

***IN THE COURT OF SH. VIRENDER BHAT: ASJ-03
NORTH-EAST DISTRICT: KARKARDOOMA COURTS: DELHI***

Sessions Case No.241/21

FIR No.125/20

**U/s 147/148/149/427/435/436/120 B IPC and 25/54/59 Arms
Act.**

PS Dayalpur

State

Versus

- 1 Raj Kumar @ Goli s/o Sh.Rajpal
r/o H.No.B-361, Mahalaxmi Enclave,
Karawal Nagar, Delhi.**
- 2 Raj Kumar @ Raju s/o late Sh.Ramesh Chand
r/o H.No.A-17, Gali no.1, Mahalaxmi Enclave,
Karawal Nagar, Delhi.**

ORDER ON CHARGE:-

1. The above named accused have been charge-sheeted by the police for having committed offences u/s 147/148/149/427/435/436/120B IPC & 25/54/59 Arms Act.
2. As per the chargesheet, the FIR in this case was recorded on written complaint dt.01.03.2020 submitted in the PS by Mahender Kumar wherein he had stated that on 25.02.2020 at about 4.30 p.m., the rioters pelted stones on his house bearing no.A-1/24, Mahalaxmi Enclave, Karawal Nagar, Delhi, broke open its locks, committed theft/vandalization and then set it

ablaze.

3 After registration of the FIR, the investigation was entrusted to SI Shiv Charan. He visited the place of occurrence and prepared its rough site plan. He also found that the rioters had committed loot and arson in several shops in the area belonging to members of both the communities. He further found that 70 vehicles parked in the parking at Jagat place and Kunwar Vatika near the above incident spots were either damaged or burnt.

4 It is further mentioned in the chargesheet that several complaints have been received in the PS with regards to the damage/setting ablaze of vehicles in the above said two parking sites as well as the shops situated in the area. The owners of the vehicles/shops were examined and their statements u/s 161 Cr.PC were recorded. They have stated that on 25.02.2020 at about 4.00 p.m., the riotous mob looted/burnt/damaged their shops/vehicles as well as other properties. The details of the houses/shops/vehicles vandalized/burnt in the above area by the rioters on 25.02.2020 and the complaints filed in this regard in the PS are given here as under:-

SR. NO.	COMPLAINANT NAME AND ADDRESS	DETAILS OF PROPERTIES BURNT/DAMAGED DURING RIOTS
1	SH. MAHENDER S/O SH. JAIDEV R/O HOUSE NO. A-24, GALI NO. 1, MAHALAXI ENCLAVE, KARAWAL NAGAR, DELHI MOBILE NO. 9871457679	HOUSE AND HOUSEHOLD ARTICLE BURNT (A-24, GALI NO. 1, MAHALAXI ENCLAVE, KARAWAL NAGAR, DELHI-94)

