

SC 308/2023
STATE Vs. LALIT
FIR no.1260 /2022
PS Mangol Puri

24.05.2023

Present: Sh. Sanjay Jindal, Ld. Addl. PP for the State.
Both accused produced from JC.
Ms. Asha Jyoti Arya , Ld. LAC for accused Lalit.

Matter is at the stage of arguments on charge.

Heard arguments on charge.

Arguments on charge heard.

Deceased Jaichand was brother of accused Lalit and son of accused Omprakash. He was a drug addict. In the morning of 12.12.2022, he started altercation with his mother for demand of money for intoxicants. When mother refused for the same , he started manhandling her . He was over powered and was tied with a rope. Thereafter, the mother , father and the younger brother left for their work. In the evening of 13.12.2022, Lalit informed them that he had untied Jaichand to feed him. But he again started misbehaving, therefore, he killed him with hammer and by slitting his throat with blade.

Thereafter, Omprakash and Lalit concealed the body of deceased.

PW Akash and Vinod Kumari have told that accused Lalit and Omprakash had tied the deceased as he was not able to control his urge for intoxicants and was misbehaving with his family members including his mother. It is apparent that the accused persons had no intention to murder the deceased when he was tied with the ropes. The purpose of tying the deceased was to prevent him from causing any physical harm to himself

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and to other family members and not to wrongfully confine him. The murder was committed by accused Lalit alone when all the family members had left for their work. They were not even aware about the murder committed by Lalit till evening of 13.12.2022. Thus, no offence of criminal conspiracy for murder is made out against any accused. Accused Lalit only would be liable for offence U/s 302 IPC.

Further, it has come on record that in order to cause disappearance of evidence, accused Lalit and Omprakash had disposed off the dead body of the deceased after he was murdered by accused Lalit . Thus, both the accused person are liable for offence U/s 201/34 IPC.

Formal charge is framed separately to which both accused pleaded not guilty and claimed trial.

Put up for statement of accused U/s 294 Cr.P.C. and for PE on **01.09.2023**.

Let complainant Akash be summoned for next date of hearing.

Now, since the offence standing against accused Omprakash is bailable one, he be released on bail on condition of furnishing of personal bond in the sum of Rs.10,000/- with one surety in the like amount.

Copy of the order be sent to the concerned Jail Superintendent.

**BABRU BHAN
ADDL.SESIONS JUDGE-03,
NORTH WEST DISTT,
ROHINI COURTS
DELHI/24.05.2023**