

**IN THE COURT OF SH. VIRENDER KUMAR BANSAL
PRINCIPAL DISTRICT & SESSIONS JUDGE
NORTH-WEST DISTRICT, ROHINI COURTS, DELHI**

SC No. 499/24
State Vs. Abhishek @ Bajji
FIR No. 38/24
PS North Rohini
U/s 307/34 IPC

CNR No. DLNW01-006190-2024

11.07.2024

Present: Sh. G. S. Guraya, Chief Public Prosecutor for State.
Accused Abhishek @ Bajji produced from J/C.
Sh. Sanjay Kumar, Advocate for accused.
Heard on the point of charge.

Ld Chief Public Prosecutor for State submitted that Mahesh alongwith his friends Sandeep, Sachin and Kishan had gone to Cafe Lounge Rangrej, RG Complex, Sector-8, Rohini, Delhi to celebrate the birthday of Kishan. In that lounge, Abhishek @ Bajji, resident of Vijay Vihar, Phase-II used to work. Mahesh and his friends earlier had a quarrel with Abhishek and his friends 'SH' and 'S' (both juvenile). On seeing Mahesh and his friends, Abhishek started abusing them. They had reached the Cafe Lounge Rangrej at about 10-11 PM, remained there for about 3-4 hours, during which Abhishek @ Bajji continued to abuse and ill-treat them and ultimately started quarreling with them. When Mahesh, alongwith his friends Sandeep and Sachin started going towards his house, Abhishek stopped them and told them that he will teach a lesson to them. He called his friends 'SH' and 'S' and asked them to come to the lounge. Mahesh alongwith Sandeep and Sachin

came out of the bar at about 3:00 AM, but Kishan stayed back as he used to work in the same lounge. When they came out, they booked a cab and while they were going to board the cab and reached near the divider of Sector 7-8, on a green colour scooty, CCL 'S' and 'SH' came there and started slapping them and thereafter attacked them with knives. Ld Chief Public Prosecutor submitted that statements of all the witnesses were recorded. Sandeep and Sachin also corroborated the statement of complainant Mahesh. Sandeep stated that accused Abhishek caught hold of him from behind and CCL 'SH' stabbed him. This statement of Sandeep is corroborated by the statement of Sachin. They also stated that after sustaining injuries when Sandeep fell down, Abhishek also kicked and hit him, due to which, he sustained injuries on his lips and mouth. Ld Chief Public Prosecutor submitted that all these facts clearly show that they all three, i.e. Abhishek, CCL 'SH' and 'S' in a planned manner attacked Mahesh and Sandeep and stabbed them. Mahesh had sustained three incised wounds and Sandeep had sustained one incised wound clearly show that they had the intention to kill them and prayed that they be charged accordingly.

Ld counsel for the accused submitted that there is no evidence against the accused Abhishek, there is no role assigned to him in the whole incident. There is no call details placed on record that Abhishek made any call to the other co-accused and asked them to come there. The only allegation against him is that he came there from behind and gave 2-3 kick blows to Sandeep. Ld counsel submitted that to attract Section 34 IPC, there must be something on record to show that there was any meeting of mind and in

furtherance of that common intention, they had done some act, which is missing in the present case. Ld counsel submitted that under the circumstances, no offence punishable U/s 307/34 IPC is made out against the accused and prayed that he be discharged.

After hearing the arguments and going through the record, in my opinion, at the stage of framing of charge, only a prima facie view is to be taken to find out, if there is evidence on record raising strong presumption against the accused about his involvement in the commission of offence. In this case, as per the complaint also, there were three persons, i.e. Mahesh, Sandeep and Sachin. Mahesh and Sandeep have sustained injuries. Mahesh stated that it was the accused Abhishek, who called his friends, which is also corroborated by Sandeep. Sandeep and Sachin also stated that Abhishek caught hold of Sandeep from behind and CCL 'S' stabbed him. No doubt, Mahesh does not say initially in his statement in this regard but when his statement was again recorded on 16.02.2024, he also stated so. Contention of defence counsel is that it is only an afterthought to somehow implicate the accused, though he has no role to play in the commission of offence. There is also nothing on record that the other two CCLs were even known to the accused, but keeping in view the statements of Sandeep and Sachin and also the injuries on the person of Sandeep and Mahesh, I find that prima facie offence punishable U/s 307/34 IPC is made out against the accused. He is accordingly charged for the offence punishable U/s 307/34 IPC, to which he pleaded not guilty and claimed trial.

Now to come up for PE on **31.07.2024**. Witnesses Sandeep, Mahesh and doctors, alongwith the IO be summoned for the next date.

(Virender Kumar Bansal)
Principal District & Sessions Judge(NW)
Rohini Courts, Delhi/11.07.2024