

SC No. 129/2024
STATE Vs. Shivam Kumar Singh
FIR No. 651/2023
PS: Sarita Vihar

25.04.2024

Present : Sh. Wasi-Ur-Rehman, Ld. Addl. PP for State.
Accused produced from J/C.
Sh. Bhagwan Jha, Ld. Counsel for accused.

A report has been sent in by the SHO concerned to the effect that the fire arm recovered during the course of investigation could not be forwarded to FSL for expert opinion. It is further reported that appropriate departmental recommendations have been made against the erring police officials.

At this stage, it is submitted that the Ld. Addl. PP that the matter may be proceeded further with respect to the framing of charge. He further submits that additional charge may be framed against the accused subsequently after receipt of FSL result.

Oral submissions heard on the point of charge.

Ld. Addl. PP for State submits that sufficient materials are available on record to frame charge against the accused u/s 307 IPC.

On the other hand, it is submitted by Ld. Counsel for the accused that the entire story put forth by the police is unbelievable. He submits that it is difficult to believe that a stranger, who does not know either the accused or the person whose car the accused was allegedly attacking at the relevant time, would intervene and apprehend the accused and confront him as to why he was attacking the car. He further submits that actually the said stranger, who is the

complainant in the present case, is an accountant in the firm where the accused was previously employed and the accused has been falsely implicated in this case by his previous employer. He further submits that the falsity of the prosecution case could be gauged from the fact that the said stranger did not sustain any injury despite a bullet being fired at him by the accused at the relevant time. He prays that the accused may be discharged.

This Court has considered the submissions.

A bare perusal of the chargesheet reflects that prima facie charge u/s 307 IPC is made out against accused Shivam Kumar Singh as he discharged a fire arm against complainant at the relevant time. It does not matter if the complainant did not sustain any injuries at that time. The submissions made by the Ld. Defence counsel are in the nature of 'defence' and are not to be considered at this stage.

Separate charge framed against accused to which he has pleaded not guilty and claimed trial.

Put up for PE on 02.07.2024 and 08.07.2024. **Let complainant and public witnesses be summoned through IO / SHO concerned for NDOH. A separate court notice be issued to the SHO concerned to promptly file the FSL result in this case.**

(Lovleen)
ASJ-03 (South East)
Saket Courts, Delhi/25.04.2024 (ds)