

Reg. No.SC/292/2019
State Vs. Pramod @ Chhotu & Ors.
FIR No. 5/2019 of PS: Bindapur

28.01.2020

Present: Sh. Brijesh Kumar, Ld.(Substitute) Addl.PP for the State with IO/Inspector Rajeev Yadav.
All three accused persons namely Pramod @ Chhotu, Vishal Kumar @ Yashirou and Mohd. Sarwar Ali are produced in J/C.
Sh. Manoj Sharma, Advocate for accused Mohd. Sarwar Ali (Vakalatnama filed).
Sh.Avinash Upadhyay, Advocate for accused Pramod @ Chhotu.
Sh.Vikram Panwar, Advocate for accused Vishal Kumar (Vakalatnama filed).

Supplementary charge-sheet alongwith FSL result of CCTV footage filed. Copy thereof supplied to all the three accused persons.

Arguments on the point of charge heard. Record perused.

In brief, FIR in question came to be registered on the statement of complainant Summy Gupta s/o Late Sh.Naresh Chand Gupta, wherein he claimed that on 01.01.2019, at about 8:00 pm near General Chaudhary Shop, Vishu Vihar, Uttam Nagar, New Delhi, while he was walking in front of his house, he noticed that two persons namely Akash and Vishal, who were residents of same locality, were quarreling with each other. His neighbourer Bhaskar intervened in their quarrel and when they were about to leave, the associates including Mohit and 2-3 other boys of Akash and associates namely Sajan @ Sarwar and Chhotu who were also residents of same locality, of Vishal came there. Chhotu was having danda in his hand.

Quarrel again started between Akash and Vishal. In the meantime, accused Vishal took out knife and Sajan made exhortation to Vishal and Chhotu to kill them, on which accused Vishal went towards Akash while carrying knife. Mohit came in between them, on which Vishal gave knife injuries on both the hands of Mohit, whereas on the asking of Vishal, accused Chhotu and Sajan attacked the members of opposite group with dandas and bricks respectively. Not only this, when associate of Akash hit helmet against Vishal and his associates, accused Vishal gave knife blow to said associate of victim Akash and also gave knife blow to complainant Summy Gupta. It is also claimed that accused Chhotu gave danda blow on the hand of complainant and when his brother Sumit came there, he was also attacked with dandas and bricks by accused Chhotu and aforesaid Sajan.

Victim Sumit was declared dead at Mata Chanan Devi hospital. As per prosecution story, there is recovery of weapon of offence i.e. knife at the instance of accused Vishal. Cause of death of deceased Sumit is opined due to haemorrhagic shock via injury no.1 sufficient to cause death in ordinary course of nature. The prosecution is also relying upon subsequent opinion dated 06.03.2019 with regard to aforesaid knife, wherein it is opined that injury no.1 sustained by deceased Sumit could be possible with examined knife. Apart from this, the prosecution is also relying upon MLCs of other victims namely Summy Gupta, Mohit, Sumit, Akash and Sunny as well as their statements u/s 161 CrPC, wherein all those victims have corroborated the allegations in FIR and have named all these three

accused persons to be amongst the offenders.

In view of the aforesaid facts and circumstances, prima facie case for the offences punishable u/s 302/307/324/323/34 IPC is made out against all the three accused persons. Accordingly, separate charge for the said offences framed against them, to which they pleaded not guilty and claimed trial.

Put up on **20.05.2020 and 23.05.2020** for PE. PWs mentioned at serial no. 1, 14 and 21 be summoned for 20.05.2020. PWs mentioned at serial no. 2, 15 and 22 be summoned for 23.05.2020. Main IO/Inspector Rajeev Yadav be summoned for both the dates.

(VIDYA PRAKASH)
ASJ-03 & Special Judge (Companies Act)
Dwarka Courts (SW)/Delhi/28.01.2020