

FIR No- 270/2021
PS- New Friends Colony
U/Sec. 302/201/120B/34 IPC &
U/Sec. 25 Arms Act.
State Vs. Muskan & Ors.

21.07.2022

Present : Sh. L.D. Singh, Addl. PP for the state.
Sh. Rishabh Mistry, Proxy Counsel for accused Kaushlendra.
Sh. Vivek Gautam, Counsel for accused Vivek & Vishal.
Sh. Ajay Kumar, Counsel for accused Raj Kumar.
Ms. Anu Narula, Counsel for accused Muskan and Triza.
Accused Vishal @ Kallu and Raj Kumar Gupta are present.
Accused Mohd. Zamaluddin, Koshlendra, Muskan, Vivek and
Triza are produced from JC.
IO Inspector Suman Kumar.

1. Letter received from DCP, South-East, in which he has sought some more time for filing reply. Request accepted. Copy of this order be sent to DCP South-East for information and compliance.

2 Accused Jamaluddin has filed interim bail application on medical grounds stating that he is not getting proper treatment of his ear. In response to the same, Medical Officer, Tihar Jail, has filed report on 11.07.2022 stating that accused is scheduled to visit AIIMS Hospital on 20.07.2022. It is also stated that accused is complaining earache with sensation of noise in both ears. So, Medical Officer, Incharge, Central Jail No. 5, Dispensary, Tihar, New Delhi, is directed to appear in person with the latest report of accused on next date of hearing i.e. 27.07.2022. Accused Jamaluddin be also produced on 27.07.2022. For the limited purpose of dealing with said application, this matter will be taken up on 27.07.2022.

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3. Ld. Counsels for accused Kaushlendra, Jamaluddin and accused Vishal, have submitted that they are conceding the fact that charge under relevant provision of law, for which said accused persons are charge-sheeted be framed against said accused persons.

4. Ld. Counsel for accused Vivek has submitted that there is no rule of accused Vivek as per chargesheet and the only allegation against him, based on disclosure, is that, he has shifted dead body from one room to other. Therefore, he must be discharged.

5. Ld. Counsel for accused Muskan & Triza has submitted that against said accused persons, only charge u/sec. 201 IPC, at the most is made out for which said accused persons can be charged. She has further submitted that her clients did not attack the victim and no charge u/sec. 302 IPC can be framed against them.

6. Ld. Counsel for accused Raj Kumar has submitted that there is no evidence, direct in nature against his client and therefore, his client must be discharged.

7. Ld. Addl. PP for the state has submitted that no accused person has to be discharged in this case. As per him, prosecution has strong case for conviction and dispute regarding facts, cannot be appreciated at the stage of arguments on charge. As per him, version of Ld. Counsels for accused persons, who are disputing charge, is based on their probable defence, which cannot be appreciated at this stage.

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8. The IO present today has submitted that there is CCTV footage, recovery of weapon of offence at the instance of accused persons, statements of the witnesses and other evidence, collected by him during investigation, which only indicate that accused persons cannot be discharged.

9. Arguments heard. Record perused.

10. It is 12.36 pm. Order on charge shall be passed at 4 pm today i.e. 21.07.2022.

[PRASHANT SHARMA]
ASJ-02, South-East/Saket/Delhi
21.07.2022

21.07.2022 (AT 4 PM)

Present : Sh. L.D. Singh, Addl. PP for the state.
None for accused persons.

Vide my separate order of even date, matter has been decided on the point of charge.

Now, Next date of hearing i.e. 01.09.2022 given in the morning, is fixed for framing of charge.

[PRASHANT SHARMA]
ASJ-02, South-East/Saket/Delhi
21.07.2022