

**Ashok Kumar Vs. State**

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**SooperKanoon Citation :** [sooperkanoon.com/709814](http://sooperkanoon.com/709814)

**Court :** Delhi

**Decided On :** Sep-16-2002

**Reported in :** 2002(64)DRJ610

**Judge :** O.P. Dwivedi, J.

**Acts :** [Code of Criminal Procedure \(CrPC\) , 1973](#) - Sections 439; Indian Penal Code (IPC) - Sections 34, 120B and 302; Arms Act - Sections 25 and 27

**Appeal No. :** Crl. M.M. 2741/2002

**Appellant :** Ashok Kumar

**Respondent :** State

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

**Advocate for Pet/Ap. :** U.S. Chaudhary, Adv

**Judgement :**

**O.P. Dwivedi, J.**

1. The petitioner was arrested on 27th April, 2002 in case of FIR No. 37/2002, under Sections 302/120B/34, IPC read with Section 25/27, Arms Act, P.S. Gokalpuri, Delhi. The only allegation against him is that the one country made pistol was recovered from him at the instant of co-accused Aarif who made

disclosure statement to the effect that he had taken pistol from the petitioner for committing offence. Besides Sections 25/27 of the Arms Act, the petitioner was roped under Section 302 with the aid of 120-B/34 IPC. But there is no independent evidence to prove that the petitioner was part of the conspiracy except his own disclosure statement which is not admissible in evidence. Challan has already been filed. He is no more required for investigation. There is no evidence of motive against the appellant. Admittedly he did not participate in the commission of crime.

2. Accordingly, the petitioner is admitted to bail on furnishing personal bond in the sum of Rs. 10,000/- with one surety in the like amount to the satisfaction of learned trial Court.

3. Cri.M.M. 2741/2002 stand disposed of.

4. dusty.

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