

ORDER ON CHARGE

1. The case of prosecution is that on 05.09.2020 from 8.41 p.m. to 8.46 p.m., three PCR calls, regarding shooting of a kinner by some unknown persons, were received at PS GTB Enclave. The same were lodged vide DD no. 86-A, 87-A and 88-A. On receipt of information, Insp. Arun Kumar alongwith staff reached at the spot i.e. H. No. 358-363, Janta Flat, GTB Enclave, Delhi. At the spot, it came to notice that Ekta Joshi (kinner)/deceased was shot by two unknown assailants. However, the deceased had already been shifted to Max Hospital, Patparganj, Delhi. Thereafter, IO alongwith staff reached the hospital, where the deceased was declared dead by the treating doctor. The treating doctor had mentioned on the MLC 'multiple gun shot, wounds over chest, abdomen, perineum, both upper arms, brought dead, gun shot injury'. Subsequently, Insp. Arun Kumar recorded statement of Ashish Joshi and got the present FIR no. 289/20, PS GTB Enclave registered.

2. In his statement, Ashish Joshi has *inter-alia* stated that on 05.09.2020, at about 8.30 p.m., he alongwith his mother Anita Joshi and sister Ekta Joshi (deceased) came to their house in a car. When Anita Joshi and deceased, after alighting from the car, proceeded towards the door of house, two persons came on a scooty and the pillion rider fired upon the deceased Ekta Joshi 3-4 times and fled away. Thereafter, he alongwith other persons took the deceased to Max Hospital, Patparganj, where she was declared dead.

3. Ld. Addl. PP for the State has argued that during investigation, CCTV footages of cameras installed around scene of crime were obtained and analyzed and several persons were interrogated. During this process, two persons namely Akil Ahmed and Shamshad came forward as eye witnesses of the incident. They stated that they saw the assailants while they were waiting near the residence of deceased. Further, Akash Joshi and Anita Joshi also claimed that they could identify both assailants through their physical appearance.

4. During further investigation, a secret informer informed that Manjur Illahi @ Sonu (hereinafter referred as 'accused no. 1' or 'A-1') is involved in this case. On 25.10.2020, A-1 was apprehended and interrogated at length. He confessed to the crime and *inter-alia* disclosed that due to enmity with the deceased over the issue of distribution of areas after the death of Vimla Hazi in March, 2020, he alongwith Varsha @ Aalia (hereinafter referred as 'accused no. 2' or 'A-2') started making plans to eliminate her (deceased). They were aware that Simran @ Bablu (hereinafter referred as 'accused no. 3' or 'A-3') was also annoyed with the deceased. Thereafter, they (A-1, A-2 and A-3) met several times and decided to get the deceased eliminated. Thereafter, A-1 called his known criminal i.e. Gagan Pandit (hereinafter referred as 'accused no. 4' or 'A-4'). All of them sat together and discussed the plan. A-4 demanded a huge amount to execute the plan and the deal was finalized for Rs.55 Lakh. A-1 further disclosed that on 05.09.2020, A-4 alongwith his associates namely Amir (hereinafter referred as 'accused no. 5' or 'A-5'), Farida (hereinafter referred as 'accused no. 6' or 'A-6'), Gaurav @ Veeru (hereinafter referred as 'accused no. 7' or 'A-7') and two other associates eliminated the deceased.

5. Ld. Addl. PP for the State has further stated that after the arrest of A-1, accused no. 2 and accused no. 3 were apprehended. The accused persons,

already apprehended, disclosed the names of other accused persons involved in the crime. During further investigation, another accused A-5 was arrested, who was identified by two witnesses during TIP proceedings, as the driver of the scooty on which two assailants had come and fired upon the deceased. However, other accused persons A-4, A-6 and A-7 and their other associates could not be traced.

6. Further, the details regarding the mobile numbers used by the accused persons, their locations, ownership of sims, users of the sims and hand sets used by the accused persons, were analyzed, which is as follows:

TABLE NO. 1

Sl. No.	Mobile Number	Used by accused	Subscribed in the name of	
1.	9999117786	A-3	Mohd. Abrar Chaudhary	Statement of Mohd. Abrar Chaudhary was recorded u/s 164 Cr.P.C. on 13.01.2021 regarding issuance of mobile number (sim) in his name and used by A-3. The handset VIVO IMEI no. 864666033115570 used earlier with the said sim has been recovered from A-3.
2.	8287386786	A-3	Pakhi Rathor	Statement of Pakhi Rathore was recorded u/s 164 Cr.P.C. on 13.01.2021 regarding issuance of mobile number (sim) in his name and used by A-3.

