

SC No. 657-2021
State Vs. Karan
FIR No. 561/2021
PS : Dabri
U/s : 307/34 IPC
CNR No. DLSW01-010203-2021

02.01.2023

Present: Shri Dushyant Siwatch, Ld. Addl. Public Prosecutor for the State.
Shri Robin Kamra and Ms. Namrata, counsels from the office of Chief
Legal Aid Defence counsels for the accused.
Accused Karan is produced from JC.

Arguments on charge heard.

During the course of arguments, counsel for the applicant submits that present accused has not caused any stabbed injuries to the injured, therefore, offence under Section 307/34 IPC is not made out.

On the contra, learned Additional Public Prosecutor submits that present accused was present with other accused persons at the time of commission of crime, moreover, present accused caught hold to the injured. Other co-accused CCL 'T' had caused several injuries by using knife, therefore, present accused is also liable for the offence under Section 307/34 IPC.

After having gone through the submissions of both the parties and perusal of the record, I find that there is clear allegations against the present accused that he was present alongwith other accused persons at the time of commission of crime and he actively participated in the crime, however, main accused who caused the stabbed injury is JCL. In view of the nature of injuries and active participation of the present accused in the commission of crime, prima facie a case is made out for the offence under Section 307/34 IPC.

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Separate Charge for the offence under Section 307/34 IPC is framed against the accused to which he pleads not guilty and claim trial.

PWs Dr. Sanjay Rai, Om and Sandeep S/o Sh. Rajender be summoned through IO concerned for next date of hearing. Also issue summons to MHC(M) concerned to produce the case property, if any, on next date of hearing.

Re-list the matter for prosecution evidence on 09.02.2023.

(R. L. Meena)
ASJ-05/South-West District,
Dwarka Courts/New Delhi
02.01.2023 (hg)