

State vs.bal Ram & Anr

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Court : Delhi

Decided On : Feb-27-2018

Appellant : State

Respondent : Bal Ram & Anr

Judgement :

\$~22 * IN THE HIGH COURT OF DELHI AT NEW DELHI DECIDED ON :

27. h FEBRUARY, 2018 CRL.L.P. 253/2015

... Petitioner

STATE BAL RAM & ANR versus Through : Mr.Tarang Srivastava, APP. Through : Mr.Nitin Mittal, Advocate for R2.

... RESPONDENTS

+ CORAM: HON'BLE MR. JUSTICE S.P.GARG S.P.GARG, J.

(Oral) 1. Present leave petition to file appeal has been preferred by the State to challenge the legality and correctness of a judgment dated 08.01.2015 of learned Addl. Session judge in Sessions Case No.22/2014 arising out of FIR No.141/2013 PS Greater Kailash by which, the respondents were acquitted of the charges. The petition is contested by the respondents.

2. I have heard the learned counsel for the parties and have examined the file. Both the respondents were arrested to be the perpetrators of crime. They declined

to participate in the Test Identification Proceedings. The present case was lodged on receipt of DD No.42A dated 08.05.2013. It was informed to the Investigating Officer that Radhey Shyam, a security officer had sustained injuries on his body. Radhey Shyam was admitted to Jai Prakash Narayan Hospital and was medically examined. Injuries on his body were CrI.L.P. 253/2015 Page 1 of 2 opined grievous caused by a sharp weapon. In the statement recorded under Section 161 Cr.P.C., the victim implicated four assailants for inflicting injuries to him in the process of committing robbery. He also disclosed that his mobile was robbed by the assailants. In the Court statement, Radhey Shyam identified both the respondents to be the assailants who had caused injuries on his body.

3. The Trial Court acquitted the respondents primarily as there was conflicting version given by the injured witness as to the number of assailants. Certain minor discrepancies were also taken note of.

4. Considering the facts and circumstances of the case, this Court finds sufficient reasons to allow the leave petition and to appreciate the evidence of the witnesses examined by the prosecution while hearing the appeal on merits.

5. The leave petition is allowed. CRL.A. /2018 (to be numbered) For final disposal, list on 13th July, 2018. FEBRUARY27 2018 / tr/bh (S.P.GARG) JUDGE CrI.L.P. 253/2015 Page 2 of 2

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