

**IN THE COURT OF SH. AMITABH RAWAT,**  
**SPECIAL JUDGE, PC ACT, (CBI-14), ROUSE AVENUE DISTRICT**  
**COURTS, NEW DELHI**

**RIOTS CASE**

**SC No. 372-2022**

FIR No. 44/2020

PS- Jagat Puri

U/S.147/148/149/186/188/332/353/307/109/120B/34 IPC & 25/27 Arms Act

**State**

..... Prosecution

**Versus**

- (1) Isharat Jahan**  
D/o Late Naim Ahmad  
R/o H.No. F-11, Gali No.10, Parwana Road, Jagatpuri,  
Delhi.
- (2) Khalid**  
S/o Late Abdul Latif  
R/o H.No. 9, West Laxmi Market, Krishan Nagar, Delhi.
- (3) Vikram Pratap**  
S/o Sh. Vinod Singh  
R/o H.No. 49, Brijpuri Extn., Jagatpuri, Delhi
- (4) Samir Ansari @ Samim**  
S/o Sh. Rivasat Ali  
R/o H.No. A-30, Gali No.1, New Brijpuri, Jagatpuri, Delhi.
- (5) Salim @ Sameer Pradhan**  
S/o Sh. Shabbir Ahmad  
R/o H.No. 189/2, Khureji Chaupal, Jagatpuri, Delhi.
- (6) Sabu Ansari**  
S/o Sh. Sharif Ansari  
R/o H.No. F-11, Gali No.10, Parwana Road, Jagatpuri, Delhi.

- (7) **Iqbal Ahmed**  
S/o Sh. Nishar Ahmed  
R/o H.No. 129, Choti Masjid Wali Gali, Khureji Chopal, Delhi.
- (8) **Anzaar @ Bhoora.**  
S/o Sh. Zaheer Ahmed  
R/o H.No. 7, Gali No.1, Aaaram Park, Shastri Nagar, Delhi.
- (9) **Mohd. Ilyas**  
S/o Mohd. Yusuf  
R/o H.No. B-1, New Brijpuri, Jagatpuri, Delhi
- (10) **Mohd. Bilal Saifi @ Lamba**  
S/o Sh. Islamuddin  
R/o H.No. 26/30, Gali No.6, Old Brijpuri, Jagatpuri, Delhi
- (11) **Salim Ahmed @ Salim @ Gunda**  
S/o Sh. Abdul Gani  
R/o H.No. 33A, Khureji Khas, Gali No.5, Parwana Road, Jagatpuri, Delhi.
- (12) **Mohd. Yameen @ Yameen Cooler Wala**  
S/o Lt. Abdul Karim  
R/o H.No.3, Shaheen Masjid, Rashid Market, Jagatpuri, Delhi.
- (13) **Sharif Khan @ Sharif Khureji**  
S/o Lt. Fayvaz Khan  
R/o H.No.107, Ground Floor, Khureji Khas, Delhi.

.... Accused persons

Dated : 19.01.2024

**ORDER ON CHARGE**

1. Vide this order, I shall dispose of the question of charge against the thirteen (13) accused persons namely Ishrat Jahan, Khalid Saifi, Vikram Pratap, Samir Ansari @ Samim, Mohd. Salim @ Samir Pradhan, Sabu Ansari, Iqbal Ahmed, Anzaar @ Bhoora, Mohd. Ilyas, Mohd. Bilal Saifi @ Lamba, Salim Ahmed @ Salim @ Gunda, Mohd. Yameen @ Yameen Coolerwala and Sharif Khan @ Sharif Khureji.

