

SC 154/2024
STATE Vs. RAJENDER@ROHIT
FIR No. 503 /2023
PS Adarsh Nagar

30.09.2024

Present: Sh. Kumar Sanjay, Ld. Addl. PP for the State.
Both the accused persons namely Rajinder @ Rohit and
Rajesh @ Vivek in person on bail.
Sh. B. D. Mishra, Ld. counsel for both the accused
persons.

The matter is listed for arguments on charge.

Ld. Addl. PP for the State has submitted that both the accused persons actively participated in the commission of alleged offence. It is further submitted that a quarrel took place between accused and his uncle (CHACHA) and the complainant Parteek. It is further submitted that on the day of incident, accused Rajesh @ Vivek and his associate Rahul (not arrested as yet) had fired gun shot in the air and ran away taking the empty cartridges. It is further submitted that there is sufficient material to frame charge against accused persons, therefore, prima facie the offences punishable U/s 336/201/34 IPC & U/s. 27 Arms Act are made out against above-named accused persons, therefore, charges for the appropriate sections may kindly be framed.

On the other hand, Ld. Counsels for the accused persons have argued that allegations against the accused persons are false and they are innocent and they have been falsely implicated. It is further argued that all the allegations are mentioned in the present FIR are false and fabricated. It is further argued that there is no incriminating has been recovered from the possession or at the instance of accused

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persons. It is prayed that all accused persons may kindly be discharged.

This Court has given thoughtful consideration to the arguments advanced on behalf of both the parties and has also perused the whole record.

In the present case, the allegations against accused persons are that on 24.06.2023 at 11:45 P.M. at near Kailash Dev Hotel Sarai Ext., Adarsh Nagar Delhi, **accused Rajesh @ Vivek** and his associate Rahul (not arrested as yet) fired gun shot in the air and ran away taking the empty cartridges and thereby caused disappearance of the evidence i.e. empty cartridge and the pistol which have not been recovered during investigation. He is seen firing gun shot in the air and taking away the empty cartridge in a CCTV footage collected by IO during the course of investigation.

It is pertinent to mention that there is no allegations against accused Rajender @ Rohit except that he had a quarrel with complainant and did not compromise with the complainant, when complainant and his uncle Amit approached him. There is no incriminating evidence against Rajender @ Rohit except his disclosure statement which is not admissible in the eyes of law, therefore, accused Rajender @ Rohit is hereby discharged from the present case.

Keeping in view of above discussion, this Court is of view that the prima facie case for the offences **U/s. 336/201 IPC & U/s. 27 Arms Act is made out against accused Rajesh @ Vivek only** as there are strong suspicion that he had committed the said offences.

Accordingly, the afore-mentioned offences i.e. **U/s. 336/201**

IPC & U/s. 27 Arms Act has been framed against accused **Rajesh @ Vivek** to which he pleaded not guilty and have claimed trial to the charges framed against him.

Put up for **PE on 19.02.2025**. Witnesses mentioned in the list of witnesses at serial no. 1 &2 as well as IO be summoned for the next date of hearing.

(Sushil Kumar)
Addl. Sessions Judge- 04
North District Rohini Courts Delhi
30.09.2024