

IN THE COURT OF SH. NAVJEET BUDHIRAJA
ADDITIONAL SESSIONS JUDGE-02, SOUTH DISTRICT,
SAKET COURTS, NEW DELHI

SC NO. 38/2023
FIR NO. 342/2022
PS Saket
u/s 302/34 IPC

IN THE MATTER OF

State

Versus

1. **Sher Singh Rawat,**
S/o Sh. Sabar Singh Rawat,
R/o H. No. 404, Khasra No. 587/570, Maidangarhi, Delhi,
2. **Ritik @ Anshul,**
S/o Sh. Deshpal,
R/o Plot No. 613, Gali No. 1, Near Mother Dairy, Saidulazab Delhi
(also at- VPO Bhoora, PS Kairana, District Shamli, UP)
3. **Sonu Kumar @ Addu,**
S/o Sh. Hiralal,
R/o H. No. C-539, Prayaran Complex, Saidulajab, Delhi
..... Accused

18.11.2023

ORDER ON CHARGE

1. This order shall govern the issue whether there is sufficient material on record to frame charges against the accused persons.

2. The adumbration of the case of the prosecution is that on 25.08.2022, on receipt of DD No. 16A, it was found that deceased Arvind Sah was found admitted at Max Hospital who was brought dead vide MLC No. 3622/2022 and it was found during investigation that the deceased was missing since the previous date and had not come back from his office. During further investigation, statement of eye witnesses namely Surender Saini and Shiv Kumar were recorded as per which the deceased Arvind Sah was assaulted and battered by accused Sher Singh Rawat and Ritik @ Anshul. The motive for commission of the crime is stated to be the money dispute in connection with the provision for arranging liquor as the deceased and the accused persons were already known to each other. In so far as the role of the accused Sonu Kumar @ Addu is concerned, as per the prosecution on the night of the incident accused Sonu @ Addu through the mobile phone of his friend Yash Yadav @ Rahul called accused Anshul @ Ritik and thereafter participated in the assault and thrashing of the deceased along with one Vishal who could not be traced. Further, as per the investigating agency, incident has been captured in the CCTV footage, the record

of which has also been filed along with charge sheet.

3. On behalf of the accused Sonu, Ld. counsel clamored for his discharge on the premise that as per the contents of the FIR, no role has been ascribed to accused Sonu and none of the eye witness has spoken about the role of the accused Sonu. Ld. counsel further pointed out that as per the statement of witness Yash Yadav @ Rahul, the phone number relied upon by the prosecution does not belong to the accused Sonu nor to the said witness Yash Yadav. Ld. counsel also pointed out that the accused Sonu is also not visible in the CCTV footage.

4. On behalf of the accused Sher Singh, it was argued that there is no believable motive as cited by the investigating agency and none of the CCTV footages demonstrate the involvement of the accused Sher Singh in assaulting or killing the deceased and only last seen evidence is not sufficient to frame charge.

5. On behalf of the accused Ritik @ Anshul, no arguments have been advanced.

6. The CCTV footage has been shown by the investigating officer Inspector Surta Nand on his laptop and the sequence shown therein also forms the part of charge sheet. The chain of incident observed in the CCTV footage is as under:

S. No.	Date & Time in Footage	Location	Remarks/incident
1	24.08.2022 at 11:01pm	Opp. Mother dairy booth and shopping complex	Sher Singh starts his bike, turns
2	24.08.2022 at 11:01pm	Do	Sher Singh stops bike on road
3	24.08.2022 at 11:01:50pm	Do	Swiggy delivery boy Vishnu Bishwas reaches and takes out keys of m/cycle of Sher Singh
4	24.08.2022 at 11:03:20pm	Do	Swiggy delivery boy delivers the ice-cream
5	24.08.2022 at 11:04pm	Do	Sher Singh returns to his bike, Anshul also reaches there on bike
6	24.08.2022 at 11:04:40pm	Do	Swiggy delivery boy returns from the spot
7	24.08.2022 at 11:05pm to 11:39pm	Do	Sher Singh and Anshul are seen talking at the spot
8	24.08.2022 at 11:39:20pm	Do	Sonu Kr. @ Addu and Vishal reach the spot on bike
9	24.08.2022 at 11:40:15pm	Do	Anshul, Sonu and Vishal taking Arvind across the Chowk, opp. 113

			Block
10	24.08.2022 at 11:40:15pm	Do	Sher Singh also seen going to the spot
11	24.08.2022 at 11:45:50pm	Do	Anshul, Sonu and Vishal return to their bikes
12	24.08.2022 at 11:47:10pm	Do	Sher Singh also returns there
13	24.08.2022 at 11:47:30pm	Do	Sonu @ Addu runs towards the spot across the chowk
14	24.08.2022 at 11:47:45pm	Do	Anshul also runs towards spot
15	24.08.2022 at 11:48:00pm	Do	Vishal also goes there
16	24.08.2022 at 11:49:25pm	Do	Anshul, Sonu and Vishal return back to the bikes, Addu leaves
17	24.08.2022 at 11:54:00pm	Do	Anshul and Vishal again rush towards the spot
18	24.08.2022 at 11:55:30pm	Do	Both return to the bikes
19	24.08.2022 at 11:58:00pm	Do	Sonu @ Addu returns with son of Sher Singh
20	25.08.2022 at 00:01:30	Do	All leave the spot, Arvind Sah is not seen anywhere

7. It is clear from the aforesaid chain of incident observed in the CCTV footage that all three accused persons are shown to be present at the place of incident. The eye witnesses namely Surender Kumar Saini and Shiv Kumar and Swiggy Delivery boy Sh. Vishnu Bishwas have made categorical statement against the accused Sher Singh and Ritik @ Anshul. Thus, there are sufficient grounds to frame charge against all the three accused persons under section 302/34 IPC.

**PRONOUNCED IN OPEN COURT ON THIS 18th DAY OF
NOVEMBER 2023**

**(Navjeet Budhiraja)
ASJ-02 (South)/ Saket Courts
New Delhi**