

CNR No. DLNE01-000295-2021  
State v. Aman etc.  
SC No.8/2021, FIR No.64/2020, PS Karawal Nagar  
Order on Charge dated 08.07.2023

DLNE010002952021



**IN THE COURT OF SH. PULASTYA PRAMACHALA  
ADDITIONAL SESSIONS JUDGE-03,  
NORTH-EAST DISTRICT  
KARKARDOOMA COURTS: DELHI**

CNR No. DLNE01-000295-2021  
SC No. 8/2021  
State v. Aman etc.  
FIR No. 64/2020  
PS Karawal Nagar  
U/s. 147/148/308/427/435/436 IPC & 188 IPC

**In the matter of: -  
STATE**

**Versus**

- 1. AMAN**  
S/o. Sh. Rajender Singh  
R/o. H.No. Gali No. 2, Vijay Vihar,  
Near Chaman Vihar, Loni, Ghaziabad, U.P.
- 2. VIKRAM @ VICKY**  
S/o Sh. Ram Bharan,  
R/o. H. No. 731, Gali No. 14,  
SBS Colony, Karawal Nagar, Delhi.
- 3. RAHUL SHARMA**  
S/o. Sh. Shiv Kumar Sharma,  
R/o. H.No. C-305, Gali No. 5, Mukund Vihar,  
Karawal Nagar, Delhi.
- 4. RAVI SHARMA**  
S/o. Sh. Ram Niwas Sharma,  
R/o. H.No. C-313, Gali No. 4,  
Mukund Vihar, Karawal Nagar, Delhi.

**5. DINESH SHARMA**

S/o. Kanchi Lal Sharma  
R/o C-Block, Gali No.2/3, Mukund Vihar,  
Karawal Nagar, Delhi.

**6. RANJEET RANA**

S/o Sh. Mahavir Singh,  
R/o H. No. 560, Gali No. 11,  
Shaheed Bhagat Singh Colony,  
Karawal Nagar, Delhi.

**08.07.2023**

**ORDER ON THE POINT OF CHARGE**

Vide this order, I shall decide the question of charges to be framed against accused Aman, Vikram @ Vicky, Rahul Sharma, Ravi Sharma, Dinesh Sharma and Ranjeet Rana.

1. The present case relates to the murder of one Shahbaz S/o Safi Ahmed R/o H. No. 38, Husainiya Masjid, Hussain Vihar, Loni, Ghaziabad, U.P., who was brutally assaulted and burnt alive on 25.02.2020 on Main Khajuri Pusta Road, near Kali Ghata Cut, Opposite Garbage Centre, Delhi. Present FIR was registered bearing no. 64/2020 dated 28.02.2020 on the complaint of ASI Hariom, Belt No. 2331/N.E (PIS No. 28821405), PS Karawal Nagar, Delhi, in furtherance of DD No. 134-B dated 27.02.2020, PS Karawal Nagar, Delhi.
2. As per charge sheet, the dead body of deceased Shahbaz was first seen by SI Naveen Kumar of PS Khajuri Khas, who was searching the dead body as per the information of one Saqib, who is stated to be friend of deceased Shahbaz.

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3. During the course of investigation, the IO examined Matloob, i.e. brother of deceased Shahbaz, who stated that his brother had gone to fetch medicines for his eyes on 25.02.2020 at about 07:00 AM, to the Guru Nanak Hospital, Turkman Gate, Delhi. On the same day, i.e. 25.02.2020 at around 02:25 PM, when Matloob telephonically talked to deceased Shahbaz on his mobile no. 9599158283, the deceased informed that he had reached Karawal Nagar, but riots were going on in the whole area. Later on, at about 03:00 PM when Matloob again tried to contact deceased Shahbaz, his mobile phone was found switched off. Father of deceased Shahbaz namely Safi Ahmad was also examined, who stated that deceased Shahbaz had been missing since 25.02.2020. Thereafter, Matloob went in search of his brother and while passing through Chaman Vihar, he was told by one Ankit that his brother had been murdered and burnt at Khajuri Pusta Road by the rioters. Since, the rioters were specifically assaulting Muslims on that day, Matloob could not reach at Khajuri Pusta Road due to fear and on 27.02.2020 on learning about the fact that police had taken one burnt dead body to the hospital, Matloob asked Saqib to check the dead body of Shahbaz in the mortuary of GTB Hospital. As there was only one skull piece and some pelvic bones of the dead body, hence, the identity of the dead body was not possible on physical appearance and the same was identified to be belonging to the deceased Shahbaz after matching of the DNA samples of father of deceased Shahbaz with that of the burnt body parts of

deceased Shahbaz.

