

SC No.33/22
STATE Vs. RAKESH @ KALA BADMASH
FIR No.668/21
PS :DWARKA NORTH

08.07.2022

Present: Sh. Yogendra Adari, Ld. APP for the State.

All accused with Id counsel Sh. Jai Singh Yadav.

IO / SI Dharmender in person.

Counsel for the accused persons submits that offence u/s. 397 IPC is not made out against the accused persons as no deadly weapon was used by them and further no robbery was committed by them. The mobile phone of the complainant and his brother were within their custody throughout the alleged incident and no mobile was recovered from the accused persons.

Ld APP submits that while taking complainant and his brother in the car, the accused persons snatched the mobile phone of the complainant and did not return it. Therefore, robbery of mobile phone was committed and both brothers have received fracture due to beating which amounts to grievous injury and as grievous injury was caused while committing robbery, therefore, offence u/s. 397 IPC is made out.

On seeking clarification, IO submits that no mobile phone was recovered from the accused persons or the complainant.

At this stage, Ld. APP needs time to lead further arguments.

At request, matter adjourned.

IO to appear on next date with case diary.

Put up on **30.08.2022** for arguments on charge.

(Vipin Kharb)
ASJ-04(SW)/Dwarka Courts
08.07.2022