## 2. ARGUMENTS OF THE PROSECUTION

2.1 Ld. Special Public Prosecutor had referred to the chargesheets and the statements of the witnesses. He had argued that the present case inter alia relates to CAA protest at Khureji Khas and to maintain law and order arrangement, on 26.02.2020, a flag march was done in the area of Khureji Khas and at about 12.15 PM, the police party reached at Masjidwali Gali, Khureji Khas and asked the crowd to disburse as Section 144 Cr.PC was imposed in the area and assembly had been declared unlawful. Despite that the crowd refused to abide by the order. Accused Ishrat Jahan alongwith Khalid, Sabu Ansari, Bilal @ Lamba, Salim @ Gunda. Sharif Khan, Sameer Pradhan, Mohd. Salim, Hazi Iqbal, Yamin, Anzar @ Bhura, Vikram Pratap and others (which were identified by Beat Staff) abet the crowd to not to leave the area and also abet to throw the stones on the police force. The crowd started protesting and throwing stones at the police party. Even firing also took place at the place of incident towards police force. The protesters also manhandled the police officials and in the said incident. Ct. Vinod was injured and admitted to hospital. To control the situation, fire and tear gas in the air was fired by the police party. From the place of offence, stones, iron-rod, wooden sticks, 05 empty cartridges were recovered. On which, mob started to run. However, accused persons namely Ishrat Jahan, Khalid and Sabu Ansari were apprehended by the police. On the same day, in night, other co-accused namely Vikram Prattap, Md. Salim @ Sameer Pradhan and CCL Aaftab were arrested who had run away from the spot. One desi katta was recovered from the possession of CCL who disclosed that he used this katta to fire upon police party and ran away from the spot. During interrogation, he disclosed that the

said katta was provided to him by accused Khalid and he used this fire arm on the instigation of accused Khalid. All accused persons were arrested and identified by the witnesses. There are public eye-witnesses to the said incident.

**2.2** Ld. Special Public Prosecutor, thus, prayed that charge may be framed against all the accused persons under all the sections mentioned in the charge-sheet.

### **3. ARGUMENTS OF THE ACCUSED PERSONS**

**3.1** Ld. Counsel for all accused persons had argued that the present case is fit for discharge as the accused persons are not named in the FIR and they were arrested later on. It was also submitted that the statement of witnesses are doubtful and they were recorded at a very late stage. The CDR location near the spot is not relevant as they are residents of nearby areas. Also, the police witnesses are interested witnesses and their testimonies cannot be relied upon. No judicial TIP was conducted. Many accused persons have not been named in the FIR. Many accused have no previous criminal antecedents. There is no overt act on the part of the accused persons.

**3.2** Specifically, Sh. Salman Khursid, Ld. Senior Advocate (for **accused Ishrat Jahan**) had vehemently argued that accused was only associated with the protest at Khureji site', and was in no way connected with the riots or communal violence which broke out in North-East Delhi, nor was she present in North East District on the dates when the riots broke

out, i.e. between 24.02.2020 and 26.02.2020 as would be evident from her call detail records (CDRS') and video footage of CCTV cameras installed at and around the sites. It was argued that the women-led 24x7 sit-in protest at Khureji protest site which is situated in East Delhi was started on 13.01.2020 to protest against the Citizenship (Amendment) Act 2019 and the Khureji protest was neither banned nor outlawed by the government and rather very well monitored by law enforcement agencies. The Khureji protest remained peaceful for 49 days and no incident of violence was reported till the date of alleged firing on police official. Apart from the alleged incident of gunshot fire no other violence took place in East Delhi where under the Khureji site is situated. The protest at Khureji site was initially started by local girls of the area and the accused, being a public representative, had joined it at a later stage. The prosecution has laid emphasis on 1097 calls and messages exchanged between accused and one Amanullah. However on perusal of the charge- sheet, only 132 calls (outgoing and incoming included) have been brought on record. Out of these 29 calls are zero second calls. Moreover, the prosecution has failed to show any incriminating messages etc exchanged between accused and Amanullah in order to establish conspiracy regarding riots among them. No calls or messages exchanged between the two have been shown in the charge-sheet. It is merely a cooked up story in the minds of the prosecution. The accused cannot be tried for the same offence in two different FIRs i.e. FIR No. 59/20 and the present FIR. No evidence has been brought on record to show that the accused was leading any mob or shouting slogans to attack the police. There are discrepancies in statements of witnesses. Moreover, there is no allegation by any witness about the incitement of riots by the applicant. The submission of the accused in regard

to the various statements of witnesses are as follows-

It was argued that CCTV footage shows the conversation of the applicant with police from 1.27 p.m., to 1.32 p.m. and her arrest at 1.32 p.m, while the alleged violence took place from 12.30 p.m. to 1.15 p.m.

