

*** IN THE HIGH COURT OF DELHI AT NEW DELHI**

RESERVED ON : JANUARY 19, 2015

DECIDED ON : JANUARY 30, 2015

+ CRL.REV.P. 416/2014

SANJAY JAIN

..... Petitioner.

Through : Mr. Aditya Kumar Chaudhary,
Advocate.

versus

THE STATE

..... Respondent.

Through : Mr. Navin Kumar Jha, APP for
State along with IO/SI Sunil, P.S.
Farash Bazar, Delhi.

CORAM:

HON'BLE MR. JUSTICE S.P.GARG

S.P.GARG, J.

Crl.M.A.10970/2014 (delay)

For the reasons mentioned in the application, the delay in filing
the revision petition is condoned.

The application stands disposed of.

CRL.REV.P. 416/2014 & Crl.M.A.10967/2014 (Stay)

1. Present revision petition has been filed by the petitioner-
Sanjay Jain to challenge the legality of the order dated 20.02.2014

whereby he along with other accused persons was charged for committing offence under Section 120-B IPC.

2. Learned counsel for the petitioner urged that there was no material to proceed against the petitioner under Section 120-B IPC; he was not even named in the FIR. He was roped in because of his relation with co-accused Ashish. Learned APP urged that there is no irregularity in the impugned order.

3. Allegations against the present petitioner are that he conspired with co-accused Ashish @ Bablu, Vijay, Ravi and I.D.Jain to eliminate the victim-Chetan Sharma. On 07.07.2011 at around 11:00 a.m. Chetan Sharma sustained injuries when he was fired at by revolver. During investigation, Ashish @ Bablu, Vijay and Ravi were arrested. Involvement of the present petitioner emerged pursuant to the disclosure statements made by them. Allegations against the petitioner are that I.D.Jain had some property dispute with the victim and the petitioner had introduced him with co-accused. In the disclosure statements, co-accused informed that I.D.Jain had promised to pay ₹4 lacs to kill Chetan Sharma. ₹85,000/- were sent by him through Sanjay Jain (the present petitioner). They further revealed that they had stayed at the residence of Sanjay Jain on the night prior to the occurrence. The prosecution has further relied on

the call details whereby the petitioner was found in touch with I.D.Jain and co-accused Ashish, his brother-in-law, at the relevant time. All this material is enough at this juncture to proceed against the petitioner for hatching conspiracy with co-accused persons. Conspiracy is generally hatched in secrecy and it may be difficult to adduce direct evidence of the same. The prosecution will often rely on evidence of acts of various parties to infer that they were done in reference to their common intention. The prosecution will also more often rely upon circumstantial evidence. The conspiracy can be undoubtedly proved by such evidence, direct or circumstantial.

4. In the light of the above discussion, I find no illegality or irregularity in the impugned order. The revision petition being unmerited is dismissed. Pending application also stands disposed of.

5. Trial Court record (if any) be sent back forthwith along with the copy of this order.

(S.P.GARG)
JUDGE

JANUARY 30, 2015
sa