				The handset Samsung Z-flip IMEI no. 352438112797879 used later on with the said sim has been recovered from A-3.
3.	8000384090	A-2	Alia / A-2 herself	The accused disposed of the mobile phone OPPO in which she used the said sim till 13.09.2020. The handset make Samsung used since 14.09.2020 with the said sim has been recovered from A-2.
4.	7011126402	A-1	Sabir Ahmad	The handset Samsung Note 8 used earlier with the said sim has been recovered from A-1. Statement of Sabir Ahmad was recorded during investigation on 25.10.2020 regarding issuance of mobile number (sim) in his name and used by A-1.
5.	7217791050	A-1	Sabir Ahmad	Statement of Sabir Ahmad was recorded during investigation on 25.10.2020 regarding issuance of mobile number (sim) in his name and used by A-1.
6.	9997817961	A-5	Amir/A-5 himself	
7.	9557890147	A-5	Amir/A-5 himself	Mobile handset in which the same sim was used was recovered from A-5.

8.	8800890984	A-6	Farida/A-6 herself	Sim is not used since 19.10.2020.
9.	9311834414	A-7	Saroj	Statement of Saroj was recorded u/s 164 Cr.P.C. on 14.01.2021 regarding issuance of mobile number (sim) in her name and used by A-7.
10.	9810521594	Shahid (yet to be apprehended)	Rahul	
11.	9711558398	A-4	Banti	Statement of Banti was recorded u/s 164 Cr.P.C. on 12.01.2021 regarding issuance of mobile number (sim) in his name and used by A-4.
12.	8448578309	A-4	Sandeep	Sim is not used after the date of incident. IO has reported that statement of Sandeep has been recorded on 25.05.2022 regarding issuance of mobile number (sim) in his name and used by A-4 and supplementary challan to this effect is likely to be filed by the subsequent IO/Insp. Jitender Rana.

7. Ld. Addl. PP for the State has further argued that details of the calls between the accused persons are as follows:

TABLE NO. 2

Sl. No.	Communication through phone numbers		The name of accused persons communicating		The period during which communication was made
1.	9999117686	800384090	A-3	A-2	(a) no call from 01.01.2020 to 16.06.2020 (b) frequent calls on 16.06.2020, 27.07.2020 and 29.07.2020 (c) no further call after 23.08.2020
2.	8287386786	800384090	A-3	A-2	(a) no call from 01.07.2020 to 21.07.2020 (b) frequent calls from 21.07.2020 to 31.07.2020 (c) no call after 08.10.2020
3.	8000384090	7011126402	A-2	A-1	(a) no call from 01.07.2020 to 26.07.2020 (b) 4 calls from 27.07.2020 to 24.08.2020 (c) A-1 and A-2 reside in the same premises
4.	8000384090	7217791050	A-2	A-1	(a) no call from 01.07.2020 to 22.07.2020 (b) frequent calls from 23.07.2020 to 31.07.2020 (c) no further call since 01.08.2020

5.	7011126402	9711558398	A-1	A-4	(a) no call from 14.07.2020 to 10.08.2020 (b) frequent calls from 10.08.2020 to 26.08.2020
6.	7217791050	9711558398	A-1	A-4	(a) no call from 01.07.2020 to 03.08.2020 (b) frequent calls from 04.08.2020 to 10.08.2020
7.	7011126402	8448578309	A-1	A-4	(a) no call from 01.07.2020 to 12.08.2020 (b) frequent calls from 13.08.2020 to 05.09.2020 (date of incident)
8.	7217791050	8800890984	A-1	A-6	(a) no single call from 01.07.2020 to 07.07.2020 (b) frequent calls from 10.07.2020 to 06.08.2020
9.	8448578309	8800890984	A-4	A-6	(a) no call from 01.07.2020 to 23.08.2020 (b) frequent calls from 04.07.2020 to 07.08.2020
10.	8448578309	9997817961	A-4	A-5	(a) only one call on 05.09.2020 just before the incident (b) both sim were traveling in the area nearby the spot of the incident
11.	8800890984	9557890147	A-6	A-5	(a) no call before 26.08.2020 (b) frequent calls from

