

SC No. 729-2019
State Vs. Anil Kumar @ Ishdev @ Kala & Anr.
FIR No. 420/2019
PS : Bindapur
U/s : 307/34 IPC & 25/27 Arms Act
CNR No. DLSW01-011309-2019

14.09.2022

Present: Shri Dushyant Siwatch, Ld. Addl. Public Prosecutor for State.
Shri V. S. Chauhan, LAC for the accused Anil Kumar @ Ishdev.
Shri S. K. Singh, counsel for the accused Pradeep.
Both accused on bail.

Arguments on charge heard.

During the course of arguments, counsels for the accused submit that both the accused persons have been falsely implicated in the present case. Perusal of the statement of the injured Shri Neeraj, it appears that initially altercation took place between the parties on the very small issue. It is also alleged by the injured that accused persons slapped him and thereafter one of the accused, namely, Kala has allegedly caused stab injury on his stomach and thereafter accused persons ran away from the spot. It is further submitted that there is no previous enmity between the parties and a quarrel took place on the small issue, therefore, no inference can be drawn that accused were having intention to cause the death of the injured/complainant. It is further submitted that the offence under Section 307 IPC is not made out, however, offence under Section 324 IPC is made out.

On the contra, learned Additional Public Prosecutor submits that there are sufficient material on record to presume that the alleged offence under Section 307 IPC is made out against the accused persons. Learned Additional Public Prosecutor in support of his arguments has drawn the attention of the Court on the

statement of Shri Neeraj wherein he stated that 'before giving the stabbed injuries accused Kala told to Banti that “*isko pakad mai aaj maja chakhata hoon*”. Accused Kala was having knife and he caused stabbed injuries on the stomach of the complainant which is a vital part.

After having gone through the submissions of the Learned Addl. PP for the State and counsels of accused, I find that nature of the weapon i.e. knife used in crime and causing stab injury upon the stomach of complainant i.e. vital part shows that accused persons were having intentions to commit the offence punishable under Section 307 IPC. Accordingly, the charge u/s 307/34 IPC be framed against them.

Separate Charge for the offence under Section 307/34 IPC is framed against both the accused persons to which they plead not guilty and claim trial.

PWs Neeraj, HC Kabul and Ct. Sohal Pal 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 **16.12.2022**.

(R. L. Meena)
ASJ-05/South-West District,
Dwarka Courts/New Delhi
14.09.2022 (hg)