

FIR No. 282/18
PS : Sultan Puri
State vs. Subhash Kumar and anr

6/8/2018

Present: Sh. Rajat Kalra, Ld. Addl. PP for the State

Both the accused are produced from JC

Sh. A.K. Chaurasiya, Ld. Defence counsel for accused
Subhash Kumar Jha

Sh. Ashwani Tripathi, Ld. Proxy Counsel for Sh. R.P.
Tripathi, Advocate for the accused Vishwajeet

The case is listed for consideration of charge.

It is argued by Ld. Defence counsels that both the accused persons have been falsely implicated in this case. It is stated that the incident did not take place in the manner it is narrated in the complaint of the complainant and there was no recovery of the knife in question which was allegedly used in the commission of offence and hence both the accused persons are entitled to be discharged.

Per contra, Ld. Addl. PP for the State has controverted the contention of Ld. Defence counsels.

I have perused the complaint of the complainant on the basis of which this FIR was registered. Complainant has specifically alleged that on the date of the incident while he was returning home, he was stopped by three boys and he was robbed of his mobile phone and wallet and Rs.270/- and other articles on the point of knife and two accused namely Subhash Kumar Jha and Sagar were apprehended at the spot. Subhash Kumar jha was found in possession of the robbed mobile phone. Supplementary statement of the complainant was recorded in which he said that it was accused Vishwajeet who had used knife in the commission of offence.

At this stage, the said statement of the complainant cannot be disbelieved. The contentions of Ld. Counsels for the defence

are matter of trial.

After going through the entire material, there is prima facie ground to proceed against both the accused persons u/s 392/34 IPC and additionally against accused Vishwajeet u/s 397 IPC and additionally against accused Subhash Kumar Jha u/s 411 IPC. Charge is accordingly framed against both the accused persons to which they plead not guilty and claim trial.

List this case for PE on 15/11/2018. The witnesses cited at sl. no. 1, 2, 4, 5, 6 of the list of witnesses be called. MHCM with case property be also called for the said date.

(Deepak Garg)
ASJ-II, North-West
Rohini: Delhi
06.08.2018