					28.08.2020 to 05.09.2020 (c) no further talks after the incident except one call on 09.10.2020
12.	8800890984	9997817961	A-6	A-5	(a) no call before 30.08.2020 (b) frequent calls from 30.08.2020 to 05.09.2020 (c) no further call after the incident
13.	9311834414	9997817961	A-7	A-5	(a) no call before 30.08.2020 (b) frequent calls on 31.08.2020 and 05.09.2020 (c) no talk after the incident
14.	9311834414	8800890984	A-7	A-6	(a) no call before 25.07.2020 (b) frequent calls from 25.07.2020 to 05.09.2020 (c) no further talk after 05.09.2020

8. CDRs analyses and report in respect of locations of accused persons showing their meetings prior to the incident are as follows:

TABLE NO. 3

Sl. No.	Date	Name of accused persons corresponding to mobile number used	Location
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1.	08.07.2020	A-1, A-2 and A-3	Parvatiya Colony, Sohna Road, Faridabad.
2.	15.07.2020	-do-	-do-
3.	23.07.2020	A-1, A-3, A-4 and A-6	-do-
4.	26.07.2020	A-3, A-4 and A-6	-do-
5.	28.07.2020	A-1, A-3, A-4 and A-6	-do-
6.	29.07.2020	-do-	-do-
7.	31.07.2020	A-1 and A-4	Yamuna Trans Area/Shahdara Area
8.	06.08.2020	A-1, A-4 and A-6	-do-
9.	11.08.2020	A-1 and A-4	-do-
10.	15.08.2020	A-1, A-4 and A-6	-do-
11.	19.08.2020	-do-	-do-
12.	21.08.2020	-do-	-do-
13.	23.08.2020	-do-	-do-
14.	24.08.2020	A-1 and A-4	-do-
15.	31.08.2020	A-1, A-4 and A-5	-do-
16.	03.09.2020	A-1, A-4 and A-6	-do-

9. Ld. Addl. PP for the State has further argued that witness Nuri has stated that A-1 and A-2 lived together and there was enmity between the deceased on one hand and A-2 and A-3 on other hand. Further, witness Shaik Jameela has stated about enmity between the deceased and A-2 and A-3 and the deceased

had been threatened by A-3 to see her. Further, witnesses Sanjana, Anita Joshi and Gori Sharma have also stated about the said enmity and threats given by A-3 to the deceased to kill her. The accused nos. 1, 2 and 3 initially had meetings and conspired to eliminate the deceased. The said aspect of meetings could be inferred from location of their mobile phones on 08.07.2020 and 15.07.2020 at Faridabad, where the residence of A-3 is situated. Further, they had been *inter-se* communicating with each other as mentioned in the above table no. 2. Thereafter, A-1 contacted A-4 for giving contract of eliminating the deceased. Thereafter, A-4 got A-6 also joined for the said purpose. Subsequently, A-1, A-3, A-4 and A-6 had meetings at Faridabad as shown in table no. 3. A-1, A-4 and A-6 had also *inter-se* communicated with each other as mentioned in table no. 2. There were also separate meetings and communications amongst A-1, A-4, A-5 and A-6 on different dates.

10. Ld. Addl. PP for the State has further argued that immediately after the incident, A-1 made a call to A-4 at 8.49 p.m. on 05.09.2020. Aadhar Card of Sabir Ahmad has been recovered from the possession of A-1, by using of which, the accused no. 1 had got the sim number 7011126402 issued.

11. Further, on 05.09.2020, complainant Ashish Joshi alongwith deceased and witness Anita Joshi went to Laxmi Nagar for meeting and left the said area at about the same time like as accused no. 5. It indicated that A-5 followed the deceased from Laxmi Nagar towards the spot and reached the spot at about 8.10 p.m. i.e. before arrival of the deceased at the spot. As such, A-4, A-6 and A-7 were also following the same route and time and reached the spot just prior to the incident. All the four accused persons i.e. A-4 to A-7 were roaming in the area nearby the spot just prior to the incident. A-5 was in frequent touch with A-4, A-6 and A-7. There were around 10 calls among them during the period

from 7.31 p.m. to 8.18 p.m.

12. Further, A-4 refused to get his TIP conducted from the eye witnesses. However, he was identified by witnesses Akil Ahmad and Shamshad during police remand and also by witnesses Anita Joshi and Ashish Joshi, as the assailant, who had fired upon the deceased. Further, A-5, who was in frequent touch with A-4, A-6 and A-7 just prior to the commission of offence, has been identified by the eye witnesses Akil Ahmad and Shamshad, during TIP proceedings conducted on 07.12.2020. They have later on stated that A-5 had been driving the scooty at the time of commission of offence.