**3.3** It was argued by Ld. Counsel for **accused Khalid Saifi** that charges under Section 25/27 of the Arms Act cannot be framed against him. No weapons have been recovered from his possession. It was argued that charges under Section 307 of the IPC cannot be framed against the accused. One unidentified member of the alleged unlawful assembly fired a shot at HC Yograj when the police were trying to disperse the crowd. He was later identified as a Juvenile and there is no evidence to show that the said JCL had any connection with the accused. Moreover, even assuming but not admitting the presence of the accused at the spot, there is no evidence on record to even suggest that the alleged firing incident was done in prosecution of any common object of the assembly or that the Accused even knew that any offense is likely to be committed in prosecution of the alleged common object of the said assembly. There is no material produced by the prosecution to show that Accused had conspired or abetted any offense under section 307 of the IPC. Accused had no prior knowledge of any design or planning to commit offense under section 307 of the IPC. It is argued that the prosecution has failed to produce any CCTV or video evidence of the incident to show that the accused was present in any unlawful assembly or instigating anyone to commit any violence. Only PW Mukesh Kaushik has named co-accused Ishrat Jahan and accused Khalid Saifi as instigating the assembly and his statements is not only vague but

make no specific allegations against the accused. It is in the nature of an opinion and not a fact. There is nothing on record to even corroborate the presence of such witnesses on the spot. As per the MLC, HC Vinod sustained simple hurt and it is not the case of the prosecution that Accused Khalid Saifi had assaulted HC Vinod. Accused had not instigated the mob to indulge in stone pelting on the police. There is no allegation that the accused Khalid Saifi participated in any violence against the police. No witness makes this allegation, and no single material or document even supports it. Thus, even a prima facie case cannot be made out relating to 120B of the IPC.

Ld. Counsel for accused has relied upon following judgments :-

- i) Subal Ghorai vs. State of W.B. (2013) 4 SCC 607;
- ii) Tomaso Bruno vs. State of U.P, (2015) 7 SCC 178;
- iii) Jogi Raut & Ors. vs. Emperor, 1927 SCC Online Pat 223;
- iv) Chikkarange Gowda vs. State of Mysore, AIR 1956 SC 731.

**3.4** It was argued by Ld. Counsel for **accused Sharif Khan** that the accused has been falsely implicated in the aforesaid case to revenge the case filed by daughter of Sharif Khan titled as "Nazish Khan V/s Nadir Khan & Ors." which was dismissed as withdrawn on 16.12.2022 before the court of Sh. Bharat Aggarwal Ld. M.M Shahdara Delhi in case bearing no.1019/2018. Prior to this a FIR was also registered against the daughters of accused Sharif Khan and police of P.S. Jagatpuri intentionally and deliberately falsely implicated in the case to take revenge from Sharif Khan of cases filed by him against Jagatpuri police.

4. Arguments on the point of charge were heard at length on behalf of both prosecution and accused persons. Written submissions on behalf of accused persons namely Ishrat Jahan, Khalid Saifi, Iqbal Ahmad, Anzaar @ Bhoora and Sharif Khan were filed. The record has been painstakingly scrutinized.

5. **Section 228 Code Of Criminal Procedure, 1973**

**228. Framing of charge.**

(1) If, after such consideration and hearing as aforesaid, the Judge is of opinion that there is ground for presuming that the accused has committed an offence which-

(a) is not exclusively triable by the Court of Session, he may, frame a charge against the accused and, by order, transfer the case for trial to the Chief Judicial Magistrate, and thereupon the Chief Judicial Magistrate shall try the offence in accordance with the procedure for the trial of warrant- cases instituted on a police report;

(b) is exclusively triable by the Court, he shall frame in writing a charge against the accused.

