

Reg. No.SC/109/2019
State Vs. Rakesh Kumar Mishra
FIR No. 420/2017
PS: Palam Village

06.01.2020

Present: Sh. Girish Kr. Manhas, Ld. Addl.PP for the State with IO/ASI Shyam Sunder.
Accused Rakesh Kumar Mishra on bail with Ld. counsel Sh.R.K.Lamba.

Arguments on the point of framing of charge heard.

Record perused.

In brief, FIR in question came to be registered on the statement of complainant Ram Prasad, wherein he claimed that on 18.11.2017 at about 10:10 am, at gali no.8, Mahavir Enclave Part-I, Delhi, the present accused named therein, inflicted several blows upon him with hammer type weapon and fled away on alarm being raised by him.

Ld. Addl.PP has argued that offence u/s 307 IPC is made out in this case in view of the aforesaid allegations and the nature of injuries sustained by complainant/victim as mentioned in his medical treatment record filed alongwith charge-sheet. He has also pointed out that there is recovery of hammer at the instance of this accused during investigation.

On the other hand, counsel for accused has argued that no case is made out against accused for want of any reliable and cogent evidence. He has further argued that offence u/s 307 IPC is not attracted in this case for want of knowledge or intention to cause death

of victim.

The prosecution has relied upon treatment record of Bhagat Chandra hospital wherefrom the victim had received medical treatment for the injuries sustained during the incident in question. Same would show that victim had sustained Clean Lacerated wound on his frontal and occipital region, as also on his forehead, apart from other multiple injuries on different parts of his body including both the hands. The prosecution is also relying upon certificate dated 02.12.2017 of Divya Trust hospital, wherein it is mentioned that CT (face) report reveals fracture involving left anterolateral margin of nasal fossa with fracture of maxillary sinus walls inferiorly, lateral wall of nose and left nasal bone, frontal bone extending along anterior wall of left frontal sinus etc.

In the present case, there is alleged recovery of hammer at the instance of present accused who allegedly gave multiple blows of hammer on vital parts i.e. occipital region and forehead of the victim. Hence, the knowledge and/or requisite intention to cause death can be prima facie inferred from the manner in which offence was allegedly committed and the attending circumstances as brought out on record on the basis of discussion made herein above.

In view of the aforesaid facts and circumstances and the discussion made, Court is of the opinion that prima facie case for the offence u/s 307 IPC is made out against the accused. Accordingly, separate charges for the said offence framed against him, to which he

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pleaded not guilty and claimed trial.

Put up on **29.04.2020, 04.05.2020 and 05.05.2020 for PE.** PWs mentioned at serial no. 1, 4 and 5 be summoned for 29.04.2020. PWs mentioned at serial no. 2, 6 and 12 be summoned for 04.05.2020. PWs mentioned at serial no. 3 and 7 be summoned for 05.05.2020. Main IO/ASI Shyam Sunder be summoned for all three dates.

(VIDYA PRAKASH)
ASJ-03 & Special Judge (Companies Act)
Dwarka Courts (SW)/Delhi/06.01.2020