4. During investigation, site plan was prepared and statement of witnesses were recorded u/s 161 Cr.PC. During investigation, 6 accused persons namely Aman, Vikram @ Vicky, Rahul Sharma, Ravi Sharma, Dinesh Sharma and Ranjeet Rana were arrested in this case on the basis of location of their mobile phones and on the identification and statement of public witnesses. Name of one Achin @ Sachin, surfaced in the statements of the witnesses as well as disclosure statement of accused persons, but according to IO despite best efforts, he could not be identified and traced.
5. **Role of all the accused persons and relevant evidence collected against them is as follows: -**
  - 5.1. **Accused Aman:** - During the course of investigation, statements of public witnesses namely, Ankit, Rahul s/o Sh. Bhupinder, Popinder @ Poppy were recorded by IO u/s 161 Cr.PC. **Witness Ankit** stated that on 25.02.2020, three boys including accused Aman, who was his friend and also living in the same locality, had gone to main Khajuri Pusta Road where riots were taking place. In the evening accused Aman had told him that he along with other rioters had killed and burnt one boy namely Shahbaz; **Witness Rahul S/o Sh. Bhupinder** stated that on 25.02.2020, he along with his friends including accused Aman went to Main Khajuri Pusta Road where riots were taking place. His friends planned to join the rioters but he refused. Thereafter, accused Aman joined the riots by raising the slogan of "*Jai Shri Ram*"; **Witness Popinder @ Poppy** also stated that on 25.02.2020, when he was passing through the Pusta Road at about 02:45-

03:00 PM, he identified accused Aman in the mob of the rioters who were beating a Muslim boy aged about 25-30 years.

5.2. **Accused Vikram @ Vicky: - Witness Rahul S/o Sh. Bhupinder** stated that on 25.02.2020, he saw accused Vikram @ Vicky indulging in rioting at Khajuri Pusta Road and he also also identified the said accused; **Witness Popinder @ Poppy** also stated that on 25.02.2020, when he was passing through the Pusta Road at about 02:45-03:00 PM, he identified accused Vikram @ Vicky in the mob of the rioters, who were beating a Muslim boy aged about 25-30 years.

5.3. **Accused Rahul Sharma: - Witness Rahul S/o Sh. Bhupinder** stated that on 25.02.2020, he saw accused Rahul Sharma indulging in rioting at Khajuri Pusta Road and he also identified the said accused; **Witness Chetan Sharma** stated that on 25.02.2020, he was present at the spot. He identified accused Rahul Sharma, Ravi Sharma, Dinesh Sharma to be amongst the main rioters on Pusta Road on 25.02.2020, and he saw accused Rahul Sharma, Ravi Sharma, Dinesh Sharma along with other rioters beating one Muslim boy aged about 25-30 years mercilessly. Thereafter, accused Rahul Sharma, Ravi Sharma, Dinesh Sharma along with the mob dragged him to the Main Pusta Road. Thereafter, some rioters put the wood pieces on the victim and burnt him alive. Further, witness **Rahul S/o Devki Sharma** also stated in his statement recorded u/s 161 Cr.P.C that on 24.02.2020, in the evening, many Hindu persons had gathered at Main Khajuri Pusta Road, Karawal Nagar. Thereafter, his

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friends namely accused Dinesh Sharma, Ravi Sharma and Rahul Sharma told him that on 24.02.2020, it was decided amongst Hindu community that on 25.02.2020 they will take their revenge from the persons of Muslim community. Next day in the morning at 09:00 AM, his friends namely accused Dinesh Sharma, Ravi Sharma and Rahul Sharma asked him to also join them in the riots that would take place on the same day wherein they would take revenge from Muslim community, but Rahul refused to join them. Thereafter, in the evening of 25.02.2020, the accused persons Dinesh Sharma, Ravi Sharma and Rahul Sharma told him that on that day they had committed robbery as well as also beaten many Muslim persons along with the rioters in the mob.

**5.4. Accused Ravi Sharma: - Witness Rahul S/o Sh. Bhupinder** stated that on 25.02.2020, he saw accused Ravi Sharma indulging in rioting at Khajuri Pusta Road and he also identified the said accused; **Witness Chetan Sharma** also saw this accused among the rioters with co accused Rahul Sharma and Dinesh Sharma.