2	MOHD. WAHID R/O B/135, GALI NO. 2, INDIRA VIHAR GOKULPURI DELHI -94 AGE 55Y MOB. NO. 9811929943	SCOOTER PARKED IN SAIFI BIKE SERVICE CENTER BEARING NO. LML NO. DL-6SD6520 BURNT NEAR SHARMA ELECTRONICS, MAIN KARAWAL NAGAR ROAD, DELHI.
3	JAHID S/O MOHD. ASIF R/O H.N. 29, GALI NO. 5/2, A- BLOCK BABU NAGAR DELHI -94 AGE 35Y MOB. NO. 9711607454	BIKE HERO HUNK DL13SC2379 BURNT IN PARKING KUNWAR VEER VATIKA NEAR SHIV VIHAR TIRAYA
4	MOHD. ASRAF S/O MOHD SHAKIB R/O H. N. 166, GALI NO. 2, OLD MUSTAFABAD DELHI-94 AGE-23Y MOB. NO. 9540410137	CAR MARUTI SUZUKI NO. DL2CBA0754 BURNT IN PARKING KUNWAR VEER VATIKA NEAR SHIV VIHAR TIRAYA
5	HETRAM S/O PANNA LAL R/O H.N. 167, GALI NO. 9, GOVIND VIHAR, KARAWAL NAGAR, DELHI-94 AGE-57Y MOB. NO. 9958753155	REHDI PAAN-BIDI BURNT IN PARKING JAGAT PALACE NEAR SHIV VIHAR TIRAYA
6	SAHIB MALIK S/O WALI MOHD. R/O G/408, GALI NO. 13/4, BHAGIRATHI VIHAR, DELHI-94 AGE 22Y MOB. NO. 9958294861, 9716951786	CAR MARUTI ALTO 800 NO. DL5CQ2546 BURNT IN PARKING KUNWAR VEER VATIKA
7	MOHD. SADDAM S/O MOHD. MUDASSIR MALIK R/O A/73, GALI NO. 06/07, BABU NAGAR MUSTAFABAD, DELHI-94 AGE 28Y MOB. NO. 9210364712	CAR MARUTI ALTO 800 NO. DL5CQ2499 BURNT IN PARKING KUNWAR VEER VATIKA
8	SACHIN S/O DEVI SINGH R/O H.NO.1365, JANTA FLATS, GTB ENCLAVE DELHI-93 AGE 38Y MOB. NO.7011209680	CAR MARUTI WAGON-R DL-2CAS- 3960 BURNT IN PARKING JAGAT PALACE NEAR SHIV VIHAR TIRAYA
9	SHAHJAD S/O SAGIR AHMED R/O GALI NO. 2, SHAKTI VIHAR DAYALPUR, DELHI-94 AGE 32Y MOB. NO. 8700396549	CAR SCORPIO NO. HR51AV5741 BURNT IN PARKING JAGAT PALACE NEAR SHIV VIHAR TIRAYA
10	RIYASATDIN S/O MOHD. ALI R/O H.N. B/128 GALI NO. 6, BABU NAGAR , DELHI-94 AGE 50Y	CAR MARUTI SWIFT No. DL56Q2005 BURNT IN PARKING JAGAT PALACE NEAR SHIV VIHAR TIRAYA
11	MUSTAFA S/O MOHD YAMIN R/O H.N. 2058 GALI NO. 17B, NEW MUSTAFABAD ,	SHOP STAR SET-UP BOX SERVICE BURNT BEHIND ANIL SWEETS SHOP AT 20 FOOTA ROAD, NEAR SHIV

	DELHI-94 AGE 22Y MOB. NO. 9716306485	VIHAR TIRAYA.
12	SARITA W/O KISHOR R/O H.N. A/70, GALI NO. 1, MAHALAXMI ENCLAVE, DELHI-94 AGE 40Y MOB. NO. 9868466406	HOUSEHOLD ARTICLES DAMAGED I.E. WINDOW, WASHING MACHINE ETC.
13	MOHSIN S/O SHAKIL AHMED R/O H.NO.C-52, GALI NO. 4, CHAMAN PARK, DELHI-94 AGE 34Y MOB. NO.9958547184	CAR MARUTI IGNIS DL-5CR-2104 BURNT IN PARKING SHIV VIHAR TIRAYA
14	MEHTAB ANSARI S/O SAMSHER ALI R/O A/103, GALI NO. 1/5, INDIRA VIHAR, DELHI-94 AGE 34Y MOB. NO. 9911799806	CAR MARTI SWIFT NO. DL2CBB3222 BURNT IN PARKING KUNWAR VEER VATIKA
15	SAMIR S/O NASIM AHMED R/O 86/1, GALI NO. 2, OLD MUSTAFABAD , DELHI-94 AGE 26Y MOB. NO. 9999771072	CAR MARUTI SWIFT NO. DL2CBB3222 BURNT IN PARKING KUNWAR VEER VATIKA
16	ISLAM S/O JILEDAR KHAN R/O H.N. 326, MAHALAXMI ENCLAVE, SHIV VIHAR PULIA, DELHI-94 AGE 54Y MOB. NO. 9266405400	SHOP KIRANA LOOTED/THEFT AT MENTIONED ADDRESS.
17	RAVI S/O SURENDER R/O A/103, GALI NO. 1, MAHALAXMI ENCLAVE , DELHI-94 AGE 27Y MOB. NO. 9354102917	CAR MARUTI SWIFT NO. DL2CBB3222 BURNT IN PARKING KUNWAR VEER VATIKA
18	MOHD SAROON ANSARI S/O ABDUL KAYUM R/O B/273, F/FLOOR, K.H..NO. 14/15/3, GALI NO. 2/3, INDIRA VIHAR DELHI-94 AGE 31Y M.8920253387	CAR HONDA CIVIC DL-2CH-8666 BURNT IN PARKING JAGAT PALACE PARKING
19	KAPIL TYAGI S/O RAGHUNATH DAYAL TYAGI R/O A/94, GALI NO. 2, MAHALAXMI ENCLAVE DELHI -94 AGE-40Y MOB. 9871840027	CAR MARUTI BALENO NO. DL-6CR-5763 BURNT IN PARKING JAGAT PALACE PARKING
20	MOHD. KASIM S/O MOHD. KAMIL HASAN R/O H.N. 513, GALI NO. 10, PHASE-6, SHIV VIHAR DELHI-94 AGE-28Y MOB. 9971565732	CAR DL-1RTA-3981 WAGON-R BURNT IN PARKING KUNWAR VEER VATIKA

