

CNR No. : DLNT01-000746-2012
SC No. : 57868/2016
STATE Vs. DEEPAK KAUSHIK ETC.
FIR No. : 116 /2011
PS : Crime Branch-Outer
u/s : 489(B)/489(c) IPC

22.03.2023

Present: Sh. Himanshu Garg, ld. Addl. PP for the State.
Accused A1 and A2 are present on bail.
Accused A3 is present on bail.
Sh. Ramit Malhotra, ld. counsel for accused A1.
Ms.Kamakshi,ld. counsel for accused A2.

The matter is listed on order on charge qua accused Ashok Kumar (A3) and for RPE.

Ld. counsel for the accused Ashok submitted that there is no evidence on record against accused Ashok and has prayed that he may be discharged from the present case.

On the other hand, ld. Addl. PP for the State has opposed the same and submitted that he is evading his arrest and was declared proclaimed offender. Hence, appropriate charge be framed against him.

Heard.

Perusal of the record reveals that there is no evidence on record against the accused Ashok except the disclosure statement of other co-accused persons and his own disclosure. Hence, in the absence of any evidence against him, he is discharged under Section 489(B)/489(C) IPC

With regard to Section 174A IPC, if the main proceedings have been culminated in acquittal or discharge, proceedings under Section 174A IPC is nothing but misuse of procedure. In this regard the reliance is placed on the judgment passed by the Hon'ble High Court of Punjab and Haryana in the case of '*Nirmaljit Singh v. State of Haryana and Others, 08.02.2023*',

CRM-M-53195-2022.

Therefore, keeping in reliance on the aforesaid judgment, **the accused Ashok is also discharged u/s 174 A IPC.**

PW4 ASI Manjeet has been examined-in-chief, cross-examined on behalf of accused Kapil and his cross-examination is deferred on behalf of accused Deepak Kaushik. **He is bound down for next date.**

At request of ld. counsel, put up for RPE on 25.03.2023 at 12:00 noon.

(Shivaji Anand)
Addl. Sessions Judge: 04 (North)
Rohini Courts: Delhi:24.03.2023^(R)