

CNR No. DLST01-001808-2021

SC No. 67 of 2021

State Vs Dhirender Prasad

FIR No. 274/2020

PS Maidan Garhi

11.07.2023

Present: Sh. Santosh Kumar, Ld. Additional PP for State.
Accused on bail.
Sh. Rahul Senapati, Ld. Counsel for accused.
Sh. Tariq Hashmi, Ld. LAC for complainant.

Arguments on point of charge heard. I have perused the records carefully.

Contention of Ld. Counsel for the accused is that the incident in question allegedly took place on 01.11.2020 at around 02:00 PM but surprisingly no police call was made. It is submitted that the FIR was registered only on 09.11.2020 but there is no MLC of the same day and the MLC got made only three months later. It is further submitted that there is no independent witness and all the witnesses are known to the complainant. It is further submitted that money transaction is at the core of this FIR. One of the witnesses, namely, Om Prakash Pandey had borrowed money from the accused and in a well thought of plan, when the accused demanded his money back, the group consisting of complainant and witnesses levelled motivated allegations under the SC & ST Act against the accused. It is submitted that this group has similarly targeted few others from whom they had borrowed money. It is further submitted that the incident in question never took place.

Contd....

:2:

Ld. Additional PP for State as well as Ld. LAC for the complainant have submitted that there are direct allegations against the accused.

I have considered the rival contentions.

There is specific allegation against the accused that on 01.11.2020 at around 02:00 PM near Bhati Mines Bus Stand, the accused stopped the complainant and hurled casteist slurs at him. When the complainant objected, the accused started beating him up. At the time of incident, independent witnesses were also present. MLC dated 01.11.2020 of the complainant is on record which show that he suffered swelling over his left hand thumb. There is also specific allegation of criminal intimidation.

The contentions of Ld. Counsel for the accused are a matter of trial.

Prima facie, there is sufficient material on record to frame charge for the offences punishable u/s 323/341/506 IPC, 3(1)(r) (s) of SC & ST Act and 3(2)(va) of the SC & ST Act against the accused.

Accordingly, formal charge has been framed and explained to the accused. The accused has pleaded not guilty and has claimed trial.

Let PW Sh. Manoj Kumar (mentioned at Serial No. 01 in the list of witnesses) be summoned through the IO for next date of hearing.

Contd....

:3:

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

IO be summoned for next date of hearing.

Now to come up for PE on **06.10.2023**.

(Vrinda Kumari)
ASJ-02 (South)
New Delhi/11.07.2023