

Cr. Case 21064/2024
STATE Vs. [ASHUDEEP@Ashu](#)
FIR No.47 /2024
PS (CrimeBranch-S.W.Delhi)

16.05.2024

Present: Sh. Puspendra Verma, Ld. substitute APP for the State.
Sh. Rohit Kumar, Ld. counsel for all accused.
Accused Ashudeep and Akash produced from JC (bail bonds not furnished).
Accused Sandeep and Anil produced from JC (through VC).

Matter is at the stage of consideration on charge.

Argument on the point of charge heard. There is prima facie evidence against accused Akash and Ashudeep for framing of charge U/s 25 Arms Act. Charge is framed separately. Accused persons pleaded not guilty and claimed trial.

However, as far accused Sandeep @ Kala Jatheri and accused Anil Rohilla @ Chippi are concerned, apart from disclosure statements of the said accused persons themselves and of co-accused, there is no material on record against them. The said disclosure statements have not led to discovery of any fact. Hence, the same cannot be used against accused Sandeep @ Kala Jatheri and accused Anil Rohilla @ Chippi as the same is barred by provisions of Indian Evidence Act. There is absolutely no material to show that accused Sandeep @ Kala Jatheri and accused Anil Rohilla @ Chippi had entered into any criminal conspiracy with each other or with co-accused for either supply or procurement of illegal weapons allegedly recovered from co-accused

Akash and Ashudeep. However, despite the same, the said accused Sandeep @ Kala Jatheri and accused Anil Rohilla @ Chippi have been charge-sheeted in this matter and have been in custody since 28.02.2024 (accused Anil Rohilla) and 04.03.2024 (accused Sandeep @ Kala Jatheri).

In view of the above discussion, **accused Sandeep @ Kala Jatheri and accused Anil Rohilla @ Chippi are hereby discharged in this matter.**

From the above discussion, it is clear that accused Sandeep @ Kala Jatheri and accused Anil Rohilla @ Chippi have been charge-sheeted only on the basis of disclosure statements, which disclosure statements are inadmissible in evidence.

Let report be called from concerned DCP as to on what basis and under which legal provision were accused Sandeep @ Kala Jatheri and accused Anil Rohilla @ Chippi charge-sheeted in the present matter for NDOH.

Issue summons to PW mentioned at Sl. No. 1 & 3 through IO/SHO for NDOH.

Put up for PE/further proceedings on **30.05.2024.**

Copy of this order be sent to concerned Jail Superintendent, with directions to release accused Sandeep @ Kala Jatheri and accused Anil Rohilla @ Chippi from JC, if not required in any other case.

Copy of this order be also sent to DCP for intimation and compliance.

(RAJAT GOYAL)
CMM(SW)/DWK/16.05.2024