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

+ **CRL.M.C. 3958/2023 & CRL.M.A. 14914/2023**

JAVED

.....Petitioner

Through: Mr. Bilal Annar Khan, Ms. Anshu Kapoor, Ms. Sidra Khan & Ms. Mariya Mansuri, Advocates.

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Rajat Nair, SPP & Mr. Dhruv Pande, Advocate for State.
S.I. Yujvendra Singh, AEKC/Crime Branch, Delhi.

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+ **CRL.REV.P. 680/2023**

SHOAIB ALAM @ BOBBY

.....Petitioner

Through: Ms. Shivanjali Bhalerao, Proxy Counsel for Ms. Tara Narula, Advocates.

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Rajat Nair, SPP & Mr. Dhruv Pande, Advocate for State.
S.I. Yujvendra Singh, AEKC/Crime Branch, Delhi.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER
15.01.2025

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1. By way of present Petitions, the Petitioners seek quashing of the Order dated 23.03.2023 *vide* which the Charges framed *vide* Order dated 23.03.2023 under Sections 120B/147/148/153A/302/365/188/153A/149 of the Indian Penal Code, 1860 in connection with the FIR No. 65/2020 under



Sections 109/114/147/148/149/436/153A/505/365/302/201/120B/34 of the Indian Penal Code, 1860 registered at Police Station Dayalpur, North-East, Delhi against the Petitioners.

2. Essentially, the ground of challenge taken is that there are inherent contradictions in the statement of the eye-witness as made under Sections 161 and 164 of the Code of Criminal Procedure, 1973.

3. It is also argued on behalf of the Petitioners that the offence under Section 302 of the Indian Penal Code, 1860 is not made out. Since the evidence is already in the process of being recorded, this may be argued at the appropriate state.

4. However, after the Charges were framed, the testimony of eye-witness had already been recorded. Now, the veracity of the contradiction in the statement of eyewitness is subject matter of evidence.

5. In view of above, there is not merit in the Petitions which are disposed of along with pending Application, with liberty to agitate and point out these alleged contradictions in the statement of the eye-witness at the appropriate stage before the learned Trial Court since the testimony of the eye-witness has already been recorded.

NEENA BANSAL KRISHNA, J

JANUARY 15, 2025

S.Sharma