21	ABID S/O IZAJUDDIN R/O 384/4, B/BLOCK, CHAMAN PARK, INDIRA VIHAR, DELHI- 94 AGE-37Y MOB. 9210307933	CAR MARUTI SWIFT VXI DL-6SQ- 4034 BURNT IN PARKING KUNWAR VEER VATIKA
22	SIKANDER S/O SAJID ALI R/O 25 FOOTA ROAD, NEAR CHAND MEDICOS, BABU NAGAR, DELHI-94 AGE-36Y MOB. 9891327852	CAR HYUNDAI I-20 DL-07CQ-1209 BURNT IN PARKING KUNWAR VEER VATIKA
23	SIMA W/O VIKRAM R/O H.N. 472, GALI NO. 10, PHASE-6, SHIV VIHAR, DELHI-94 AGE- 37Y MOB. 9289246072	VEHICLE MAHINDRA CHAMPION DL-1LQ-4498 BURNT IN PARKING KUNWAR VEER VATIKA
24	ABDUL GAFFER S/O ABDUL AZIZ R/O H.N. B/455, CHAMAN PARK, INDIRA VIHAR, DELHI-94 AGE-41Y MOB. 9990455182	CAR HYUNDAI I-10 DL-5CN-4604 BURNT IN PARKING KUNWAR VEER VATIKA
25	VIKAS S/O SURRENDER KUMAR R/O A/1, GALI NO.1, MAHALAXMI ENCLAVE, DELHI-94 AGE-24Y MOB. 8800656761	SCOOTY JUPITAR DL-5S-AM-6727 BURNT BEHIND RAJDHANI SCHOOL.
26	AZIM S/O FAHIMUDDIN R/O D/61/62, GALI NO. 5, CHAMAN PARK, DELHI-94 AGE-23Y MOB. 9958878365	CAR HYUNDAI I-20 DL-7CR-3391 BURNT IN PARKING KUNWAR VEER VATIKA
27	NADIM AHMED S/O NASIM AHMED R/O VILLAGE BANTI KHERA, SHAMLI, MUZZAFARNAGAR , U.P. AGE 25Y MOB. O.9368897064	CAR MARUTI CELERIO UP-19T-2419 BURNT IN PARKING JAGAT PALACE
28	RIYAJUDDIN S/O MD. ISLAM R/O C-166/02, SHRIRAM COLONY RAJIV NAGAR, DELHI-94 AGE 36Y MOB. NO.9560466020	CAR MARUTI SWIFT DL-5CQ-5580 BURNT IN PARKING KUNWAR VEER VATIKA
29	MD. SALIM S/O RAMZAN KHAN R/O F-233, GALI NO.9, BHAGIRATHI VIHAR, GOKULPURI, DELHI-94 AGE 51Y MOB. NO.7011165323	CAR MARUTI VITARA BREEZA DL- 5CR-0728 BURNT IN PARKING JAGAT PALACE
30	MATIN S/O SAGIR R/O H.NO.15, GALI NO. 1, ANAAR WALI MASJID, OLD MUSTAFABAD, DELHI-94 AGE 32Y MOB.NO.8700773549	CAR MARUTI SWIFT VXI DL-5CR- 4148 BURNT IN PARKING JAGAT PALACE

