

SC No. 434/18

State v. Rohit and Anr.

FIR No. 107/18

PS – Connaught Place

19.03.2019

Present: Sh. Ravindra Kumar, APP.
Accused Rohit on bail.
Accused Rajender in JC with LAC Sh. Suresh Sisodia.

Arguments on charge have been heard and I have also perused the record.

As per the prosecution, complainant Mohit Kumar was selling shoes on 'fatta' next to Regal Building. On 23.09.2018 at about 9:45 PM he had gone for toilet on the back side of Regal Building. As soon as he crossed the gali and reached at the back, 4-5 boys were drinking beer there. They were shaking the bottle and beer was spilling. Few drops of beer also fell on him. When he told them not to do so, one of the boy, i.e. accused Rajender, caught his collar and hit on the back side of his head with a beer bottle. When he shouted for help, one boy, whom they used to call Guard 'Bhai', called his brother Siddharth and other persons who were winding up their shops. His brother and other persons came for help. On seeing them, 2-3 persons ran away but accused Rohit, hit on the face of his brother with broken bottle while saying that since he had come to save him,

he should be finished. The bottle hit on the face of his brother due to which he suffered injuries. Meanwhile, other persons caught accused Rajender and Rohit. The beat staff also reached there and apprehended the accused persons. As per MLC of complainant Mohit, he has suffered the following injuries:-

(1) A 1 cm x 1 cm swelling present in the occipital region over the scalp,

(2) A 4 cm abrasion mark present 2 cm lateral to left eye,

(3) A 2 cm x 0.5 cm lacerated wound present on exterior surface of left forearm 10 cm below lateral epicondyle of elbow joint,

(4) A 0.5 cm x 0.5 cm lacerated wound present over right forearm anterior aspect 5 cm above wrist joint, and

(5) A 4 cm liner abrasion present over right thigh (left) anterior aspect (left).

As per the MLC of Siddharth, he has suffered the following injuries:-

(1) 6 x 0.5 cm lacerated wound extending horizontally from lateral side of nose on left side into cheek with 3 cm in front of tragus, and

(2) 1 x 0.3 cm laceration above left elbow alleged history of physical assault .

As submitted by the Ld. APP, complainant/injured Mohit was hit on vital part i.e. occipital region. It appears that

the accused persons have hit the complainant/injured with such knowledge or intention and under such circumstances that if complainant had died, both of them would be guilty of culpable homicide not amounting to murder. In addition, they had also caused simple hurt with a broken bottle i.e. an instrument which can be used for stabbing, on the face of Siddharth.

In view of the aforesaid, there appears to be sufficient grounds for presuming that accused persons have committed offences punishable u/s 308/34 IPC and section 324/34 IPC.

Let charges be framed accordingly against both the accused persons.

Charges u/s 308/34 IPC and section 324/34 IPC have been framed against both the accused persons to which they pleaded not guilty and claimed trial.

Put up for PE on 27.04.2019.

(Rakesh Syal)
ASJ-03/NDD/PHC/New Delhi
19.03.2019