

26 SC 365/2025
STATE Vs. CHAMAN ALIAS NIKKU
FIR No.80024375/2025
PS:(Palam Village)

18.11.2025.

Present: Shri Dushyant Siwatch, Ld. Chief PP for the State.
Accused is produced from JC.
Shri V. S. Chauhan, Deputy Legal Aid Defence
counsel for the accused.

Vide this order, I shall adjudicate on the point of framing of charge against the accused Chaman @ Nikku. The Ld. LADC for the accused has submitted that the accused has been falsely implicated in the present matter as there is no evidence to show that the accused had committed the theft of three water meters and no CCTV footage qua the said recovery has been placed on record. It is further submitted that the TIP of the case property has not been done and there is insufficient evidence to prima facie frame the charge against accused Chaman @ Nikku.

Per contra, it has been argued on behalf of Chief Prosecutor for the state there is sufficient evidence on record that the accused Chaman @ Nikku was found with three damaged water meters on 05.03.2025 and during investigation, he had revealed that he had sold the ACP Copper Wire and Silver idol to a Scrap Dealer for a sum of Rs.600/-. It is further alleged that the accused was previously convicted and there is sufficient evidence on record to prima facie frame charge against the accused.

Arguments heard. Record perused.

Perusal of the record and charge-sheet reveals that the E-FIR for the theft of aforementioned three water meters was made between 17.02.2025 and 28.02.2025 on behalf of complainant and no evidence could be found regarding the alleged person who had committed the theft. It is further alleged

that as per the charge-sheet, on 05.03.2025, on receipt of secret information near Neha Green Vatika on the pointing out of secret informer, the Raiding Team caught the accused who was carrying the plastic bags of India Gate Basmati Rice in which the aforementioned damaged meters were found and on them, on the blue part 'R' was written with white paint. As per the disclosure statement, the accused had committed the present offence as he was addicted to intoxicants.

Further, it is seen that the allegations of theft against the accused are between 17.02.2025 to 28.02.2025. The accused was found with three damaged meters on 04.03.2025. In the present case, it is seen that the statement of complainant/Virender has not been recorded and neither has TIP been conducted in the present case to identify whether they were the same stolen meters which were alleged to be stolen from the parking of the complainant in the present case. It is rather surprising that the complainant has not been examined at all to even prima facie show that the accused had infact retained those water meters which were allegedly stolen from his house. No videography or the photographs of alleged stolen damaged water meters are on record. Hence, in the considered opinion of the court, there is insufficient evidence on record to prima facie even prove that the accused was found with damaged three water meters which were allegedly stolen from the house of complainant. Accused be released on bail, if not wanted in any other case.

Relist the matter for furnishing of bail bonds U/Sec.483 BNSS on the NDOH i.e. 28.11.2025.

(Gurmohina Kaur)
ASJ-05/South-West District,
Dwarka/ Delhi/18.11.2025