

11.07.2025

Present: Sh. A T Ansari, Ld Addl. PP for the State.
Accused Sooraj @ Nepali produced from JC.
Accused Ram Kumar @ Bunty in person.
Sh. Naveen Kumar, Ld counsel for both accused.

ORDER ON CHARGE

1. Oral Submissions have been advanced on the point of charge.

2. During the course of oral submissions Ld. Addl. PP for State submits that the materials available on record are sufficient to frame charges punishable u/s 392/307/34 IPC and 411 IPC against the accused Sooraj @ Nepali. He further submits that certain incriminating facts are available against the co-accused Ram Kumar @ Bunty as well. He elaborates the same as under:-

- a). Said accused is named in the FIR;
- b). the vehicle which was used at the time of commission of offence was seized from the possession of said accused and;
- c). police has been able to examine a witness during investigation who has claimed stated that he sold the said vehicle to said accused.

He prays that co-accused Ram Kumar @ Bunty be also charged accordingly.

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3. On the other hand, Ld. Counsel for the accused Ram Kumar @ Buntty submits that no recovery was effected from the said accused during investigation and that the police had planted the recovery of vehicle upon the said accused. It is further submitted that the said accused was not identified during TIP proceedings. It is further submitted that the said accused is liable to be discharged.

4. Ld. LAC for accused Sooraj @ Nepali has submitted that the victim was attacked by a CCL and not by the said accused. It is further submitted that since there was no intention to eliminate the victim, accordingly Section 307 IPC is not made out against the accused Sooraj @ Nepali. It is accordingly submitted that the matter may be remanded to the Court of Ld. Magistrate for trial.

5. This court has considered the above submissions and the records.

6. The facts of the case are that at the relevant date, time and place, the victim boarded a TSR to travel to Lakkarpur. He was seated between two passengers in the rear seat of the said TSR. One more boy was sitting in the front of the said TSR along with its driver Buntty. Immediately after the victim had boarded the TSR, the two boys seated in the rear with the victim attacked him and asked him to handover all his belongings and threatened him with grave consequences in case of non-compliance. One of the said two boys removed the wallet from the trouser of victim while the other boy was

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trying to snatch away the mobile phone of the victim. Since victim was not giving up his mobile phone, accordingly, the boy who was trying to snatch it addressed the TSR driver as 'Bunty bhai' and said that the victim is not handing over his mobile phone. Then, the TSR driver asked one CCL 'M.SA @ K' to thrust a knife into the victim. Immediately, thereafter, the boy seated on the right side of victim gave three knife blows on the person of victim. Victim managed to get down from the TSR and was able to seek police assistance. In the meantime, all the four offenders fled away in the TSR.

7. FIR was registered at the instance of victim. During the course of investigation, police was able to apprehend and arrest accused Sooraj @ Nepali and accused Ram Kumar @ Bunty. Police recovered some of the belongings of victim from accused Sooraj @ Nepali. Police recovered a TSR and two number plates from the possession of accused Ram Kumar @ Bunty. Both of them got apprehended two of their accomplices- CCL- 'M.AH' and CCL- 'M.SA @K'. During the course of investigation, victim reported to the police that he could identify only the two boys seated in the rear with him at the relevant time. Victim identified accused Sooraj @ Nepali during the course of TIP Proceedings.

8. Given the fact that accused Sooraj @ Nepali was identified by the victim during the TIP proceedings and the fact that belongings of the victim were also recovered from him during the

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course of investigation, **this Court finds it appropriate to hold that accused Sooraj @ Nepali is liable to be charged u/s 392/34, 307/34 and 411 IPC.** Admittedly, victim has categorically stated to the police during investigation that he could only identify the two boys seated with him in the rear of TSR at the relevant time. Admittedly, police is not in possession of any direct evidence which could place the accused Ram Kumar @ Bunty inside the TSR at the time of commission of above offences. The factor pointed out by the Ld. Addl. PP for State against the accused Ram Kumar @ Bunty are insufficient to charge him. **In such circumstances, this court not direct framing of charges against accused Ram Kumar @ Bunty. He is liable to be discharged from the present case. Ordered accordingly. His bail bonds and surety bonds are also cancelled.**

9. Charge u/s 392/34, 307/34 and 411 IPC have been framed against the accused Sooraj @ Nepali, to which he pleaded not guilty and claimed trial.

10. **IO, PW Abhishek Kaushal and MHC(M) be also summoned for the NDOH.**

11. Put up for PE on **28.08.2025.**

(Lovleen)
ASJ-03 (South East)
Saket Courts, Delhi/11.07.2025(sk)