31	ARSHAD MALIK S/O HAZIDIN MD. MALIK R/O H.NO.A-2, GALI NO. 4/5, BABU NAGAR, DELHI-94 AGE 30Y MOB. NO.9818619786	CAR MARUTI CELERIO DL-5CK-8498 BURNT IN PARKING KUNWAR VEER VATIKA
32	VINOD S/O BHAGWAT R/O H.NO.A-8/2, GALI NO.1, MAHALAXMI ENCLAVE, DELHI-94 AGE 34Y MOB. NO.9818619786	CAR HYUNDAI SANTRO XING UP-14VE-6857 BURNT BEHIND RAJDHANI SCHOOL NEAR SHIV VIHAR TIRAYA
33	ISRAIL S/O IQBAL R/O H.NO.79, GALI NO.11,BABU NAGAR, DELHI-94 AGE 24Y MOB. NO.9990975106	CAR MAHINDRA XUV DL-8CAX-8749 BURNT IN PARKING JAGAT PALACE
34	SHAH ALAM S/O ASLAM R/O H.NO.B-22, GALI NO. 12, A-BLOCK, BABU NAGAR, DELHI-94 AGE 32Y MOB. NO.9971079618	CAR HYUNDAI VERNA DL-7CR-5032 BURNT IN PARKING KUNWAR VEER VATIKA
35	RAHUL SISODIA S/O OM PRAKASH R/O H.NO.B-165, GALI NO.10, JOHRIPUR, DELHI-94 AGE 34Y MOB. NO.9650408051	TEMPO MAHINDRA SAPRO DL-1LAB-8071 BURNT IN PARKING JAGAT PALACE
36	ARIF S/O MD. SIKANDER R/O H.NO.271, GALI NO.7, B-BLOCK, BABU NAGAR, DELHI-94 AGE 34Y MOB. NO.9953768074	CAR HYUNDAI SANTRO XING DL-13C-7969 BURNT IN PARKING JAGAT PALACE
37	KRISHAN KANT SHARMA S/O VIJAY KUMAR SHARMA R/O H.NO.B-159, GALI NO. 4/5, RAMA GARDEN, DELHI-94 AGE 25Y MOB. NO.9654247034, 8700994969	CAR MARUTI ALTO LXI DL-8CNB-8882 BURNT IN PARKING JAGAT PALACE
38	ARIF MALIK S/O SALIM MALIK R/O H.NO.382, GALI NO. 3, B-BLOCK, NEAR MADINA MASJID, CHAMAN PARK, DELHI-94 AGE 27Y MOB. NO.7835900194	CAR HYUNDAI SANTRO XING DL-13C-7969 BURNT IN PARKING JAGAT PALACE
39	ASIF S/O SALIM R/O 531/2, GALI NO.4, BABU NAGAR, DELHI-94 AGE 27Y MOB. NO.962522419	CAR MARUTI WAGONR NO. DL5CQ2303 BURNT IN PARKING JAGAT PALACE
40	FARMAN MALIK S/O MD. ASLAM R/O H.NO.B-553, GALI NO. 6/7, BABU NAGAR, OLD	CAR MARUTI BALENO DL-10CK-7708 BURNT IN SHIV VIHAR

