

SC 335/2021
STATE Vs. SAJID KHAN & ANR
FIR NO. 77 /2021, PS Sarita Vihar

23.10.2021

Present: Sh. Wasi-Ur- Rahman, Ld. Addl. PP for the
state.

Both accused produced from JC.

Sh. Anees Ahmad, Ld. Counsel for the accused
persons.

Ld. Counsel for the accused submitted that
motorcycle No. DL12SJ-5999 recovered from the possession of
the accused Sajid Khan was in fact registered in the name his
deceased father. The said motorcycle was ordered to be released
on superdari on the application his mother Hadisa Begum but the
same has not yet been released by the IO/SHO concerned. He
further submitted that the accused has no objection if the said
motorcycle is released on superdari to his mother and to this
effect has given his NOC in writing. The same is taken on record.

Considered.

The IO/SHO is directed to release the aforesaid
motorcycle to the mother of the accused on fulfilling the other
conditions of superdari passed by the Court.

Now arguments on point of charge heard.

I have carefully gone through the entire charge sheet
u/s 173 CrPC, statement of complainant and other witnesses
recorded under section 161 CrPC, MLC, Postmortem report,
seizure memos of weapon of offence, other exhibits and other
related documents on record. The cause of death of Mohammad
Jahangir S/o Mohammad Khalilaged 19 years male is reported as
under:

“Hemorrhagic shock as a result of stab injury to left side of chest which is sufficient to cause death in ordinary course of nature. Injury no. 2 is antemortem in nature and caused by sharp edged weapon.”

The entire evidence on the file at this stage shows that accused persons-- Sajid Khan and Keshav Yadav in furtherance of their common intention have allegedly committed the offence. I am of the view from the evidence on record at this stage, prima facie case u/s 302/34 IPC is made out qua both the accused persons and offence under section 25 & 27 Arms Act is made out against accused Keshav Yadav.

Charge for the aforesaid offences have been framed separately to which they have pleaded not guilty and claimed trial.

Put up for PE on 15.12.2021 and 16.12.2021.

At least one witness each be called for next dates of hearing.

(SUMIT DASS)
ASJ-04 + Spl. Judge (NDPS) South East District,
Saket Court, New Delhi: 23.10.2021