

SC No. 476/2019
STATE Vs. MOHD. ALAM & ANR.
FIR No. 769 /2015
PS Jaitpur

19.02.2020

Present: Sh. Zenul Abedeen, Ld. Chief Public Prosecutor for the State.
Accused Mohd. Alam and Nooruddin are present on bail with the counsel Sh. Sandeep Kumar.

Arguments heard on point of charge. File perused.

Ld. Chief Public Prosecutor has argued that in view of the statement of the complainant coupled with other facts, *prima facie* offence punishable **under Section 307/341/34 IPC** is made out.

Ld. Counsel for the accused has argued that there is no *prima facie* case against the accused persons pursuant to the charge-sheet, where it is recorded that no sufficient evidence could be collected against the two accused persons and they had been mentioned in Column No. 12. It is further argued that as per the Call Details Record, their location was not found near the scene of incident. Moreover, police had gone to their houses after the commission of offence at about 01.00 pm and they were found available in their respective houses. Furthermore, as per the FSL Report, injuries on the arm of the complainant could be self-inflicted. It is thus, submitted that there is no *prima facie* case made out against both the accused persons, who have been wrongly summoned in the present case.

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I have heard the arguments and perused the record. **My findings are as under:**

The complainant has categorically stated that on the date of the incident i.e. 19.10.2015 at about 11.00 pm, he was going on his motorcycle when he was waylaid by the two accused persons, who were also on their motorcycle. He was stopped and confronted by the accused persons. In the meanwhile, accused Nooruddin took out the weapon and fired at the complainant, because of which complainant suffered bullet injury on his left arm. Thereafter, both the accused persons left from the spot. Information was conveyed to the police, who visited the house of both the accused persons and arrested them. There is categorical statement of the complainant, which cannot be ignored or overlooked at the stage of framing of charges, albeit Call Details Report, FSL Report and alibi is concerned, they are all support evidence which needs to be tested on trial.

Hence, *prima facie* offences punishable under **Sections 341/307/34 IPC** are made out against both the accused persons, to which they pleaded not guilty and claimed trial.

Put up for prosecution evidence on **07.04.2020**.

(Neena Bansal Krishna)
District & Sessions Judge
South East, Saket Courts,
New Delhi : 19.02.2020 (KSR)