

FIR No. 242/15
Under Sections 302/201 IPC
P.S. Kapashera
State Vs. Abhinav Baweja
S.C. No. 440305/2016 (Old No. 79/15)

08.09.2016

Present: Sh. Dushyant Siwatch, APP for the State.
Accused Abhinav Baweja produced from J.C.
with counsel Sh. K.K. Jha 'Kamal'.

Today, the matter is fixed for order on charge.

The police has filed the charge-sheet for the commission of offence under Section 302/201 IPC against the accused on the allegations that he had committed the murder of his father Sh.Subhash Baweja and caused destruction of evidence to screen himself from punishment.

The counsel for the accused has argued that there is no incriminating evidence on record to show that the accused had committed the alleged offence and thus he is liable to be discharged. He has stated that even the cognizance of offence against the accused was bad in law for the said reason. He has submitted that the accused has been falsely roped in the present case by the police merely because the dead body of his father was recovered from his car. He has stated that no disclosure statement was made by the accused and even otherwise, the alleged disclosure statement is inadmissible in law. He has pointed out that though the investigating agency has claimed that the accused had committed murder of his father at his

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residence but it failed to record the statement of the wife and mother of the accused in that regard. He has contended that the fact that the accused was arrested from P.S. Kirti Nagar shows that he is innocent and had gone there to lodge a report regarding the missing of his father.

Per contra, the Addl. PP has submitted that the charge-sheet clearly discloses the commission of offence under Sections 302/201 IPC against the accused.

The case of the prosecution is that upon receiving a PCR call on 28.05.2015 at 9.32 a.m., the police officials of P.S. Kapashera reached Sharma Farm House situated on the road leading from Pir Baba to Samalkha and recovered a dead body from the back seat of a burning Maruti Esteem car parked outside the said farm house. During the course of investigation, it was revealed that the car was registered in the name of the accused and the dead body was of his father. When the police reached the residence of the accused, his wife informed that the accused was not available since morning. Upon being contacted on his mobile phone, the accused told the police that his father is missing since last night and he was going to P.S. Kirti Nagar to lodge the report. The accused was apprehended outside the police station whereupon he made a disclosure statement that he had committed murder of his father at his residence on 27.05.2015 at about 11 p.m by inflicting injuries on his head with a baseball bat and strangulating

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him with a bed sheet. He further disclosed that in order to conceal the commission of crime, he wrapped the dead body in a bed sheet; carried the same in his car to the said farm house and set it on fire. In pursuance to the disclosure statement, the accused got recovered the weapon of offence i.e. baseball bat and key of the said car from his house. Blood stains were also found in the house of the accused. As per the post-mortem report, the cause of death was opined as cranio-cerebral damage caused by **blunt force injury to head**, which was ante-mortem in nature and sufficient to cause death in ordinary course of nature. In his report dated 20.08.2015, Dr. V.K. Ranga, Specialist, Department of Forensic Medicine, DDU Hospital, Delhi, has also opined that the injuries on the body of the deceased could have been caused by the baseball bat recovered from the accused. The investigating agency has also recorded the statement of the elder brother of the accused namely Sh. Sachin Baweja under Section 161 Cr.P.C., wherein he has stated that the accused used to pressurize the deceased to transfer the first floor of the property in his name and on that account, he used to quarrel frequently with the deceased. Considering the entire material on record, prima-facie, there exists sufficient material for framing charge for the commission of offence under Sections 302/201 IPC against the accused.

Charge has been framed against the accused separately to which he has pleaded not guilty and claimed trial.

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At this stage, an application seeking directions has been filed on behalf of the accused. Let the copy of the application alongwith accompanying documents be sent to the concerned jail superintendent with a direction to submit the report regarding the ailment suffered by the accused and the treatment provided to him within 3 working days.

Put up for consideration on the above application on **17.09.2016** and for prosecution evidence on **29.11.2016**. PWs as per the list of witnesses be summoned through IO/SHO concerned.

Copy of the order be given dasti to the counsel for the accused.

(Sanjay Garg)
ASJ/Spl. Judge (NDPS),
Dwarka, New Delhi.
08.09.2016