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

+ CRL.REV.P. 679/2018, CRL MA 29837/2018 (STAY)

STATE (GOVT OF NCT OF DELHI) Petitioner

Through Ms. Aasha Tiwari, APP for State
SI Prabhakaran, PS Chhawla

versus

SHAKTI @ SHARDA Respondent

Through None

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

% **29.08.2018**

By this petition under section 397 Cr.P.C. petitioner/State has assailed order dated 8th June, 2018 whereby respondent has been discharged by the learned Sessions Judge noting that complainant had stated in the FIR that 3-4 persons had come in i-20 car and they robbed his car and purse on 2nd April, 2015. All four accused were arrested by police and charge-sheeted and trial was pending against them. Supplementary charge sheet was filed after three years on the basis of disclosure statement of co-accused Karamveer. It was alleged that respondent also confessed his involvement in the robbery. Learned trial court has held that disclosure statements without any recovery were inadmissible.

During the course of hearing, learned APP has failed to point out any other material evidence against the respondent except the

disclosure statement of co-accused and the accused. Disclosure statements, which had not led to any recovery are not admissible under sections 25 & 26 of the Indian Evidence Act. Accordingly, I do not find any illegality or irregularity in the impugned order.

Petition is dismissed.

Miscellaneous application is disposed of as infructuous.

A.K. PATHAK, J

AUGUST 29, 2018/sm