

State Vs. Anil Kumar & anr
FIR No.- 195/17
PS: J.P. Kalan

09.07.2018

Present: Sh. Girish substitute Addl. P.P for the State.

Regular Addl. P.P is on leave today.

IO Inspector Dharamvir Singh in person.

Accused Ankit Dagar and Anil Kumar @ Ajay
produced from J/C

Sh. Arun Sharma counsel for accused Anil Kumar

Sh. Mahesh Patel counsel for accused Ankit Dagar.

IO filed second Supplementary charge sheet
containing FSL result bearing report no. FSL-2017/B-9536 BIO
No.2703/17 dated 21.05.2018. Copy supplied to the counsel for
both the accused.

Arguments on the point of charge heard.

Counsel for both the accused persons submitted that
both the accused have been falsely implicated in the present
case. Neither they had caused murder of deceased nor any
firearm has been recovered from the present accused. It is
further submitted that there is no material on record which may
suggest that accused persons were involved or made any
conspiracy for the commission of murder of deceased. It is
further submitted that as per the prosecution, the role of both

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the accused persons is that accused Anil had caught hold the hand and accused Ankit had caught hold the leg of the deceased while committed his murder, therefore, offence punishable u/s 302 IPC is not made out against them.

On the contra, substitute Addl. P.P submitted that offence u/s 302 IPC is made out against all the accused persons. It is further submitted that all the accused were present at the time of commission of crime. It is further submitted that present accused had caught hold the hands and legs of the deceased and remaining co-accused namely Naresh and Vikas (declared P.O) fired upon the deceased, as a result of which he died, therefore, charge u/s 302/34 IPC be framed against all the accused persons.

Heard. From the material on record, particularly statement u/s 161 Cr.P.C of prosecution witnesses, it is apparent that both the accused were present at the spot along with co-accused persons and role of present accused were that they caught hold the hands and legs of the deceased while remaining said accused (declared P.O) fired upon the deceased, as a result of which he died. In my considered opinion, prima facie, charge for committing the offences punishable u/s 302/34 IPC is made out against both the accused persons. Accordingly, charges have

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been framed against them to which they pleaded not guilty and claimed trial.

Put up for PE on **17.09.2018**. Let at first complainant and doctor be summoned for the next date.

(R.L. Meena)
ASJ-02 (South- West),
Dwarka Courts, Delhi
09.07.2018