

Sucha Singh and ors. Vs. State

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Court : Delhi

Decided On : Jul-08-2005

Reported in : 121(2005)DLT409; 2005(83)DRJ283

Judge : R.S. Sodhi, J.

Acts : Arms Act - Sections 25 and 27; Indian Penal Code (IPC) - Sections 34, 307 and 392; Code of Criminal Procedure (CrPC) - Sections 173

Appeal No. : Criminal Revision Petition Nos. 453, 454, 455 and 456/2005

Appellant : Sucha Singh and ors.

Respondent : State

Advocate for Def. : V.K. Malik, Adv.

Advocate for Pet/Ap. : K.K. Sud, Sr. Adv. and; Neeraj Jain, Adv

Disposition : Petition dismissed

Judgement :

R.S. Sodhi, J.

Crl. M.A. 5696/2005:

1. Allowed subject to just exceptions. Application disposed of.

Crl. Rev. P. 453 - 456/2005 & Crl. M.A. 5697/2005:

2. These Revision Petitions are directed against the order dated 25th February, 2005, of the learned Additional Sessions Judge in Sessions Case No. 43 and 44/2003 whereby the learned Judge has framed charges against all the accused under Section 307/34 IPC in case State v. Sucha Singh Etc. (F.I.R. No. 321/1998). Additional Charges were framed under Section 27 of the Arms Act against accused Sucha Singh. In case State v. Deepak Etc. (F.I.R. No. 324/1998) charges under Section 392/34; 307/34 IPC were framed against all the accused persons, with a separate charge under Section 27/25 of the Arms Act against accused Deepak.

3. It is contended by counsel for the petitioners that in State v. Sucha Singh Etc. (F.I.R. No. 321/1998), there is no material on record to justify a charge framed by the trial court under Section 307 IPC. He has taken me through the order under challenge and has strenuously argued that the CFSL report does not connect the gun alleged to have been used in the occurrence with the crime. He also states that there is nothing on record to show that this gun had been used in the occurrence. He also submits that statement of witnesses in the cross-case cannot be used to frame the charge against the petitioners.

4. Having given my careful thought to the contentions raised by learned counsel, I find that the order on charge although mentions the witnesses in the cross-case stating that guns and swords were used in the incident, the same has been taken by the learned Additional Sessions Judge as corroborative to the statements in the report under Section 173 Cr.P.C., filed in the case in question. There is ample material on record in the challan in the case, State v. Sucha Singh, which justifies the conclusion arrived at by the learned Additional Sessions Judge in his order dated 25th February, 2005.

5. Counsel for the State has with reference to the challan drawn my attention to various statements of witnesses who support the prosecution. In any event of the matter, I find no infirmity in the order under challenge.

6. Criminal Revision Petition Nos. 453/2005, 454/2005, 455/2005 & 456/2005 are dismissed. Crl.M.A.5697/2005 also stands dismissed.

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