(2) Where the Judge frames any charge under clause (b) of sub- section (1), the charge shall be read and explained to the accused and the accused shall be asked whether he pleads guilty of the offence charged or claims to be tried.

6. **6.1.** It has been held in catena of judgments that at the time of framing of charge, only prima facie case has to be seen and whether the case is beyond reasonable doubt is not to be seen at this stage. It is not required that detailed reasons must be recorded at the stage of charge.

**6.2.** Hon'ble Supreme Court of India in a case titled as *Bhawna*

**Bai vs. Ghanshyam And Others.,**(2020) 2 Supreme Court Cases 217 held as follows :-

16. After referring to Amit Kapoor, in *Dinesh Tiwari v. State of Uttar Pradesh and another* (2014) 13 SCC 137, the Supreme Court held that for framing charge under Section 228 Crl.P.C., the judge is not required to record detailed reasons as to why such charge is framed. On perusal of record and hearing of parties, if the judge is of the opinion that there is sufficient ground for presuming that the accused has committed the offence triable by the Court of Session, he shall frame the charge against the accused for such offence.

17. ....For framing the charges under Section 228 Crl.P.C., the judge is not required to record detailed reasons. As pointed out earlier, at the stage of framing the charge, the court is not required to hold an elaborate enquiry; only prima facie case is to be seen. As held in *Knati Bhadra Shah and another v. State of West Bengal* (2000) 1 SCC 722, while exercising power under Section 228 Crl.P.C., the judge is not required record his reasons for framing the charges against the accused. Upon hearing the parties and based upon the allegations and taking note of the allegations in the charge sheet, the learned Second Additional Sessions Judge was satisfied that there is sufficient ground for proceeding against the accused and framed the charges against the accused-respondent Nos.1 and 2. While so, the High Court was not right in interfering with the order of the trial court framing the charges against the accused-respondent Nos.1 and 2 under Section 302 IPC read with Section 34 IPC and the High Court, in our view, erred in quashing the charges framed against the accused. The impugned order cannot therefore be sustained and is liable to be set aside.

7. Hon'ble Supreme Court of India in the case of **State of Rajasthan Versus Ashok Kumar Kashyap** in Criminal Appeal No. 407 of 2021 (Arising from SLP (Crl.) No. 3194 of 2021) observed that :

23. In the case of *P. Vijayan (supra)*, this Court had an occasion to consider Section 227 of the Cr.P.C. What is

*required to be considered at the time of framing of the charge and/or considering the discharge application has been considered elaborately in the said decision. It is observed and held that at the stage of Section 227, the Judge has merely to sift the evidence in order to find out whether or not there is sufficient ground for proceeding against the accused. It is observed that in other words, the sufficiency of grounds would take within its fold the nature of the evidence recorded by the police or the documents produced before the Court which ex facie disclose that there are suspicious circumstances against the accused so as to frame a charge against him. It is further observed that if the Judge comes to a conclusion that there is sufficient ground to proceed, he will frame a charge under Section 228 Cr.P.C., if not, he will discharge the accused. It is further observed that while exercising its judicial mind to the facts of the case in order to determine whether a case for trial has been made out by the prosecution, it is not necessary for the court to enter into the pros and cons of the matter or into a weighing and balancing of evidence and probabilities which is really the function of the court, after the trial starts.*

*24. In the recent decision of this Court in the case of M.R. Hiremath (supra), one of us (Justice D.Y. Chandrachud) speaking for the Bench has observed and held in paragraph 25 as under:*

*25. The High Court ought to have been cognizant of the fact that the trial court was dealing with an application for discharge under the provisions of Section 239 CrPC. The parameters which govern the exercise of this jurisdiction have found expression in several decisions of this Court. It is a settled principle of law that at the stage of considering an application for discharge the court must proceed on the assumption that the material which has been brought on the record by the prosecution is true and evaluate the material in order to determine whether the facts emerging from the material, taken on its face value, disclose the existence of the ingredients necessary to constitute the offence. In State of T.N.v. N. Suresh Rajan [State of T.N.v. N. Suresh Rajan, (2014) 11 SCC 709, adverting to the earlier decisions on the subject, this Court held : (SCC pp. 721-22, para 29)*

