

SC 520/2022
STATE Vs. ROHIT@Neeraj AND ORS
FIR No. 311 /2022 PS (Tigri)
25.09.2024

ORDER ON CHARGE

Present:- Dr. Prayag Dutt Pandey, Ld. Addl. PP for the State.
Proceedings against accused Ashish @ Kalu already abated vide order dated 18.07.2022.
Accused Rohit @ Neeraj @ Chhote, Ajay @ Rehtal, Roshan @ Gautam and Aman @ Bhatija produced from JC.
Ms. Ritu Shahi, Ld counsel for accused Aman @ Bhatija
Sh. Vijay Kumar, Ld counsel for all accused persons except accused Aman @ Bhatija.

Arguments on charge had been heard on behalf of all accused persons. Ld. Addl. PP for the State has argued that charge is liable to be framed against accused persons.

Per contra, Ld counsel for the accused persons had argued that the accused persons could not be identified in the CCTV footage and that the accused persons had been arrested on the basis of disclosure statement of co-accused persons.

It is, therefore, prayed that accused persons be discharged.

Heard. Record perused.

Perusal of the record shows that statement of the victim i.e. Sh. Avdhesh Kumar dated 04.08.2022 had been placed on record whereby he had specifically leveled allegations that on 04.08.2022 at about 01:25 AM, when he was going on his motorcycle to his house and he reached near S.S. Public school, in front of Mandir wali Gali, three boys came on motorcycle and stopped his motorcycle.

He had further alleged that one of the boys sitting in the middle hit on his motorcycle, due to which he fell down alongwith his motorcycle. He had further stated that when he tried to call at his house from his mobile phone, the accused persons tried to snatch his mobile phone and when he raised an alarm to call his brother Narender, they started beating him and inflicted injuries with a knife on him.

He further stated that when he tried to save himself, his brother Narender opened the door of the house, the said accused persons fled away from the spot. In his supplementary statement he had mentioned that there were 7-8 boys and that they also showed a 'katta' to him. The said statement of the victim is also supported by the statement of his brother Narender, who had also stated that accused persons robbed Rs. 1200-1300/- of the victim by showing a *katta*/countrymade pistol and they returned his phone and empty purse.

As per the case of the prosecution, the country-made pistol was recovered at the instance of the accused Ashish on 05.08.2022 from his possession alongwith live cartridge and a knife was also recovered at his instance.

MLC dated 04.08.2022 of victim is also placed on record as per which, he had suffered the following injuries :-

- (i) Incised wound above the upper lip approx 3x1x1 cm.*
- (ii) Stab over anterior aspect of thigh above the knee approx 3x1 cm with hematoma in the medial aspect 2x2 cm size.*

The said injuries were opined to be 'grievous' in nature and was stated to have been inflicted with a sharp weapon.

In view of the aforesaid material placed on record by the prosecution, **prima-facie offence u/s 326/395/392/34 IPC is made out against all accused persons.**

Ordered accordingly.

(Manisha Khurana Kakkar)
ASJ (FTC)-01, South Distt.,
Saket, New Delhi/25.09.2024