13. In respect of A-6, Ld. Addl. PP for the State has stated that she accompanied the contract killer/A-4 in the dealing of contract of murder of the deceased with A-1 to A-3. She had been present in the above meetings. Call details also proved her presence at the spot for conducting reeve and further at the time of incident. Witness Lokesh Yadav has stated that he had given the house on rent to A-6 on reference of A-4.

14. In respect of A-7, Ld. Addl. PP for the State has argued that A-7 kept surveillance upon the activity/movement of the deceased. Call details also proved his presence at the spot for conducting reeve and further at the time of incident. During investigation, the witnesses have identified him as the person, who was seen roaming near the spot/house of the deceased, but not seen ever after the incident. Call details further indicate that he followed the deceased from her house to Lalita Park, Laxmi Nagar, Delhi, where deceased was attending a meeting prior to the incident as well as return route till spot.

15. Ld. Counsel for A-1 has argued that A-1 is merely a driver of kinner Kamal. He is not even a kinner. None of the mobile numbers, allegedly shown

to be used by him, are not in his name. No other admissible evidence has been brought on record by the investigating agency showing his involvement in the commission of the alleged offence. Hence, no case is made out against A-1.

16. Ld. Counsel for A-2 has argued that admittedly, A-1 and A-2 reside in the same premises and they must have communicated with each other in such capacity. Even otherwise, as per the case of prosecution itself, she had lastly communicated with A-1 on 24.08.2020, which is much prior to the date of incident i.e. 05.09.2020. Moreover, the period of communication between A-1 and A-2 indicates casual talk between them. Furthermore, no witness has stated that accused no. 2 had ever given any threat to the deceased. Hence, no case is made out against A-2.

17. Ld. Counsel for A-3 has argued that A-3 is a resident of Faridabad. She was not beneficiary of any of the property of the deceased. She had casual communication with A-2 as they both belong to kinner community. If other accused persons had meetings nearby the area of residence of A-3, the same cannot prove that A-3 has also participated in the said meetings. Furthermore, she had lastly communicated with A-2 on 31.07.2020, which is much prior to the date of incident i.e. 05.09.2020. Hence, no case is made out against A-3.

18. Ld. Counsel for A-4 has argued that he had been falsely implicated in the present case. Hence, no case is made out against A-4. Ld. Counsel for A-5 has argued that A-5 has been falsely implicated in this case after 63 days of alleged incident of murder of deceased. He has further argued that an FIR bearing No. 125/17, PS Kotwali Meerut had been registered against accused Sharik and Nadeem therein, in which A-5 herein was one of the witnesses. Thereafter, Sharik and his family falsely implicated Amir (A-5 herein) and his family in case FIR no. 572/17, PS Nauchandi, Meerut, but the said FIR was later on

quashed. Further, on 09.11.2020, Amir (A-5) was lifted from his house. His brother namely Asif lodged a complaint in this regard to several authorities. Thereafter, Amir (A-5) was implicated in case FIR no. 199/20, PS Kotwali Meerut. Subsequently, Amir (A-5) was apprehended in the present case on 02.12.2020. Thereafter, his TIP was conducted on 07.12.2020, wherein witnesses Akil Ahmad and Shamshad identified him. But, it is pertinent to note that Akil Ahamd and Shamshad are planted witnesses. Hence, identification of A-5 by these witnesses is not reliable. Further, no incriminating thing, i.e. scooty used during commission of offence, weapon of offence, money allegedly received by A-5 from A-1 to A-3 etc., was recovered from the possession or at the instance of A-5. Hence, no case is made out against A-5.

19. Ld. Counsels for A-6 and A-7 have also stated that no case is made against them. There is no admissible evidence available on record against them. They had been forwarded for trial on the basis of their disclosure statements only. The call detail records cannot be sole basis of proof of their involvement in the commission of alleged offence.

