

SC 80/2023
State Vs. Mohd. Seraj @ Chhotu
FIR NO. 398/2022
U/S 307/201 IPC
PS: New Friends Colony

17.02.2023

Present: Sh. Anil, Ld. Substitute Addl. PP for the State.
Accused Mohd. Seraj from JC.
Sh. Rohit, Remand Advocate for the Accused.

It is noted that the accused is not represented by any advocate. Remand Advocate Sh. Rohit has been asked to assist the accused in present case.

Arguments on the point of charge have been heard.

Record perused.

The accused has been charge-sheeted for the offence u/s 307/201 IPC with the allegations that he had stabbed the victim, his wife, thrice using a knife. As a result, she sustained grievous injuries. As per the subsequent medical opinion, injuries sustained by the victim were on vital parts on her body which were endangering to life. Prima facie, it appears that the injuries were caused with an intent or knowledge to cause death of the victim.

So far as the allegations for the offence u/s 201 IPC are concerned, there is no evidence except the disclosure statement of the accused that he had thrown away the knife in a drain after the incident. The knife in question was never recovered. Mere disclosure statement is no evidence and is not sufficient, even

prima facie to proceed against the accused for the offence u/s 201 IPC. As such, he is discharged for the offence u/s 201 IPC.

From the material available on record, prima facie, there are sufficient grounds to proceed against the accused for the offence u/s 307 IPC.

Accordingly, a charge for the offence u/s 307 IPC has been framed against the accused to which he has pleaded not guilty and has claimed trial.

Summons be issued to witness at Serial no. 1. Case property be also removed.

List for the prosecution evidence on **23.02.2023**.

Gaurav Gupta
ASJ-09, South-East District, Saket Courts,
New Delhi/17.02.2023