*“29. ... At this stage, probative value of the materials has to be gone into and the court is not expected to go deep into the matter and hold that the materials would not warrant a conviction. In our opinion, what needs to be considered is whether there is a ground for presuming that the offence has been committed and not whether a ground for convicting the accused has been made out. To put it differently, if the court thinks that the accused might have committed the offence on the basis of the materials on record on its probative value, it can frame the charge; though for conviction, the court has to come to the conclusion that the accused has committed the offence. The law does not permit a mini trial at this stage.”*

.....  
*.....It was held that as observed hereinabove, the High Court was required to consider whether a prima facie case has been made out or not and whether the accused is required to be further tried or not. At the stage of framing of the charge and/or considering the discharge application, the mini trial is not permissible.”*

**8.**           **8.1**    The main charge-sheet in this case was filed against six accused persons namely Isharat Jahan, Khalid Saifi, Salim, Vikram Pratap, Samir Ansari and Sabu Ansari under Section 147/148/149/186/188/332/353/307/109/120B/34 IPC & 25/27 Arms Act.

First supplementary charge-sheet under Section 147/148/149/186/188/332/353/307/109/120B/34 IPC against seven accused persons namely Iqbal Ahmad, Anzaar @ Bhoora, Mohd. Ilyas, Mohd. Bilal Saifi @ Lamba, Salim Ahmed @ Salim @ Gunda, Mohd. Yameen @ Yameen Coolerwala, Sharif Khan @ Sharif Khureji was filed.

It also contained complaint under Section 195 Cr.P.C for offence under Section 188 IPC against accused persons.

**8.2** Cognizance of the offences was taken by the Ld. Metropolitan Magistrate. The compliance of Section 207 Cr.P.C regarding supply of the copies of the charge-sheet was done and thereafter, matter was committed to the Sessions Court on 20.09.2022.

**9.** The perusal of the charge-sheets including the supplementary charge-sheets, reveal the following :-

**9.1** The statement of the witnesses, in particular HC Yograj, recorded under Section 161 Cr.P.C brings out the offences and the role of accused persons. As per the statement of HC Yograj, he was posted at Police Station Jagatpuri. SHO alongwith other police officials vide DD No. 23B, in view of the protest at Khureji had assembled to do a flag march. At about 12.15 PM, when the police party reached at Masjidwali Gali, Khureji Khas, a lot of crowd had gathered and police asked the crowd to disperse. Among the crowd were Ishrat Jahan alongwith Khalid, Sameer Pradhan Khureji. Salim @ Gunda, Sharif Khureji, Vikram Thakur, Anjar Bhura, Ishaq, Hazi Iqbal Khureji, Hashim, Samir, Bilal @ Lamba, Yamin Coolerwala, Sabu Ansari, and others (whom the said witness had identified) and were instigating the crowd not to disperse. The SHO made a announcement through a PA system stating that the crowd was an unlawful assembly and asked them to disperse. Isharat Jahan instigated the crowd stating that they will not move whatever the police may do and they will take freedom while Khalid told the crowd to do stone pelting on the police so that they run away and they will obstruct the road. On hearing this instigation, Sabu Ansari and others in the unlawful assembly started pelting stones on the police force and

then one person from that unlawful assembly fired a gunshot at him which he narrowly escaped. Since the situation was not under control, police used force and when the unlawful assembly did not disperse, they used tear gas and shots in the air to scatter the unlawful assembly. In this stone pelting, Ct. Vinod Kumar got injured whose medical was done. Later, during investigation, one Juvenile in Conflict with Law was apprehended and he was identified by HC Yograj as the one who had fired at him.

Thus, the eye-witness and victim HC Yograj had specifically named all the thirteen accused persons at the first available opportunity when he gave a statement to record the present FIR immediately after the incident. He is the Beat Constable of the area.

