

11.04.2023

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

Accused Brij Kant Singh @ Akash is present on court bail with Ld. Counsel.

1. Matter is fixed for arguments on charge. Arguments have been heard on charge and I have gone through the record of court file.

2. Briefly stated allegations are that on 10.08.2021, the victim Pradeep had left his house around 3:00PM. He called his mother at 6:30PM from mobile phone of accused, and another mobile number. He said that he was caught hold of by some boys who were beating him. The complainant i.e. mother of the victim reached at the spot i.e. Zero pusta, Sonia Vihar, Delhi but she did not find her son and therefore, she came back home. Around 9:30PM, victim reached his house and told the complainant that 4-5 boys had beaten him on the left side of the main road going from Nanaksar towards pusta road, Sonia Vihar, Delhi.

3. Thereafter, victim lost his consciousness and he was admitted in GTB Hospital, where he could not make any statement being unconscious. The family had brought him back from GTB hospital but when his condition deteriorated further, they again took him to the hospital within few hours itself, where victim was declared dead on arrival.

4. Police complaint was made on 11.08.2021. As per postmortem report, deceased had suffered more than 50 injuries, many of which were cumulatively sufficient to cause death in ordinary course of nature. The victim had suffered haemorrhagic shock as a result of multiple injuries. All the injuries were antemortem

in nature, caused by blunt force and using more than one weapon of offence (ways) and were homicidal in nature and recent prior to death; as per the postmortem report.

5. The very fact that the victim had made a phone call to his mother using the mobile phone of accused prima facie confirms his presence at the spot of beating of victim which ultimately resulted in death of the victim.

6. The Id. Counsel for accused has argued that accused has to be discharged of offence u/s 302 IPC and only a prima facie offence u/s 304 IPC is attracted against accused as all the injuries suffered by the victim cannot be attributed him to alone. This argument is fallacious and mis-conceived as when any criminal act has done by more than one people, all of them are responsible for the end result of the same.

7. In these circumstances, in my view, there is no ground to charge the accused u/s 304/34 IPC. A prima facie offence u/s 302/34 IPC is attracted against him. Put up for framing of charge on 24.04.2023.

(Savitri)
ASJ-02(NE)/KKD/Delhi
11.04.2023