

SC No. 514/22
STATE VS. VIJAY KUMAR KALRA & ORS.
FIR No.728/18
PS-MEHRAULI

31.08.2024

Present :- Sh. Ashok Kumar, Ld. Addl. PP for State.

All accused on bail.

Sh. Sunil Kumar, Ld. Counsel for accused Kailash Nath.

Sh. Tabrez Ahmed and Sh. Deepak Ld. Counsels for accused Arun Kumar and Bal Kishan.

Sh. CP Nautiyal and Sh. Anant Rana, Ld. Counsels for the complainant.

Arguments on charge were already heard in the matter.

On behalf of the accused persons, it was argued that they have been falsely implicated due to a property dispute. It was argued that accused Kailash Nath is more than 70 years of age and suffers from back problem and that he could not have climbed up the ladder or assaulted the injured in any manner and that he has been named only to put pressure on the accused side. It was further argued that another FIR was also lodged which shows the actual incident that the injured had molested one of the girls and that he fell on the ground and sustained injuries. However, none of the accused persons are a party to those proceedings.

As per allegations, on 10.11.2018 at about 2:20pm, in the gali in front of H. No. 895C/31, War No. 8, Mehrauli, New Delhi, all the accused persons in furtherance of their common intention, caught hold of the injured Ajay Kumar and pulled him down from the rooftop to the ground using a ladder and thereafter,

accused Vijay Kumar Kalra hit him on his head with an axe causing him injuries.

As per the statement of the complainant, the accused persons while acting in furtherance of their common intention had pulled the injured down from the ladder, whether all four of them had individually climbed the ladder and reached the rooftop and then came down one by one is not clear from the complaint and the same is a matter of evidence. Further, the incident in question had taken place at 2:20pm, the injured was immediately taken to AIIMS Trauma Center. The MLC mentions the time as 3:13pm on the same day which is a reasonable time for the injured to have reached the hospital and receive treatment. In the MLC as well, the history has been mentioned as assault at patient's home by 3-4 persons by using an axe. The same is consistent with the statement made by the complainant to the police. At the stage of charge, the said statement alongwith medical documents are sufficient to make out a prima facie case against the accused persons and hence, none of them are entitled to a discharge.

In view of the material on record, statement of witnesses and the MLC, prima facie offence u/s 308/34 IPC is made out against all the accused. Charge be framed accordingly.

Charge u/s 308/34 IPC framed against all the accused to which they pleaded not guilty and claimed trial.

To come up on 26.10.2024 for PE.

(Gaurav Gupta)
Special Judge-NDPS/ASJ (South)
Saket Courts/31.08.2024