

**SC No.245/22**  
**State Vs. Virender Pal @ Shan Mohd.**  
**FIR No. 437/2021**  
**PS Sarita Vihar**

13.07.2022

Present: Shri Salim Khan, learned Chief Public Prosecutor  
for State.

Accused produced from JC.

Shri Manish Kumar Sharma, learned legal aid  
counsel for accused.

IO Insp. D. K. Tejwan in person.

Arguments on charge were heard on the last date of  
hearing.

Learned Chief Public Prosecutor has submitted that  
FIR was lodged on the complaint of Reshma, who is mother of  
deceased Rukshar and was not biological mother of accused, who  
used to live with her. He submits that prima facie charge for  
offence under Section 302 IPC is made out against the accused.

Learned legal aid counsel has submitted that there is  
no direct evidence against the accused for commission of the  
offence. He submits that the accused has been falsely implicated  
in this case and no ground for framing of charge is made out.

As per the statement of complainant Reshma, she  
got married 20 years back and was living with her husband in  
Delhi. After few months, her husband had left the accused with  
her asking her to take care of him. She used to take care of the  
accused as her son and named him Shan Mohammad. Accused  
fell in bad company. Due to this reason two months back she  
started living at Jasola Village. Accused used to drink liquor. She

and her daughter Rukshar used to reprimand accused for this. Yesterday also, accused came home drinking liquor on which she and her daughter reprimanded him. On this accused had threatened them to kill. On 15.12.2021 at 7.00 am, complainant left home for work leaving her daughter and accused at home. At 10.00 am, she came back home and found her house locked. Her neighbourer told that after she left house, accused and deceased were present in the room. From the phone of Zakir, she called at her daughter's phone, accused picked the phone and she asked about her daughter. Accused told her that Rukshar is taking tuitions and he is coming back with Rukshar. She waited for 45 minutes but accused did not come with her daughter. She again called accused and told her that she has to take BP medicine and she is breaking the lock. On this, accused asked her not to break the lock. After sometime, she again called accused but phone was switched off. She got suspicious and asked Zakir to break the lock. When she had gone inside the room, she found Rukshar covered with cloth on charpai. When she removed the cloth, she found the throat of Rukshar cut and blood was spread around her. She raised alarm. Accused was arrested on 16.12.2021 and the weapon of offence i.e. knife was recovered from the spot. The blood stained clothes of the accused are sent to FSL and report is awaited.

There is statement of the complainant dated 16.12.2021 under Section 161 Cr.P.C. wherein she has stated that the accused used to remain unhappy with her daughter as she used to talk with her distant relative Sharukh on phone. Despite this, Rukshar used to talk with Sharukh on phone. Due to this,

both had quarreled number of times. Few days before while quarreling with Rukshar accused has stated that in case she did not stop talking with Sharukh he will kill her.

There is postmortem report as per which the cause of death is hemorrhagic shock due to cut throat injury in neck caused by sharp edged weapon.

In view of the facts and circumstances, prima facie evidence is there against the accused for offence punishable under Section 302 IPC. Charge is framed accordingly, to which accused pleaded not guilty and claimed trial.

Be put up for prosecution evidence on 05.09.2022.  
The complainant and IO be summoned for the date fixed.

(SANJAY GARG-I)  
Principal District & Sessions Judge  
South East District, Saket Courts  
New Delhi : 13.07.2022 (ar)