

State Vs. Roshan Jha
SC No.448/22
FIR No.215/22
PS Prem Nagar

21.07.2022

Present: Sh. P.K.Ranga, Ld. Substitute Addl. P.P. for State.
Both accused persons are present and stated to be bail.
Sh. Rajesh Kumar Jha, Ld. Defence counsel for the accused.

Matter is fixed for arguments on charge.

It is submitted by Ld. Defence Counsel that there is no incriminating evidence against any of the accused persons. From the contents of the initial complaint, it is evident that none of the applicants had intention to cause the death of complainant/ injured. The injury, if any, has not been caused on the vital part of the body. It is submitted that if the case of the prosecution is believed, then also offence U/s 324 IPC is made out. It is prayed that both the accused persons be discharged from the offence punishable U/s section 307 /34 IPC.

It is further submitted that the knife has been implanted upon accused persons. It is prayed that they be discharged from the offence punishable U/s. 25/27 Arms Act.

Heard Counsel for accused persons and Ld. Substitute Addl.PP for the State on the point of charge and perused the complete charge sheet.

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As per the case of prosecution, present FIR was lodged on the basis of complaint of Sh. Prakash dated 27.01.2022 whereby he has disclosed one previous incident dated 06.12.2021 and the incident dated 27.01.2022. It is stated that on 27.01.2022, when he reached gali near TVS showroom at around 5 p.m., both the accused persons came there and started beating him. Accused Bashar caught hold of him from the back while accused Roshan tried to stab him with knife. He tried to stop him with his left hand due to which he suffered injuries on his left hand. Thereafter, accused Roshan again hit him on his chest and he suffered injuries on his chest. As per the MLC, the injured had stab wound on his left hand and two stab wounds on his chest. The knife was got recovered from accused persons.

Prima-facie, there is enough material on record for framing charge against both accused persons for having committed the offence punishable U/s.307/34 IPC and 25/27 Arms Act .

Charge accordingly framed against both accused persons to which they pleaded not guilty and claim trial.

***Put up for PE/admissions of documents, if any
U/s.294 Cr.P.C. on 18.10.2022.***

**(KIRAN GUPTA)
ADDL.SESIONS JUDGE-03,
NORTH WEST DISTT,
ROHINI COURTS
Delhi/ 21.07.2022**