**5.5. Accused Dinesh Sharma: - Witness Rahul S/o Sh. Bhupinder** stated that on 25.02.2020, he saw accused Dinesh Sharma indulging in rioting that was being taken place on Khajuri Pusta Road and he also identified the said accused; **Witness Chetan Sharma** also gave statement showing involvement of this accused. Further, witness **Rahul S/o Devki Sharma** also gave statement showing involvement of this accused in riots at the same place.

- 5.6. **Accused Ranjeet Rana: - Witness Rahul S/o Sh. Bhupinder** stated that on 25.02.2020, he saw accused Ranjeet Rana indulging in rioting at Khajuri Pusta Road and he also identified the said accused; **Witness Chetan Sharma** also identified accused Ranjeet Rana to be also amongst the main rioters on Pusta Road on 25.02.2020, as he saw accused Ranjeet Rana along with other rioters beating one Muslim boy aged about 25-30 years mercilessly. **Witness Popinder @ Poppy** also stated that on 25.02.2020, when he was passing through the Pusta Road at about 02:45-03:00 PM, he identified accused Ranjeet Rana in the mob of the rioters, who were beating a Muslim boy aged about 25-30 years.
6. After completion of investigation, on 07.07.2020 chargesheet was filed against five accused persons namely Aman, Vikram @ Vicky, Rahul Sharma, Ravi Sharma and Dinesh Sharma, for offences punishable u/s. 147/148/149/302/341/427/436/395/412/120-B IPC, before MM-02, North East District, Karkardooma Courts, Delhi. Thereafter, on 16.10.2020 ld. CMM, North East District, Karkardooma Court, Delhi, took cognizance of offences punishable u/s. 147/148/149/302/341/427/436/395/120-B IPC against all five accused persons and of offence punishable u/s. 412 IPC against accused Aman. On 15.12.2020 first supplementary chargesheet was filed before ld. CMM (N/E) and case was committed to the court of sessions vide order dated 22.12.2020.

7. The **first supplementary chargesheet** was filed with statements of two eye witnesses namely Chetan Sharma and Popinder @ Poppy as recorded u/s 161 Cr.P.C by the IO. In the **second supplementary chargesheet** which was filed on 04.01.2021, accused Ranjeet Rana was also chargesheeted, whose name had surfaced in the statements of various public witnesses earlier. In the **third supplementary chargesheet** which was filed on 15.10.2021, IO stated that co-accused Achin @ Sachin, whose name had also been mentioned by the witnesses to have actively participated in the riots along with other accused persons, despite best efforts could not be identified and traced. IO had obtained sanction u/s 196 Cr.P.C from GNCT, Delhi for prosecution of all accused persons for offence u/s 153A IPC. In the **fourth supplementary chargesheet** which was filed on 19.09.2022, all the accused persons were further charge sheeted for the offence punishable u/s 188 Cr.P.C. pursuant to a complaint u/s 195 Cr.P.C from DCP, N.E. for violating the provisions of Section 144 Cr.P.C.

**Arguments of Defence**

8. I have heard ld. Special PP and ld. defence counsels on the point of charge. I have perused the written submissions and entire materials placed on the record.
9. **Sh. Shailendra Singh**, ld. Amicus Curiae for accused Aman as well as ld. counsel for accused Ravi Sharma and Dinesh Sharma; **Sh. Nishant Kumar Tyagi**, ld. counsel for accused Vikram @ Vicky and **Sh. Ravinder Kumar**, ld. counsel for accused Rahul



Sharma; commonly argued that Section 120-B IPC is not made out against accused persons in the present case, as the alleged offences do not satisfy the ingredients of Section 120-B IPC.

10. **Sh. Rakshpal Singh**, ld. counsel for accused Ranjeet Rana, argued that Section 302 IPC is not made out for this accused.
11. In his written submissions filed by accused Vikram @ Vicky, it was submitted that prosecution relied upon the testimony of Rahul, who is not an eye witness of the murder of Shahbaz. It was further stated that there is nothing on the record to prove the presence/indulgence of the accused in the riots or murder and hence, no offence is made out against him. It was further submitted that prosecution has not placed any evidence on the record to show as to how the offence u/s. Sec. 120-B IPC made out against accused Vikram. In support of his contentions, reliance was placed upon the cases of **State v. Nalini (1999) 5 SCC 253**, **Yakub Razak Menon v. State of Maharashtra (2013) 13 SCC 1**, **Isher Singh v. State of A.P (2004) 11 SCC 585**, **State (NCT of Delhi) v. Navjot Sandhu (2005) 11 SCC 600**, **State of Karnataka v. J. Jayalalitha (2017) 6 SCC 263** and **Firozuddin Basheeruddin v. State of Kerala (2001) 7 SCC 5961**.

