

CNR No.: DLNT01-000641-2022
SC No.43/2022
FIR No. 163/2021
PS Adarsh Nagar
U/s. 394/397/34 IPC
STATE Vs. Surender Verma @ Munna &
Jitender Kumar Maurya

14.07.2023

Present: Sh. Himanshu Garg, Ld. Addl. PP for the State.
Accused Surender Verma @ Munna in person on bail.
Accused Jitender Kumar Maurya produced from J/C.
Sh. R D Singh, Ld. Counsel for both accused persons.

Fresh Vakalatnama on behalf of accused Surender Verma in the Court today. Same be taken on record.

Arguments on the point of charge have already been heard on the last date of hearing. Vide this order, this court shall decide whether or not the accused persons should be charged for the offences alleged against them.

Ld. Addl. PP for the State has submitted that there is sufficient material to frame charge against both the accused persons namely Surender Verma @ Munna and Jitender Kumar Maurya, therefore, charge should be framed against above-named accused persons for the offences alleged against them.

Ld. Counsel for both accused persons has submitted that all the allegations made by the complainant are false and concocted. It is further submitted that the both the accused persons namely Surender Verma @ Munna and Jitender Kumar Maurya have not committed any offences, as alleged by the complainant and have been falsely implicated in the present FIR case. It is further argued that both above named accused persons have been involved as accused persons in the

present FIR case on the basis of the disclosure statement recorded in other case. It is also argued that in the present FIR, there is not mention that both accused persons were present at the scene of crime on the date of incident. It is further argued that Investigating Officer has not collected any incriminating evidence against both the accused persons. It is further argued that both the accused persons have been falsely implicated by the police officials in connivance with the complainant and therefore, the offences punishable U/s 392/394/411/397 IPC & offence punishable U/s 27 Arms Act are not made out against the accused persons namely Surender Verma @ Munna and Jitender Kumar Maurya, therefore, both the accused persons may kindly be discharged.

Submissions heard. Record perused.

Perusal of the file shows that allegations against accused persons are that on 06.04.2021 at about 01:10 PM, in front of ICICI Bank, Service Road, Panch Wati, Adarsh nagar, Delhi, both the above-named accused persons, in furtherance of their common intention, committed robbery of bag of Complainant Sh. Kishan Kumar containing Rs.3,90,000/-, his aadhar card, two ICICI Bank binded Cash / cheque deposit slip book, driving licence, ICICI Cheque book and while committing robbery caused injuries to him. As per the IO, there is a CCTV Footage wherein accused Jitender Kumar Maurya is clearly visible using deadly weapon i.e., country made pistol at the time of committing the said robbery. Further, the allegation against accused Jitender Kumar Maurya is that he was found in possession of Rs.1,90,500/- out of the robbed money of the complainant which he had transferred in his HDFC bank account no.50100283202485 from mobile shop namely Umra Telecom Through moneygram.

Perusal of file also shows that the allegation against accused Surender Verma are also that on 12.04.2021 at unknown time in front of T. D. Girls College, Vivek Khand, Gomti Nagar, Lucknow, UP, he was found in possession of robbed ICICI Bank Cheque Book of complainant Sh. Krishan Kumar, one Redmi Mobile Phone which was purchased from the robbed money of complainant and he also transferred Rs.10,000/- out of the robbed money of the complainant in your Punjab National Bank Account No.7795000100077959 on 08.04.2021 through moneygram.

In case titled as Bhawna Bai Vs. Ghanshyam and others, (Criminal Appeal No. 1820 of 2019) Arising out of SLP(Crl.) No. 6964 of 2019, Hon'ble Supreme Court of India has observed in para 16 of the said judgment as under:-

“ Para 16.....For framing the charges under Section 228 CrI.P.C, the judge is not required to record detailed reasons. As pointed out earlier, at the stage of framing the charge, the court is not required to hold an elaborate enquiry; only prima facie case is to be seen. As held in Knati Bhadra Shah and another V. State of West Bengal (2000) 1 SCC 722, while exercising power under Section 228 CrI. P.C, the judge is not required record his reasons for framing the charges against the accused.....”

At the stage of framing of charge, this Court has to see whether there is prima facie ground for proceeding against the accused. It is axiomatic that even the strong suspicion that the accused has committed the crime, is sufficient to frame the charges. It is also well settled that the standard of proof adhered to at the final decision of the case is not to be adopted at the stage of framing of charge. The Court is not to appreciate or weigh the evidence, which the prosecution proposes to lead during the trial. Even, otherwise, the veracity of the Complainant can only be ascertained after recording his / her evidence in

the Court.

Considering the facts and circumstances of the case, this Court is of the considered view that prima-facie case is made out for the offence punishable **U/s 392/394/411/34 IPC** against accused person namely **Surender Verma @ Munna** to which he pleaded not guilty and claimed trial.

Further, considering the facts and circumstances of the case, this Court is of the considered view that prima-facie case is made out for the offence punishable **U/s 392/394/397411/34 IPC And U/s 27 Arms Act** against accused person namely **Jitender Kumar Arya** to which he pleaded not guilty and claimed trial.

List the matter for PE on **09.10.2023**.

Complainant and 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
14.07.2023