	MUSTAFABAD, DELHI-94 AGE 31Y MOB. NO.9870118162	PARKING
41	SHAHID S/O SARWAR R/O H.N.23/24, GALI NO. 15, G- BLOCK OLD MUSTAFABAD, DELHI-94 AGE 28Y MOB. NO.9540800939	CAR HYUNDAI GRAND i10 NO. DL8CAL7237 BURNT IN PARKING JAGAT PALACE
42	KASHAN S/O IRFAN AHMED R/O 784, GALI NO. 8, OLD MUSTAFABAD, DELHI-94 AGE 24Y MOB. NO.9990627427	CAR HYUNDAI VERNA DL7CQ2680 BURNT IN PARKING JAGAT PALACE
43	LALIT SHARMA S/O OMKAR SHARMA R/O 112/A-1, MAHALAXMI ENCLAVE, DELHI-94 AGE 25Y MOB. NO.8076165656	CAR MARUTI WAGOR-R LXI DL- 5CQ-8263 BURNT IN PARKING JAGAT PALACE
44	TAHIR SAIFI S/O SAMUDDIN SAIFI R/O H.N. B/160 GALI NO. 2, NEAR BILAL MASJID, BABU NAGAR , DELHI-94 AGE 35Y MOB. NO. 9910746468, 9911842022	CAR SANTRO XING NO. DL8CN8507 BURNT IN PARKING JAGAT PALACE
45	WASIM AKRAM S/O NASIR ALI R/O 215/29, CHABRA GALI NO. 5, AMBEDKAR BASTI, MAUJPUR, DELHI-53 AGE 26Y MOB. NO.9718898802, 9891636834	CAR RENAULT DUSTER DL-13C- 5498 BURNT IN PARKING KUNWAR VEER VATIKA
-	RIYAJUDIN S/O ISLAM (AT SERIAL NO. 28.)	
46	YUNUS S/O KAYYUM R/O H.NO.78, GALI NO.1, OLD MUSTAFABAD, DELHI-94 AGE 34Y MOB. NO.8750996077	CAR MARUTI WAGON-R LXI DL- 5CQ-6608 BURNT IN PARKING KUNWAR VEER VATIKA
47	SHOAIB S/O SALIM MALIK R/O H.NO.B-159, GALI NO. 6/2, MOHALLA DILSHAD MASJID, OLD MUSTAFABAD, DELHI- 94 AGE 25Y MOB. NO.8745824509	CAR HYUNDAI CRETA DL-5CQ-6912 BURNT IN PARKING JAGAT PALACE
48	RAM PRAKASH S/O BAARE LAL R/O H.NO.2, GALI NO. 13, PHASE-6, SHIV VIHAR, DELHI-94 AGE 50Y MOB. NO.9289389271	CAR HYUNDAI SANTRO DL-7CE- 8142 BURNT IN PARKING JAGAT PALACE
49	ALIMUDIN S/O BASHIR AHMED R/O H.NO.A-215, GALI	CAR MARUTI SWIFT DL-1CAA-8203 BURNT IN PARKING JAGAT PALACE

	NO. 5, BHAGIRATHI VIHAR, DELHI-94 AGE 55Y MOB. NO.9650322851	
50	PAWAN SINGH S/O VEER SINGH R/O H.NO.E-349, GALI NO. 7, GANGA VIHAR, GOKULPURI, DELHI-94 AGE 44Y MOB.NO.7840072456	RESTAURANT PIZZA DIET BURNT AND DAMAGED NEAR SHIV VIHAR TIRAYA
51	PRASHANT TYAGI S/O PRAMOD TYAGI R/O H.NO.A- 56, MAHALAXMI ENCLAVE, KARAWAL NAGAR, DELHI-94 AGE 27Y MOB. NO.9718303662	CAR MARUTI BALENO DL-2CAZ- 9233 BURNT IN SHIV VIHAR PARKING
52	AYUB S/O SALIM R/O H.NO.198, GALI NO. 2, A- BLOCK, BABU NAGAR, DELHI-94 AGE 37Y MOB. NO.9105219757	RIKSHA-THELI BURNT NEAR SHIV VIHAR TIRAYA
53	ZAHIRA W/O LT. NABI HASAN R/O H.NO.66/3, GALI NO.1, NEAR KHAWAJA MASJID, OLD MUSTAFABAD, DELHI-94 AGE 65Y MOB. NO.8700397123	TSR DL-1RZ-2861 COLOUR GREEN BURNT IN PARKING JAGAT PALACE
54	YOGESH S/O DORI LAL R/O H.NO.164, GALI NO. 11, PHASE-6, SHIV VIHAR, DELHI-94 AGE 26Y MOB. NO.9250608136	CAR RENAULT KWIDD DL-1CV-9543 BURNT IN SHIV VIHAR PARKING
55	JYOTI W/O PRASHANT KASANA R/O H.NO.188, GALI NO. 12, PHASE-6, SHIV VIHAR, DELHI-94 AGE 31Y MOB. NO.9971302024	CAR MARUTI SWIFT DZIRE DL- 1CP-5281 BURNT IN SHIV VIHAR PARKING
56	MD. SHAKIB S/O MD. IBRAHIM R/O H.NO.C-297, GALI NO. 5, CHAMAN PARK, DELHI-94 AGE 29Y MOB. NO.8929172035	TSR DL-1R-6220 COLOUR ECO GREEN BURNT IN SHIV VIHAR PARKING
57	ASIF S/O WARIS AHMED R/O H.NO.B-376/1, CHAMAN PARK, DELHI-94 AGE 29Y MOB. NO.9990214105	CAR MARUTI SWIFT DL-1CT-0269 BURNT IN PARKING JAGAT PALACE
58	VAKEEL MALIK S/O MUSHTKEEN MALIK R/O H.NO.D-58, GALI NO. 5, CHAMAN PARK DELHI-94 AGE 29Y MOB. NO.8802263167	CAR MARUTI SWIFT LXI DL-6LQ- 3732 BURNT IN PARKING JAGAT PALACE

