

SC No. 367/19
FIR No. 164/19, P.S. - Bhalaswa Dairy
U/s. 323/302/307/34 IPC & 25/27 Arms Act

State Vs. Sharvan Kumar @ Lucky & Anr.

10.10.2019

Present : Sh. Harvinder Nar, Ld Addl P.P for the state.

Both accused persons Sharvan Kumar @ Lucky and Kamal Singh are produced from JC.

Sh. Suresh Tomar, Ld. Counsel for accused Sharvan Kumar @ Lucky.

Sh. Deepak Sharma, Ld. Counsel for accused Kamal Singh.
IO Inspector Ajay Kumar, SHO, PS Bhalaswa Dairy.

IO has filed report regarding result over MLC of injured Charan Singh. Copy supplied to both the accused persons.

Arguments on the point of charge(s) heard.

Brief facts are

That on 30.03.2019, on receipt of DD No. 71A, SI Sumit alongwith HC Anil reached at the spot i.e. near Shani Mandir, Mangal Bazar Road, Bhalaswa Dairy, New Delhi, where they came to know that injured have already been removed to BJRM Hospital. Thereafter, SI Sumit after leaving HC Anil at the spot went at BJRM Hospital, where injured persons namely Deepak and Charan Singh were found admitted. Both the injured persons could not give their statements due to pain. Doctor had produced pulanda of clothes alongwith sample seal to SI Sumit. Thereafter, SI Sumit reached at Ambedkar Hospital, as both the injured persons were referred to Ambedkar Hospital, Rohini, where injured Deepak was kept under treatment in Ambedkar Hospital, whereas injured Charan Singh was referred to

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LNJP Hospital. Thereafter, SI Sumit reached at LNJP Hospital and recorded the statement of injured Charan Singh, which reads as under:

That he is doing the work of servicing of vehicles. On 29.03.2019, at about 8:30 pm, after taking dinner, he was standing outside his house, then his younger son Ajay came to him and told him that some boys had beaten him. Thereafter, in order to make those boys understand, he went towards Drum wala godown, where he found Deepak, son of his relative Chaman Singh lying on the ground and blood was oozing.

Thereafter, he made noises and when he picked up said Deepak, then Lucky S/o Radhey Shyam came there alongwith his associates and stated that "Yeh bahut chilla raha hai, Deepak ko to thik kar diya, wa isko thik karte hain." Thereafter, he had attacked him with knife in order to kill him. Thereafter, he fell down on the ground. Thereafter, he does not know what had happened.

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 including the MLC of injured Charan Singh as well as postmortem report of deceased Deepak, a prima facie case U/s 323/302/307/34 IPC is made out against both the accused persons as well as a prima facie case U/s 25/27 Arms Act is also made out against accused Kamal Singh.

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-3-

Accordingly, formal charge(s) for the offence(s) u/s 323/302/307/34 IPC has been framed against both the accused persons and formal charge(s) for the offence(s) u/s 25/27 Arms Act has also been framed against accused Kamal Singh to which they pleaded not guilty and claimed trial.

Be listed for PE on **16.01.2020**.

PWs Nos. 1, 2 & 3 along with IO & MHC (M) be summoned for the next date of hearing.

(Sanjeev Aggarwal)
Addl. Sessions Judge-02(North)
Rohini Courts Delhi
10.10.2019