

CNR No. DLST01-003970-2019

SC No. 363 of 2019

State Vs Rakesh Yadav & Anr.

FIR No. 98/2019

PS Hauz Khas

07.10.2022

Present: Sh. Praveen Rahul, Ld. Substitute Addl. PP for State.
Sh. Ajeet Kumar, Ld. Counsel for complainant.
Complainant in person.
IO/ACP Veer Singh in person.
SI Deepanshu in person.

Heard. Records perused.

Submissions have been heard on the point of cognizance with specific reference to Avinash Sharma who has been kept in Column No. 12 of the charge-sheet.

Ld. Counsel for the complainant has argued that in the FIR, it has been mentioned that accused Rakesh, Rekha, 'S Y' and Avinash Sharma continued to abuse the complainant by using caste specific words. On the other hand, IO has submitted that the investigation did not disclose any incriminating evidence against Avinash Sharma.

Perusal of the charge-sheet would show that while specific sentences containing casteist slurs have been attributed to accused Rakesh Yadav and Rekha Yadav, there is a general allegation against Avinash Sharma that he scuffled (*dhakka-mukki*) with the complainant party and abused them using caste specific words. This allegation against Avinash Sharma is rather vague. The charge-sheet further discloses that the independent public witnesses, namely, Sh. Jaspal Singh and Sh. Prahlad

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have not disclosed involvement of Avinash Sharma in the incident in question. *In these circumstances, the Court does not find any ground to summon Avinash Sharma as an accused in the present case.*

Supplementary charge-sheet filed in the present case shows that accused Rakesh Yadav belongs to OBC Category. Accused Rekha Yadav is his wife. The charge-sheet discloses that complainant Gyan Chand belongs to SC Category.

Offences punishable under sections 3(1)(r)(s) of the SC & ST (Prevention of Atrocities) Act, 1989 have been pressed against accused Rakesh Yadav and Rekha Yadav.

There is sufficient material on record to take cognizance and summon accused Rakesh Yadav and Rekha Yadav.

Cognizance is taken.

Accused Rakesh Yadav and Rekha Yadav have been charge-sheeted without arrest.

Issue summons against accused Rakesh Yadav and Rekha Yadav through IO for next date of hearing.

IO be also summoned for next date of hearing.

Now to come up for appearance of accused persons and supply of copy of charge-sheet as well as supplementary charge-sheet on **07.01.2023.**

(Vrinda Kumari)
ASJ-02 (South)
New Delhi/07.10.2022