Thus, HC Yograj who is the complainant and an eye-witness to the incident covered by the present case, has categorically identified all the accused persons forming part of the armed unlawful assembly, which in prosecution of their common object, on instigation of Ishrat Jahan and Khalid Saifi, did stone pelting on the police force including HC Yograj and Ct. Vinod Kumar while one juvenile of that unlawful assembly fired at HC Yograj. This assembly had assembled despite the order under Section 144 Cr.P.C which was continuously announced by the SHO concerned with directions to disperse and the same was intentionally violated. The accused persons, in prosecution of their common object, voluntarily obstructed the public servant in discharge of their public functions and voluntarily caused hurt to deter public servants to do their duty and assaulted and used criminal force upon the public servants from discharging their duties.

**9.2** During investigation, after the incident, a lot of stones, bricks, iron rods, dande and five empty cartridges were found at the spot. The pullandas and the seizure memos were accordingly prepared.

**9.3** Other police witness present at the spot namely Inspector/SHO Sunil Kumar vide his statement has also named accused persons as part of the unlawful assembly (described above by HC Yograj). He has not only named the accused persons but ascribed the offences and the actions of accused persons.

HC Satender, Ct. Navdeep, HC Raj Vardhan, SI Mamta Chauhan, W/Ct. Madhubala, Ct. Shambhu Dayal, Ct. Vinod, HC Lokender have also in their statements described the incident and the offences committed by the unlawful assembly. Their statements were recorded on the day of the incident on 26.02.2020.

**9.4** There are three public witnesses in this case. Sharad Pandey has identified Isharat Jahan as leading the said mob and instigating the said unlawful assembly. He mentioned the date as 26.02.2020 and time of around 1.30 pm. He saw stone pelting and heard three gunshots.

Aditya Swaroop stated that on 26.02.2020 at around 12.30/12.45 pm, he was coming from Laxmi Nagar and when he reached Khureji, police was asking the crowd to disperse. Isharat was calling the people and to protest. The crowd started assaulting the police. He also heard gunshots.

Mukesh Kaushik stated that Khalid and Isharat were instigating the crowd and firing took place from the said crowd. Despite the police request, Khalid and Isharat did not move and were bent on pushing the police. They were abusing the police.

Thus, the incident of 26.02.2020 of the unlawful assembly, instigation by accused Isharat and Khalid Saifi, abuses and violence upon the police despite the request by the police to disperse is mentioned by the said public witnesses. There is a lack of clarity about the exact time of the incident of firing. The Flag March was taking place at around 12.15 pm and thereafter, the incident of unlawful assembly protesting, police requesting and the assault on the police including the firing at HC Yograj continued till around 1.30 pm. Though there is a little discrepancy about the time which could have been clarified by the IO but was not done, yet the time frame is clear and witnesses can clarify the same during trial. Moreover, the statement of victim HC Yograj where he has identified all the accused persons as part of the unlawful assembly and their refusal to disperse despite the assembly being unlawful and the instigation with violence committed by them, in prosecution of their common object, against the police including firing at him at that time is sufficient at this stage of charge for the purpose of attracting Section 307 IPC read with Section 149 IPC.

**9.5** By assembling at the said point, despite the promulgation of Prohibitory Order under Section 144 Cr.P.C, accused persons have also committed the offence under Section 188 IPC. The complaint under Section 195 Cr.P.C was also filed and is on record.

**9.6** All accused persons cannot be charged for the offence under Section 25/27 Arms Act as the juvenile is claimed by the prosecution to have possessed the firearm and which was used by him to fire at HC Yograj. Accused persons are accordingly discharged under Section 25/27 of Arms Act.

**9.7** As far as criminal conspiracy under Section 120B IPC is concerned, it is completely bereft of any reasoning. Though accused persons have been charge-sheeted for the said conspiracy for which the Investigating Officer has dedicated few paragraphs, yet they do not have any relation with any material which the Investigating Officer has either found or relied upon. The material for criminal conspiracy as narrated by the IO in the charge-sheet is either a figment of his imagination or borrowed idea from other case. In any which case, devoid of any material, all accused persons are also discharged for the offence under Section 120-B IPC.