59	SAFI MD. S/O JUMMA KHAN R/O H.NO.171, GALI NO. 2, OLD MUSTAFABAD, DELHI- 94 AGE 50Y MOB. NO.9250682982	CAR MARUTI BALENO ZETA DL- 5CR-4161 BURNT IN PARKING JAGAT PALACE
60	RAJKUMAR S/O OMPRAKASH R/O H.NO.94, GALI NO. 3, RAMA BAI MOHALLA, JOHIRIPUR, DELHI-94 AGE 46Y MOB.NO.9718891755	CAR MARUTI ERTIGA DL-4CAS- 6935 BURNT IN PARKING JAGAT PALACE
61	SHUBHAM S/O LILU SINGH R/O H.NO.A-43, GALI NO. 5/3, BABU NAGAR, DELHI-94 AGE 29Y MOB. NO.7701912709	CAR HYUNDAI I-20 MAGNA DL- 5CP-4283 BURNT IN PARKING JAGAT PALACE
62	ADIL KHAN S/O SAYEED AHMED R/O H.NO.A-71, CHAMAN PARK, DELHI-94 AGE 33Y MOB. NO.9717410391	CAR HYUNDAI XCENT PRIME HR- 55AG-4457 BURNT IN PARKING JAGAT PALACE
63	ANIL KUMAR S/O RAM NIWAS R/O H.NO.B-445, MAHALAXMI ENCLAVE, DELHI-94 AGE 41Y MOB. NO.9718274434	CAR HONDA CITY I-DTECH DL- 14CD-2060 BURNT IN PARKING JAGAT PALACE
64	JATIN DHAMA S/O DEV PAL DHAMA R/O H.NO.584, GALI NO. 6, B-BLOCK, WEST KARAWAL NAGAR, DELHI- 94 AGE 24Y MOB. NO.9136444396	BIKE ROYAL ENFIELD DL-5SCB- 7976 DAMAGED NEAR DISPANSARY SHIV VIHAR TIRAYA
65	LALIT KUMAR S/O CHIDDA CHEDA LAL R/O H.NO.A-23, GALI NO. 1, MAHALAXMI ENCLAVE, DELHI-94 AGE 34Y MOB. NO.9250749755	CAR HYUNDAI XCENT VTVT DL- 11CA-5084 DAMAGED NEAR HOUSE.
66	SHARIK S/O BHURE KHAN R/O GALI NO.12, NEAR DILSHAD MASJID, OLD MUSTAFABAD, DELHI-94 AGE 22Y MOB. NO.9250749755	BIKE SPLENDOR PLUS DL-5SCC- 6490 BURNT NEAR SHIV VIHAR TIRAYA
67	SALMAN KHAN S/O BUNDU KHAN R/O H.NO.A-229, GALI NO. 1, A- BLOCK, BABU NAGAR, DELHI-94 AGE 27Y MOB. NO.9315238372	CAR HYUNDAI EON DELIGHT DL- 1CT-6551 BURNT IN PARKING JAGAT PALACE
68	BISHAMBHAR S/O LAKHMI CHAND R/O H.NO.12/A, GALI NO.6, MAHALAXMI	TSR DL-1RP-5050 BURNT NEAR SHIV VIHAR TIRAYA

