

28.11.2019

Present: Sh. Masood Ahmad, Ld. Addl. PP for the State.
Accused Waseem on bail.
Accused Imran @ Munna produced from JC.
Proxy Counsel for Sh. H. Abbas, Advocate for both the accused persons.

Arguments on the point of charge heard. Record perused.

After referring to the allegations appearing on record and the material in the form of evidence collected during investigation, which is filed alongwith chargesheet, Ld. Addl. PP has argued that offence u/s. 397 IPC is clearly made out against accused Waseem who had used Chura while committing robbery against victim Hari Om and said chura was also recovered from him. He has also argued that there is sufficient material to frame charge in respect of offences punishable u/s. 392/394/34 IPC.

On the other hand, proxy counsel for accused persons has argued that no case is made out in this case and both the accused have been falsely implicated in this case and alleged recovery of robbed mobile phone and chura was falsely planted upon accused Waseem in this case.

FIR in question was registered for offences u/s. 392/394/397/412/34 IPC on the statement of complainant Hari Om, wherein he has stated about the manner in which robbery of his mobile phone make FORME was committed against him by two boys at the point of chura. Accused Waseem allegedly apprehended from near the spot soon after the incident and robbed mobile phone and chura used in the crime, were allegedly recovered from him. The other accused was arrested subsequently but he refused to participate in judicial TIP held on 23.09.2013.

In view of the aforesaid discussion, Court is of the opinion that there is sufficient material which raises grave suspicion against both these accused in respect of offences punishable u/s 392/394/34 IPC, as also for offence u/s. 397 IPC against accused Waseem. Consequently, charge in respect of said offences framed against them, to which they plead not guilty and claim trial.

Put up on 25.02.2020, 26.02.2020 and 27.02.2020 for PE. IO concerned be summoned for all the three dates. Complete case property be summoned through MHC(M)/Superdar for all the said three dates.

(VIDYA PRAKASH)
Addl. Sessions Judge/
NE/KKD/Delhi/ 28.11.2019