

**IN THE COURT OF ADDL SESSIONS JUDGE,
COURT NO. 5, ALIGARH**

Present: Sri Narendra Singh H.J.S.

S.T. No. 674/2009

CNR No. UPAL01-000575-2009

State of U.P. v/s Dal Chand and others

u/s 302 of IPC

P.S. Gonda, Aligarh

Disposal Of Application Paper No. 16Kha

The applicant Sri Om Prakash has moved this application paper no. 16Kha u/s 319 Cr.P.C. for summoning Niranjn Singh, Roop Singh, Balveer Singh and Narendra Pal Singh as co-accused in the matter concerning the offence u/s 302 of IPC in S.T. No. 674/2009.

The contentions advanced on behalf of the applicant and the assertions contained in the application, in brief are that the above named accused persons were named in FIR but the investigating officer did not file charge-sheet against them despite cogent evidence against them. It has further been averred that the witnesses examined so far by the prosecution proved the fact of the involvement of these accused persons in the occurrence and there is sufficient material against them to proceed with. Under these submissions, the learned counsel for the prosecution prays for summoning Niranjn Singh, Roop Singh, Balveer Singh and Narendrapal Singh to face the trial as co-accused in the case.

I have heard all concerned and gone through the records.

It is evident from the records that the occurrence concerning the present matter took place on 24.03.2008 at about 05:00 am when the accused persons namely, Niranjn Singh, Roop Singh, Balveer Singh and Narendrapal Singh under their common object took complainant's nephew Zalim Singh with them who later on found murdered.

Such allegations got prima facie support from the statements of the prosecution witnesses namely, PW1 Sri Om Prakash and PW2 Sri Ram Babu. These witnesses deposed that they had lastly seen the victim accompanying the above named accused persons. The entire evidence so far adduce on behalf of the prosecution satisfies the law enunciated

by Hon'ble Supreme Court for such matters. In fact, at present there is prima facie evidence available on records which reveals the guilt of the accused persons in committing the offence concerning this very matter so as to try them together with other accused persons. Resultantly, the application is liable to be allowed.

ORDER

The application paper no. 16Kha is hereby allowed. Accordingly, Niranjana Singh, Roop Singh, Balveer Singh and Narendra Pal Singh are summoned as accused persons for the offence u/s 302 read with section 149 of IPC so that they could be tried together with other accused persons. It is fixed for 29.02.2020 for appearance.

**Addl Sessions Judge
Court No. 5, Aligarh
13.02.2020**