**9.8** Section 34 IPC and Section 149 IPC are mutually exclusive Sections and only one can apply. Section 34 IPC ( regarding common intention) will not apply as Section 149 IPC is the correct provision in this case.

**9.9** Moreover, Section 109 IPC regarding abetment will not apply. It has to be clear whether the prosecution charges the accused persons for abetment or conspiracy or for commission of acts in prosecution of their common object. Section 109 IPC has no applicability to the facts of the case.

**9.10** Thus, on the basis of the contents of the charge-sheet duly supported by the statement of the witnesses, it has come on record that on 26.02.2020 at about 12.15 PM a riotous armed mob (unlawful assembly) including the accused persons namely Ishrat Jahan, Khalid Saifi, Vikram Pratap, Samir Ansari @ Samim, Mohd. Salim @ Samir Pradhan, Sabu Ansari, Iqbal Ahmed, Anzaar @ Bhoora, Mohd. Ilyas, Mohd. Bilal Saifi @ Lamba, Salim Ahmed @ Salim @ Gunda, Mohd. Yameen @ Yameen Coolerwala and Sharif Khan @ Sharif Khureji in prosecution of their common object had assembled and refused to follow the direction of police to disperse in view of the Promulgation Order under Section 144 Cr.P.C and thrown stones and assaulted police officers while obstructing them in performing their official duties and also fired gunshot at HC Yograj, thus, attracting Section 147 IPC (**Punishment for Rioting**), Section 148 IPC (**Rioting armed with deadly weapon**), Section 186 IPC (**Obstructing public servant in discharge of public functions**), Section 332 IPC (**Voluntarily causing hurt to deter public servant from his duty**) Section 353 IPC (**Assault or criminal force to deter public servant from discharge of his duty**), Section 307 IPC (**Attempt to Murder**) read with Section 149 IPC (**Every member of unlawful assembly guilty of offence committed in prosecution of common object**).

**10.** In terms of the statement of the witnesses under Section 161 Cr.P.C and on the basis of above mentioned discussion and material on record, I am of the opinion that prima facie, there are grounds for presuming that accused persons namely Ishrat Jahan, Khalid Saifi, Vikram Pratap, Samir Ansari @ Samim, Mohd. Salim @ Samir Pradhan, Sabu Ansari, Iqbal

Ahmed, Anzaar @ Bhoora, Mohd. Ilyas, Mohd. Bilal Saifi @ Lamba, Salim Ahmed @ Salim @ Gunda, Mohd. Yameen @ Yameen Coolerwala and Sharif Khan @ Sharif Khureji have committed offences under Section 147/148/186/188/332/353/307 IPC read with Section 149 IPC. All accused persons are discharged for the offences under Section 34 IPC, 120-B IPC, 109 IPC & 25/27 Arms Act.

Ordered accordingly.

Pronounced and Dictated in open  
Court on 19.01.2024.

**(Amitabh Rawat)**  
**Special Judge (PC Act) CBI-14**  
**Rouse Avenue District Court**  
**New Delhi**

In the present case, arguments on the point of charge had been heard and the matter was reserved for order on 22.12.2023. Pursuant to order No. 50/D3/Gaz.-IA/DHC/2023 dated 14.12.2023, the undersigned was transferred from the Court of ASJ-03, Shahdara, Karkardooma Courts, Delhi to the court of Special Judge (PC Act) CBI-14, Rouse Avenue District Court, New Delhi. It was directed vide Sl. No. 2 of notes of the above order that 'the judicial officer under transfer shall notify the case in which he has reserved judgment/order before relinquishing the charge of the Court in terms of posting/transfer order'. Thus, on 22.12.2023, the present case was notified accordingly and was put up for passing of orders today i.e. 19.01.2024. Today, the order has been pronounced under the signature of Special Judge (PC Act) CBI-14, Rouse Avenue District Court, New Delhi.