracted against all the accused persons. Additionally, offence under section 25/27 Arms Act is also attracted against accused Shadil.

7. Issue notice to IO to file FSL report and sanction under Section 39 of Arms Act, if any and to furnish contact details etc of witnesses for next date of hearing.

8. Put up for framing of charge on 15.12.2022.

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