	ENCLAVE, DELHI-94 AGE 50Y MOB. NO.9868978516	
69	ISHAK KHAN S/O ISMAIL R/O H.NO.C-159, GALI NO. 2, DILSHAD MASJID, OLD MUSTAFABAD, DELHI-94 AGE 55Y MOB. NO.9899186626	CAR HYUNDAI SANTRO DL-3CBV-7277 BURNT NEAR CHUNA BHATTI, SHIV VIHAR TIRAYA.
70	Azad S/o Sagir R/o H.N. 760/8, Old Mustafabad, Delhi-54. Age-32Years.	CAR MARUTI SWIFT NO. DL2CAQ8287 BURNT IN PARKING SHIV VIHAR PARKING.

5 It came to be known during the course of investigation that Ct.Ankit was present on duty in the above area on 25.02.2020 and had seen as well as identified the two rioters namely, Raj Kumar @ Goli and Raj Kumar @ Raju (the two accused herein) amongst the mob which had committed the vandalization/arson. He knew these two accused already as they were the Bad Characters (BC) of PS Dayalpur and therefore, was able to identify them in the mob. His statement to this effect was recorded on 05.03.2020. Call details record of the mobile number 8375954213 being used by Raj Kumar @ Goli and mobile number 7838475603 being used by accused Raj Kumar @ Raju were obtained and upon scrutiny, it was found that location of both the mobile phones was at the place of occurrence at the time of commission of crime.

6 Chargesheet further mentions that on the basis of secret information received by the IO on 13.03.2020, accused Raj Kumar @ Goli was apprehended from Shiv Vihar Tiraha. On enquiries, he admitted his involvement in the incidents of rioting which are the subject matter of this case. Accordingly, he was

arrested. He is stated to have made disclosure statement. Two mobile phones, one make VIVO 1606 and another of make Techno CD-7, were recovered at the instance of accused Raj Kumar @ Goli from the bedroom of H.No.B-361, Mahalaxmi Enclave which were seized and later on was sent to FSL for forensic examination. He was identified as a rioter by Ct.Ankit also.

7 Accused Raj Kumar @ Raju came to be arrested on 14.03.2020 from his residence at the instance of accused Raj Kumar @ Goli. He is also stated to have made a disclosure statement admitting his involvement in this case. Ct.Ankit had identified him at the time of his arrest.

8 After taking further steps during the course of investigation and upon completing the same, chargesheet was filed before the Ld.CMM, who committed the same to the Court of Sessions. It appears that after the filing of the chargesheet, investigation was continued to trace more witnesses and nab more rioters. Thereafter, a supplementary chargesheet was filed which also was committed to the Court of Sessions and has been clubbed with the main chargesheet.

9 I have heard the Ld.Special PP, Ld.Counsels appearing for the accused and have perused the entire material on record.

10 It was submitted by the Ld.Special PP that oral as well as

documentary evidence annexed with the main chargesheet as well as the supplementary chargesheet clearly establish the role of two co-accused in the incidents of rioting in question and therefore, charges are liable to be framed against them.

11 On the contrary, the Ld.Counsel for the accused submitted that they have been falsely implicated in this case and there is no material on record warranting framing of charges against them. He argued that there is no video footage on record wherein the two accused are seen carrying any inflammable substance or setting ablaze the houses/shops/parking lots. He also pointed out that since main complainant in this case belonged to Hindu Community and the owners of various vehicles which were burnt in the incident of rioting in question also belonged to Hindu Community to which the two accused also belong, they can not be believed to have committed vandalization/arson against the members of their own community. He further submitted that the two eye witnesses cited in the supplementary chargesheet can not be believed as their statements have been recorded after much delay for which there is no explanation from the prosecution. He prayed for discharge of both the accused.

