

**SC No. 142 of 2024**  
**State Vs Mohd. Anish & Ors.**  
**FIR No. 395/2023**  
**PS Sangam Vihar**

**30.05.2025**

**Present:** Sh. Sanjay Mishra, Ld. Substitute Additional PP for the State.  
All accused in person on bail.  
Sh. Tariq Hashmi, Ld. DCLADC for all accused.  
Complainant in person.

It is submitted by both the parties that matter could not be settled between the parties.

Arguments on the point of charge heard.

The case of the prosecution in succinct is that complainant had given one written complaint where he stated that he used to give food to the stray dogs and accused persons used to object for the same and also threatened to kill those stray dogs. Accused persons also abused the complainant and his family members by their caste and also hurled that “ki tum chamar vah bhangi neech jaat ke ho, tumhe yahan rehne ka adhikar nahi hain, tum log hum uchi jaati walo ke saath nahi reh sakte, hum tumhe yahan nahi rehne denge”. Complainant had given a complaint in this regard in the police station on 14.01.2023 but with the intervention of the police, he took his complaint back. On 08.06.2023, accused Moha. Anish threatened the brother of the complainant by saying, “tum chamar log in kutto ki dekh bhal karna nahi chodoge aur tum yahan se nahi

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jaoge toh tujhe hum ladki ke ched chad ke aarop mein fasa denge”.

Further, on 09.06.2023, at about 10:00 AM, when complainant Manish Kumar along with his brother Harish Kumar returned home, all the accused persons started beating them with dandas and rods, on hearing the commotions, mother and sister of complainant also reached there and all the accused persons also beaten them. During the assault, accused Mohd. Anish also attacked the complainant with some sharp object on his head because of which he sustained grievous injury. All the accused persons also damaged the motorcycle of the complainant with brick.

In so far as making of casteist remarks to the complainant and his family and invocation of Section 3(1)(r)(s) of the SC & ST Act are concerned, firstly it is noted that in regard to part of the allegations, there is no specific date, time and place where the alleged casteist remarks were made by the alleged accused persons. Further, in regard to the alleged incident dated 09.06.2023, it is not made out from the complaint, statement of the witnesses under Section 161 Cr.P.C. and statement of Rajwati under Section 164 Cr.P.C. that the alleged casteist remarks were made in public view in the presence of independent persons as enunciated in Section 3(1)(r)(s) of the SC & ST Act (reference is made to the Judgment of **Supreme Court**

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**of India in Hitesh Verma Vs The State of Uttarakhand, Criminal Appeal No. 707 of 2020 (Arising out of SLP (Criminal) No. 3585 of 2020) dated 05.11.2020).** In view thereof, Section 3(1)(r)(s) of the SC & ST Act is not, prima facie, attracted against the accused persons.

In so far as Section 509 IPC is concerned, again there are no specific allegations on record regarding outraging the modesty of a women and hence, Section 509 IPC is also not attracted against the accused persons.

Further, in respect of other offences for which accused persons have been charge-sheeted, the present case indicates grave suspicion towards all the accused persons and accordingly, offence under Section 323/325/427/34 IPC and 3(2) (va) of the SC & ST Act are made out against all the accused persons and offence under Section 506-I is made out against accused Mohd. Anish.

**Accordingly, formal charge under Section 323/325/427/34 IPC and 3(2)(va) of the SC & ST Act r/w Section 34 IPC has been framed against all the accused persons and under Section 506-I IPC against accused Mohd. Anish. Charge has been explained to all the accused persons in vernacular. All accused have pleaded not guilty and claimed trial.**

At this stage, complainant Manish Kumar has requested for appointment of a Legal Aid Counsel for him. He

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has been informed to contact South District Legal Services Authority, Saket Courts for appointment of Ld. LAC.

**Let PW/Complainant Manish Kumar (mentioned at Serial No. 01 in the list of witnesses) be summoned through the SHO concerned for next date of hearing.**

**MHC(M) with case property, if any, be also summoned for next date of hearing.**

List now for prosecution evidence on **09.10.2025**.

Copy of this Order be dispatched to South District Legal Services Authority, Saket Courts.

**(Navjeet Budhiraja)**  
**ASJ-02 (South)/ Saket Courts**  
**New Delhi/30.05.2025**