

SC No. 38/19
FIR No. 456/18 P.S.- Mahendra Park
u/S 302 IPC & 25/27 Arms Act

State Vs. Aakash

20.07.2019

Present : Sh. Harvinder Nar, Ld Addl P.P for the state.
Accused produced from JC.
Sh. Vijay Kumar, Ld. Counsel for the accused.

Arguments on the point of charge(s) heard.

After having gone through the FIR, statements of the witnesses recorded u/s 161 Cr.P.C. and other material and documents available on the record, a prima facie case U/s 302 IPC & 27/25 Arms Act are made out against the accused.

Accordingly, formal charge(s) for the offence(s) u/s 302 IPC & 27/25 Arms Act have been framed against the accused to which he pleads not guilty and claims trial.

Be listed for PE on **23.09.2019**.

PWs Nos. 2, 5, 8 & 9 along with IO & MHC (M) be summoned for the next date of hearing.

From the perusal of the chargesheet, it is surprising that instead of the concerned DCP, who had given sanction u/s 39 Act dated 10.05.2019, his Staff Officer (SO) has been made as witness, as the said sanction has to be proved in accordance with law i.e. prosecution has to prove that sanction u/s 39 Arms Act was accorded after due application of mind, which cannot be proved by the Staff Officer (SO).

In these circumstances, issue show cause notice to IO Inspector Hariwansh Singh to appear in person to explain as to under what circumstances and under which provision of law, SO has been made as witness instead of concerned DCP to prove sanction u/s 39 Arms Act, on **03.08.2019**.

(Sanjeev Aggarwal)
Addl. Sessions Judge-02(North)
Rohini Courts Delhi
20.07.2019