12 It is true that no video footage or the photographs related to the riotous incident in question have been annexed alongwith the chargesheet. However, it is manifest from the statement of Ct.Ankit dt.13.03.2020 that he had identified both the accused, at the time of their arrest, as the rioters, who alongwith their associates had committed vandalization/arson in gali no.1,

Mahalaxmi Enclave including the house of the complainant Mahender and vehicles parked in the two adjoining parking lots. That apart, the two public witness namely, Imran and Nazim also, as per their statements dt.14.07.2020 annexed with the supplementary chargesheet, have identified the two accused as the rioters and from the photographs/dossier shown to them by the IO. Both these witnesses were present in the house of Imran on 25.02.2020 and had witnessed the entire riotous incident that had taken place at Shiv Vihar Tiraha as well as Gali no.1, Mahalaxmi Enclave. It is also evident from their statements that they had seen the two accused several times prior to the incident of rioting in question and therefore, were able to identify them in the mob.

13 Ld.Counsel for the accused has argued that since the statements of these two witnesses namely, Imran and Nazim have been recorded after about 1 ½ years of the incident of rioting in question, their version can not be believed and their statements deserve to be discarded in toto at this very stage on account of delay. I am unable to accept the submission of the Ld. Counsel. It is to be borne in mind that this case relates to the unprecedented violence during the communal riots that had erupted in North-East Delhi on 23.02.2020 and continued unabated till 25.02.2020. Several innocent lives were lost during the violence and several others were rendered homeless. The shops as well as business establishments of several people were reduced to ashes by the rioters. There was an atmosphere of terror and trauma

prevailing in the entire North-East Delhi for months even after the riots were controlled. In such circumstances, it is difficult to expect the public persons, who had witnessed the violent incidents, to come forward immediately for giving their statements before the police. The general public had become so traumatized due to the violent incidents that nobody was willing to come forward to make statement to the police. The police had to play double role i.e. restorers of peace as well as the investigators. On one hand they were engaged in controlling the riots, restoring peace in the area, instilling sense of security in the public; and on the other hand they had to conduct investigation in hundreds of FIRs which were registered in the aftermath of the riots. Locating the witnesses and tracing culprits was an uphill task for the police. In these circumstances, it would be travesty of justice to discard the statements of the witnesses only on account of delay.

14 Further, it is a settled principle of law that at the time of deciding charges against the accused, the court has to consider both i.e.the initial chargesheet as well as the supplementary chargesheet to ascertain whether there is a ground for presuming that accused have committed the offence. Both these reports filed u/s 173 Cr.PC have to be read conjointly and judicial mind has to be applied to all the documents/statements annexed with both the reports. Hence, at the stage of deciding charges against the accused, the statements of witnesses filed alongwith the supplementary chargesheet need to be given due consideration

and can not be ignored on the sole ground that these were not annexed to the main chargesheet.

15 The argument that since the accused and most of the victims/complainants belong to the same community, the accused can not be believed to have vandalized and set ablaze their properties, is too far fetched and unconscionable to be accepted. When a riotous mob resorts to vandalization and arson, it is difficult for the rioters to differentiate between the properties belonging to members of different communities where the properties are situated adjacent to each other. Besides that, the rioters may not be familiar with the area in question and thus had no idea about the owners of the properties in area.

16 Thus, upon consideration of the entire material on record, no case for discharge of the accused has been made out. Charges for the offences u/s 147/148/427/435/436 r/w section 149 IPC are liable to be framed against both the accused. However, the Ld.Special PP has failed to point out any evidence on record suggesting that the two accused had committed the crimes in question in pursuance to any criminal conspiracy. Therefore, the accused are hereby discharged of the offence of criminal conspiracy u/s 120 B IPC.

**Announced in Open
Court on 21.03.2022**

**(VIRENDER BHAT)
ASJ-03(NE)/KKD COURTS/DELHI**