

Amit Vs State

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Court : Delhi

Decided On : Jul-15-2010

Judge : Mr. Sanjiv Khanna, J.

Acts : Indian Penal Code (IPC) - Sections 341, 308, 506, 34

Appeal No. : CRL.REV.P. 354/2010

Appellant : Amit

Respondent : State

Advocate for Def. : Mr. Arvind Kumar Gupta, Adv.

Advocate for Pet/Ap. : Mr. Ajay Rai, Adv.

Judgement :

ORDER

1. It is submitted that the case of the petitioner-Amit is identical to the case of Satpal, Dharambir, Sandeep and Pradeep, who have been discharged vide order dated 12th May, 2010.

2. FIR No. 676/2006 under Section 341/308/506/34 IPC was recorded on 5th June, 2006 on the statement of one Mr. Jai Prakash. In this FIR Mr. Jai Prakash had stated that at about 8.30 p.m. on 3rd June, 2006 he was going towards Lado Sarai bus stop with his sister-in-law and children to see them off. Mr. Vineet Malik

was walking ahead, when two boys Deena and Titu obstructed the way of Mr. Vineet Malik. Both of them started beating and giving blows to Mr. Vineet Malik. In the meanwhile, two other boys came at the spot with wickets in their hands and started beating Mr. Vineet Malik. Mr. Jai Prakash had

3. Mr. Vineet Malik was admitted in a hospital and was unconscious. Subsequently, Mr. Vineet Malik was discharged and his statement was recorded under Section 161 of the Code of Criminal Procedure, 1973 on 22nd June, 2006. He has stated that he, his mother, sister and maternal uncle (Jai Prakash) were going to the bus stand at 8.30 p.m. on 3rd June, 2006 and he was about 50-60 steps ahead of them. When he had crossed CNG Petrol Pump, a Maruti car without number plate stopped and Titu, Amit (the petitioner herein), Dinesh and Charni stepped out and started giving him fist blow. Titu and Dinesh were wearing brass punches in their hands. He has stated that he knew these persons from before. He has further stated that when he fell down on the floor due to the beating, Amit, the petitioner herein, hurled a gupti and in the meanwhile their maternal uncle, mother and sister intervened and raised an alarm. He became unconscious and after few days gained consciousness when he was in Safdarjung Hospital. Mr. Vineet Malik has specifically named Amit, the petitioner and his involvement. He had named Sandeep, Pradeep and Dharambir as persons, who came on a black coloured motorcycle and started beating him. This fact about motorcycle and 3 persons was not mentioned by Mr. Jai Prakash.

4. Learned counsel for the petitioner submits that an earlier statement of the complainant Jai Prakash was recorded on 4th June, 2006. In this statement Mr. Jai Prakash had stated that he had not seen the actual beating and when he reached the spot he found that Mr. Vineet Malik was in an injured condition and accordingly he was taken to the hospital. At this stage, it will not be appropriate to comment in detail about the so-called contradiction. Even if the contention of the petitioner that the statement dated 4th June, 2006 is correct is accepted; then due importance has to be given to the statement of the injured, which was recorded on 22nd June, 2006.

5. In these circumstances, I do not find any merit in the present revision petition and the same is dismissed.

6. It is clarified that this order will not be construed as an order expressing opinion on merits, which is binding on the learned trial court and observations made above are only for disposal of the present revision petition. It is also clarified that this Court has not examined the alleged role of Satpal, Dharambir, Sandeep and Pradeep.

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