

State Vs. Babloo Kumar & Anr.

24.09.2019

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

Accused persons Babloo Kumar and Pankaj Kumar produced from JC.

Ms. Kirti, Ld. counsel for both the accused persons.

Arguments on the point of charge(s) heard.

Brief facts are :

That on 01.05.2019, while on patrolling, on receipt of DD No. 58B, Inspector Rajender Khatri reached at BSA hospital, where HC Sandeep met him, who produced MLC No. 5882/19 of Dinesh, MLC no. 6128/19 of Gandhi Yadav, MLC No. 6127/19 of Rajan and MLC Nos. 5883/19 & 6130/19 of Rajkumar @ Raja, who was declared brought dead. The dead body of Rajkumar @ Raja was preserved in the mortuary through Ct. Manmohan. In the hospital itself, Dinesh Yadav met Inspector Rajender Khatri, who made the following statement, which reads as under:

“That he is a driver. Babloo alongwith his family was residing at his house on rent. About two months ago, he got vacated the said premises, as Babloo did not pay rent on time and total sum of Rs.32,000/- was due from Babloo. He used to ask about the said balance amount.

In the afternoon of 01.05.2019, he alongwith his son Rajkumar demanded for the balance of said rent amount, on which he got annoyed and attacked them. He also received injuries. They all went to BSA Hospital and before reaching the police, they all returned to

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their houses. In the evening, Babloo alongwith his two brother passed by their house and all of them got enraged and started assaulting him and his three sons and all of them brandished knives and attacked them with knives on them, as a result of which all his three sons received injuries and Rajkumar died, whereas Gandhi Yadav and Rajan were hospitalized. While, assaulting Babloo and his two brothers were saying “Yeh toh jinda wapis aa gaye? Aaj inka kaam tamam kar dete hain, na yeh jinda rahenge wa na him kiraya mangenge. All the three persons had assaulted him and his sons in order to kill them”.

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 MLCs of injured persons and the postmortem report, a prima facie case U/s 302/307/323/34 IPC is made out against both the accused persons.

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

Be listed for PE on **09.12.2019**.

PWs Nos. 1, 4 & 5 along with IO & MHC (M) be summoned for the next date of hearing.

(Sanjeev Aggarwal)
Addl. Sessions Judge-02(North)
Rohini Courts Delhi
24.09.2019