

CNR No. DLST01-002705-2021

SC No. 144 of 2021

State Vs Singa Ram & Ors.

FIR No. 70/2015

PS Ambedkar Nagar

17.08.2022

Present: None for State.
Accused Singa Ram and Amar Kumar on bail.
Accused Shanta Kumar is PO.
Sh. Rabindra Tiwary, Ld. Counsel for both accused.

Ld. Additional PP for State is stated to be on leave today. Ld. Substitute Addl. PP is stated to be unavailable at this stage.

Submissions of Ld. Counsel for accused persons on point of charge heard. Records perused carefully.

It is pointed out by Ld. Counsel for accused persons that the complaint on the basis of which the FIR has been registered has been merely signed by the complainant who is illiterate. It is submitted that no CCTV was retrieved by the IO. It is further submitted that MLC of the injured would show that he was drunk at the time of incident. It is further submitted that it was also the night time and because of this, the complainant could not have identified the assailants.

Perusal of record, however, shows that there is specific allegation that on 17.01.2015 at 12:45 AM in a street in front of House No. 148, CPO Block, Madangir, the accused persons, namely, Singa Ram, Shanta Kumar (PO) and Amar Kumar came running towards the injured.

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Accused Singa Ram was carrying country made pistol. While accused Shanta Kumar and Amar Kumar incited accused Singa Ram, accused Singa Ram fired shots at the injured during which the injured received gunshot wound on his right leg. The MLC of the injured corroborates the allegations and he suffered two punctured wounds on the lateral aspect of his right thigh. These specific allegations cannot be ignored.

The contentions of Ld. Counsel for both accused including false implication and there being inconsistencies in case of the prosecution are a matter of trial.

Perusal of the charge-sheet including the statements u/s 161 Cr.P.C. shows that **prima facie, there is sufficient material on record to frame charge for the offence punishable u/s 307/34 IPC against both accused, namely, Singa Ram and Amar Kumar and charge for the offence punishable u/s 307 IPC & 27 Arms Act against accused Singa Ram.**

Accordingly, formal charge has been framed and explained to both accused. Both accused have pleaded not guilty and have claimed trial.

Let Sh. Om Prakash @ Monu (mentioned at Serial No. 01 in the list of witnesses) be summoned through the IO for next date of hearing.

Let Ct. Mahesh (mentioned at Serial No. 06 in the list of witnesses) be summoned through the IO for next date of hearing.

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

IO be summoned through the SHO concerned for next date of hearing.

Now to come up for PE on **09.02.2023**.

(Vrinda Kumari)
ASJ-02 (South)
New Delhi/17.08.2022