20. The prosecution has *inter-alia* leveled allegations of commission of offence of conspiracy against the accused persons. In the case of **State of Kerala v. P. Sugathan**, AIR 2000 SC 3323, the Hon'ble Supreme Court has deliberated upon the ingredients of offence of conspiracy, that:

12. We are aware of the fact that direct independent evidence of criminal conspiracy is generally not available and its existence is a matter of inference. The inferences are normally deduced from acts of parties in pursuance of purpose in common between the conspirators. This Court in **V.C. Shukla v. State, 1980(2) SCC 665** held that to prove criminal conspiracy there must be evidence direct or circumstantial to show that there was an agreement between two or more persons to commit an offence. There must be a meeting of minds resulting in ultimate decision taken by the conspirators regarding the commission of an offence and

where the factum of conspiracy is sought to be inferred from circumstances, the prosecution has to show that the circumstances giving rise to a conclusive or irresistible inference of an agreement between the two or more persons to commit an offence. As in all other criminal offences, the prosecution has to discharge its onus of proving the case against the accused beyond reasonable doubt. The circumstances in a case, when taken together on their face value, should indicate the meeting of the minds between the conspirators for the intended object of committing an illegal act or an act which is not illegal, by illegal means. A few bits here and a few bits there on which the prosecution relies cannot be held to be adequate for connecting the accused with the commission of the crime of criminal conspiracy. It has to be shown that all means adopted and illegal acts done were in furtherance of the object of conspiracy hatched. The circumstances relied for the purposes of drawing an inference should be prior in time than the actual commission of the offences in furtherance of the alleged conspiracy.

21. Ld. Addl. PP for the State has also relied upon the precedent **Yakub Abdul Razak Memon v. State of Maharashtra**, in CrI. Appeal No. 1728/2007 decided on 21.03.2013, in this regard.

22. It has been alleged that witness Nuri has *inter-alia* stated about decision made by the deceased in respect of right over portion of house where she resided and A-2 was not happy with the said decision. She stated that A-1, A-2 and others live together there. It has been further alleged through statements of Shaik Jameela, Sanjana, Gori Sharma and Anita Joshi that A-2 and A-3 had enmity with the deceased over the issue of increasing stature of deceased in kinner community and decisions taken by her disagreeable to A-2 and A-3. Thereafter, A-1, A-2 and A-3 hatched a conspiracy amongst themselves to eliminate the deceased. They had meetings at Faridabad. The said aspect of meetings could be inferred from location of their mobile phones on 08.07.2020 and 15.07.2020 at Faridabad, where the residence of A-3 is situated. Further, they had been *inter-se* communicating with each other as mentioned in the above table no. 2. It has been further alleged that A-1 had contacted A-4 for

giving contract of eliminating the deceased. Thereafter, A-4 had got A-6 also joined for the said purpose. Subsequently, A-1, A-3, A-4 and A-6 had meetings at Faridabad as shown in table no. 3. A-1, A-4 and A-6 had also *inter-se* communicated with each other as mentioned in table no. 2. There were also separate meetings and communications amongst A-1, A-4, A-5 and A-6 on different dates. Call details of A-6 indicate her presence at the spot for conducting reeve and further at the time of incident. Call details of A-7 also indicate that he followed the deceased from her house to Lalita Park, Laxmi Nagar, Delhi, where deceased was attending a meeting prior to the incident as well as return route till spot. The witnesses Ashish Joshi and Anita Joshi have also identified him (A-7) as the person who was seen roaming near the spot/house of the deceased.

23. As per challan, A-3 and A-2 have communicated with each other during the period from 16.06.2020 to 31.07.2020. A-1 and A-2 had communication during the period from 23.07.2020 to 24.08.2020. A-1 had communication with A-4 from 04.08.2020 to 05.09.2020. Similarly, A-1 had communicated with A-6 during the period from 10.07.2020 to 06.08.2020. A-6 had not only communicated with A-1, but also with A-4, A-5 and A-7 during the period from 04.07.2020 to 05.09.2020. There are also communications between A-5 and A-7 during the period from 30.08.2020 to 05.09.2020.

24. Further, on 05.09.2020, A-4 and A-5 came to the spot on a scooty, which was driven by A-5. Thereafter, A-4 fired upon the deceased and consequently, she died. The witnesses have identified A-4 and A-5 as the assailants and specifically that A-4 has fired upon the deceased and A-5 was driving the scooty.

25. From the above facts and circumstances, it is *prima facie* made out that

initially, A-1, A-2 and A-3 conspired to eliminate the deceased. Subsequently, other accused persons i.e. A-4, A-5, A-6 and A-7 also joined the said conspiracy on different dates and time. And, pursuant to the said conspiracy, A-4 and A-5 caused death of the deceased.

