

SC No. 485/22
FIR No. 151/2020
P.S. Sultanpuri
STATE Vs. SALEEM ABAAS & ANR.

10.02.2023

Pr: Sh. K.D. Pachauri, Ld. Addl. PP for the State.
Accused Saleem Abaas and Vivek Kumar @ Pankaj
produced from J.C.
Sh. Brahmanand Gupta, Ld. LAC for accused Saleem
Abaas.
Sh. Abhimanyu Kumar, Ld. Counsel for accused Vivek
Kumar @ Pankaj.

Supplementary charge sheet filed qua FSL result. Same is
taken on record. It be tagged with main case file. Copy supplied
to both the accused persons.

Arguments on the point of charge heard. Record perused.

It is submitted by Ld. Counsel for accused Vivek Kumar
that there is no evidence against accused Vivek Kumar except the
disclosure statement of co-accused which is not admissible and
there is no evidence brought on record to show that the place
where the alleged offence has been committed belong to accused
Vivek, therefore, there is no connecting link to connect the
accused Vivek with the commission of offence.

The record, however, shows that as per the case of
prosecution the room where the murder was committed belongs
to accused Vivek Kumar and at his instance, the motorcycle of
the deceased and blood stains clothes were recovered. Therefore,
there is sufficient material available on record prima facie under
Sections 364/364A/302/34 IPC against accused Vivek Kumar
and Saleem Abaas.

contd.2...

So far as the offence under Section 201 IPC is concerned, no prima facie case under Section 201 IPC is made out against accused Vivek Kumar as he had not caused any disappearance of evidence and the disappearance of evidence i.e. weapon of offence (blade) was committed by accused Salim Abaas only. Charge be framed accordingly.

Charge **under Sections 364/364A/302/34 IPC is framed against both the accused persons and under Section 201 IPC against accused Saleem Abaas** separately to which they pleaded not guilty and claim trial.

List for P.E. on **02.05.2023. PWS-Sh. Priyanshu and Sh. Ram Ganesh be summoned for the said date.**

(Vikram)
ASJ-02/Spl. Judge (NDPS),
North West, Rohini Courts,
Delhi/10.02.2023