

CNR No. DLST-01-007363-2022

SC No. 389/2022

State Vs. Rajesh @ Dholu & Anr.

FIR No. 239/2022

PS Ambedkar Nagar

15.12.2022

Present: Sh. Santosh Kumar, Ld. Addl. PP for the State.
Sh. Ramesh Rawat, Ld. Counsel for both the accused.
Accused Rajesh @ Dholu on interim bail.
Accused Rahul on bail.

By way of an application, the MLC of the accused Rajesh @ Dholu has been placed on record by Ld. Counsel for the accused. Let a copy be supplied to the State.

Heard. Record perused.

The MLC of accused Rajesh @ Dholu is taken on record.

Further arguments on point of charge have been addressed. I have perused the record carefully.

The MLC placed on record today by Ld. Counsel for the accused to show that during the incident, accused Rajesh @ Dholu was also injured and he suffered laceration on right hand 2nd finger. Follow up in Plastic Surgery Physical OPD was also suggested. The contention of Ld. Counsel for the accused persons is that accused Rajesh @ Dholu was walking in the park after dinner on 11.04.2022 at about 9:30 PM and the complainant and his associates were consuming liquor there. They tried to snatch the mobile phone of accused Rajesh @ Dholu. When he resisted,

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complainant and his associates hit the accused Rajesh with iron rod because of which he sustained injury on his right hand finger. It is further submitted that gold chain of accused Rajesh was also snatched by the complainants.

Ld. Addl. PP for State as argued that the accused caused grievous injury on head of injured Deepak and there is a specific allegation against the accused.

I have considered the rival contentions.

The incident in question took place on 11.04.2022 at about 10:30 PM at A-1st Park, Madangir, Delhi. Injured Deepak suffered grievous blunt injury on head. He was admitted to AIIMS Hospital on 12.04.2022 at 12:38 AM. He remained unfit for statement till 15.04.2022. Statement of the complainant was recorded on 15.04.2022 on the basis of which present FIR was registered on 16.04.2022 at 12:12 AM. The other injured Raghuraj suffered simple injury. There are specific allegations against the accused persons.

The contentions of Ld. Counsel for the accused persons are subject matter of trial. ***Prima facie* there is sufficient material on record to frame charge in the present case against the accused persons as follows:**

- (i) **Accused Rajesh @ Dholu and Rahul : offence punishable u/s 307/34 IPC (in respect of injuries caused to injured Deepak), u/s 323/34 IPC (in respect of injuries caused to injured Raghuraj) and u/s 341/34 IPC;**

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**(ii) Accused Rajesh @ Dholu : offence punishable u/s 307
IPC.**

Now to come up for framing of formal charge on **03.01.2023**.

**(VRINDA KUMARI)
ASJ-02/SOUTH/SAKET COURTS
NEW DELHI/15.12.2022**