26. At the stage of consideration on point of charge, the Court stands guided with the principles laid down by the Hon'ble Supreme Court in **Union of India v. Prafulla Kumar**, 1979 CRI. L. J. 154 as follows:

10. Thus, on a consideration of the authorities mentioned above, the following principles emerge:

(1) That the Judge while considering the question of framing the charges under Section 227 of the Code has the undoubted power to sift and weigh the evidence for the limited purpose of finding out whether or not a prima facie case against the accused has been made out;

(2) Where the materials placed before the Court disclose grave suspicion against the accused which has not been properly explained the Court will be fully justified in framing a charge and proceeding with the trial.

(3) The test to determine a prima facie case would naturally depend upon the facts of each case and it is difficult to lay down a rule of universal application. By and large however if two views are equally possible and the Judge is satisfied that the evidence produced before him while giving rise to some suspicion but not grave suspicion against the accused, he will be fully within his right to discharge the accused.

(4) That in exercising his jurisdiction under Section 227 of the Code the Judge which under the present Code is a senior and experienced Court cannot act merely as a Post-Office or a mouthpiece of the prosecution, but has to consider the broad probabilities of the case, the total effect of the evidence and the documents produced before the Court, any basic infirmities appearing in the case and so on. This however does not mean that the Judge should make a roving enquiry into the pros and cons of the matter and weigh the evidence as if he was conducting a trial.

27. Thus, it is trite law that at the stage of consideration on point of charge, the Court is not supposed to conduct roving inquiry into the case of prosecution. However, so far as arguments advanced on behalf of accused persons except

A-5 are concerned. The said aspects are matter of trial and the same can only be appreciated after recording of the testimonies of witnesses examined by the prosecution and accused persons. It is reiterated that the material produced by the investigation agency *prima facie* makes out that the accused persons 1, 2 and 3 had initially conspired to eliminate the deceased and pursuant to such conspiracy, accused no. 4 to 7 joined them for the said purpose. So far as arguments advanced on behalf of accused no. 5 is concerned. The accused no. 5 has not been able to show the connection of FIR Numbers 125/17 PS Kotwali, 572/17 PS Nauchandi and 199/20 PS Kotwali with his alleged false implication in the present case. Further, other arguments raised on behalf of accused no. 5 are also matter of trial. The Court has restrained itself from making detailed observations regarding statements of witnesses recorded, and other evidence collected, during investigation into the case to avoid any prejudice likely to be caused by such observations to either party i.e. prosecution or accused persons.

28. The prosecution has alleged commission of offence under Section 201 IPC stating that accused persons had damaged some of their mobile phones in which SIMs were used during conspiracy hatched by them. Further, A-1 did not get recovered his mobile phone make LYF bearing IMEI no. 911651006784209 in which he used sim no. 7011126402 and another mobile phone make APPLE bearing IMEI no. 353049096653639 in which he used sim no. 7217791050, during conspiracy hatched by the accused persons. Further, A-2 did not get recovered her mobile phone make OPPO bearing IMEI no. 869066040087356 in which she used sim no. 8000384090. Further, A-3 did not get recovered her mobile phone make Samsung S8 Plus bearing IMEI no. 357851080631180 in which she used sim no. 8287386786. It has been further alleged in supplementary challan that A-4 did not get recovered his mobile phone bearing

IMEI no. 357976093687030 in which he used sim nos. 8448578309 and 9711558398. Further, A-5 did not get recovered his mobile phone make bearing IMEI no. 358968104689600 in which he used sim no. 9997817961. Further, A-6 did not get recovered her mobile phone bearing IMEI no. 351579104716980 in which she used sim no. 8800890984. Further, A-7 did not get recovered his mobile phone bearing IMEI no. 866750033916240 in which he used sim no. 9311834414.

29. Accordingly, *prima facie*, offence punishable under Section 120-B IPC read with Section 302 IPC is made out against all accused persons and further, offence punishable under Section 302 IPC read with Section 120-B IPC and 34 IPC against accused no. 4 and 5 and offence punishable under Section 27 Arms Act against accused no. 4. Further, *prima facie*, offence punishable under Section 201 IPC is made out against all accused persons.

**Announced in open Court
on 22nd August, 2022**

(Naveen Gupta)
Addl. Sessions Judge-05
Shahdara District,
Karkardooma Courts, Delhi