

CNR No.:DLNT01-006091-2024

SC No. 259/2024

STATE Vs. Anil Kumar & Ors.

FIR No. 199/2019

PS Swaroop Nagar

U/s: 308/323/341/34 IPC

04.04.2025

Present: Sh. Sanjay Jindal, Ld. Addl PP for State.
All three accused persons namely Anil Kumar,
Manju and Pramod Kumar in person on bail.
Sh. Sayyed Saif, Ld. Counsel for accused persons.

Arguments on the point of charge have already been heard on behalf of both parties.

Ld. Addl. PP for the State has submitted that there is sufficient material to frame charge against all three accused persons namely Anil Kumar, Manju and Pramod Kumar, therefore, prima facie the offences punishable under section 308/323/341/34 IPC is made out against all three accused persons namely Anil Kumar, Manju and Pramod Kumar, therefore, charges for the appropriate sections may kindly be framed.

Ld. Counsel for accused persons has submitted that all three above-named accused persons have been falsely implicated in the present FIR case. It is further submitted that one of the accused Pramod Kumar is a government servant whose name has been mentioned in column no.12 of the charge-sheet as he was not present at the place of occurrence and he was present in his office. It is further argued that it has been revealed during the course of investigation that accused Pramod Kumar was present at his office situated at SDMC Office, R.K. Puram, Delhi which is around 40

Kms away from the place of occurrence and on that day a property tax camp was organized by his office and he was present over there from 10:00 AM to 05:22 PM. It is further argued that photographs of accused Pramod Kumar and attendance register showing his attendance are also collected by the Investigating Officer and the same are part of charge-sheet. It is argued that complainant falsely implicated all three above-named accused persons, therefore, all above-named accused persons may kindly be discharged from the present FIR case.

This Court has given thoughtful consideration to the submissions made by Ld. Additional PP for State and Ld. counsel for accused persons and has also perused the record placed before the same.

The allegations against persons are that on 02.06.2019 at about 09:30 PM at Gali No.1, A-Block, I. P. Colony, Swaroop Nagar, Delhi, accused persons wrongly restrained complainant Ms. Sapna, gave beatings to her husband and caused injuries to her person with Brick on her head with the intention to cause culpable homicide not amounting to murder.

Perusal of the record shows that during the course of investigation, it was revealed that one of the accused namely Pramod Kumar was present at his office situated at SDMC, R. K. Puram, Delhi from 10:00 AM to 05:22 PM where a Special Property Camp was being organized. Photographs of the said camp are part of record. Further, CDR of accused Pramod Kumar also shows that his location was at Sector-9, R. K. Puram, Delhi, at the time of alleged incident. Certified copy of afore-said camp, certified

copy of attendance register, certified photographs and statements of gazetted officers of MCD have been collected by IO during the course of investigation which goes on to show that accused Pramod Kumar was present with other staff on 02.06.2019 between 10:00 AM to 02:00 PM. This clearly shows that accused Pramod Kumar was not present at the place of occurrence as alleged by Complainant.

Keeping in view of the above discussion, accused Pramod Kumar is discharged for the offence punishable under section 308 IPC, however, prima facie case for offences punishable under section 308/323/341/34 IPC is made out against remaining two accused persons namely Anil Kumar and Manju and that there are strong suspicion that they had committed the said offences. Accordingly, charges for the offences punishable under section 308/323/341/34 IPC have been framed against accused persons namely Anil Kumar and Manju to which they do not plead guilty and claim trial.

Be put up for PE on **26.05.2025**.

Let PWs whose name has been mentioned in the list of prosecution witness at serial no.1, 2 along with IO be summoned through SHO concerned for NDOH.

(Sushil Kumar)
Addl. Sessions Judge-04
North District Rohini Courts Delhi
04.04.2025 ^(R)