#### **Arguments of Prosecution**

12. Per contra, Insp. Deepak Pandey/IO filed synopsis of evidence and arguments. Role of accused and relevant piece of evidence were mentioned therein. I have already mentioned the same herein above. Sh. Nitin Rai Sharma, ld. Special P.P. for the State

submitted that the statement of eye witnesses and recovery of wrist watch from Aman, establish the case of accused persons for the alleged offences. He also referred to order u/s 144 Cr.P.C., complaint u/s 195 Cr.P.C. and sanction u/s 196 Cr.P.C., to support charges of offences u/s 188 and 153-A IPC. He submitted that statement of Rahul s/o Devki establishes the existence of criminal conspiracy, which was joined by all the accused persons.

13. **Appreciation of arguments, facts and law on the point of charges:** -

13.1. The principal ingredient for attracting the offence of criminal conspiracy punishable u/s 120-B IPC is an agreement to commit an offence. Such an agreement must be proved through direct or circumstantial evidence. Court has to necessarily ascertain whether there was an agreement between the accused persons amongst themselves. It is not necessary that there must be a direct and categorical evidence of agreement among the accused persons. However, an implied agreement must manifest upon relying on the principles established in the cases of circumstantial evidence. In the present case, one public witness namely **Rahul S/o Devki Sharma** stated in his statement recorded u/s 161 Cr.P.C that "*on 24.02.2020, in the evening, many Hindu persons had gathered at Main Khajuri Pusta Road, Karawal Nagar. Thereafter, his friends namely accused Dinesh Sharma, Ravi Sharma and Rahul Sharma told him that on 24.02.2020, it was decided amongst Hindu community that on 25.02.2020 they will take their revenge from the Muslim community. Next day in the*

*morning at 09:00 AM, his friends namely accused Dinesh Sharma, Ravi Sharma and Rahul Sharma asked him to also join them in the riots that would take place on the same day wherein they would take revenge from Muslim community but he refused to join them. Thereafter, in the evening of 25.02.2020, the accused persons Dinesh Sharma, Ravi Sharma and Rahul Sharma told him that on that day they had committed robbery as well as also beaten many Muslim persons along with the rioters in the mob".*

13.2. From the statement of this witness read along with statement of other witnesses namely Ankit, Rahul S/o Bhupinder, Popinder @ Poppy and Chetan Sharma, it has come on record that the accused persons were actively part of the mob, which had earlier gathered on 24.02.2020 and properly planned to commit riot on 25.02.2020. Accused persons joined this mob being aware of the planning. They had also done so by being an active member of an unlawful assembly having its common object of causing harm and damage to the person and property of Muslim community, violating the provisions of Section 144 Cr.P.C, promoting enmity between different groups on the ground of religion, causing the killing of the present victim i.e. deceased Shahbaz.

13.3. At this stage, for the purpose of framing charge, even grave suspicion is enough to prosecute the accused persons for the respective charges alleged against them and the veracity, credibility and truthfulness of statements of the public witnesses as mentioned above would be tested during trial. In the present

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case, there are eye witnesses, who claimed to have seen the accused persons being part of the mob and committing assault and the act of killing the victim i.e. deceased Shahbaz on 25.02.2020, and some of the witnesses are relevant for proving extra judicial confession made by some of the accused persons. Some of the witnesses have witnessed the circumstances, which resulted in commission of offences in a pre-planned manner and in active conspiracy with each other, in order to achieve the sole aim of the mob of taking revenge from Muslim community.

14. With respect to the submissions of the defense counsels for accused Ranjeet Rana and accused Vikram @ Vicky that offence punishable u/s 302 IPC is not made out against accused persons, I find that the same has no merit especially in view of the statements of witnesses namely Chetan Sharma and Popinder @ Poppy, who witnessed accused Ranjeet Rana as well as accused Vikram with co accused persons in the mob assaulting and killing one Muslim boy aged around 25-30 years on Main Khajuri Pusta Road, where the deceased Shahbaz was killed by the mob on 25.02.2020 at about similar time i.e. 02:30-03:00 PM. Statement of Rahul s/o Devki shows that it was pre planned to assemble at the given place to take revenge from Muslim persons and that persons joined the mob in pursuance to such plan. Such evidence read along with extra judicial confession of accused Aman, raises a very grave suspicion against all accused including Ranjeet Rana and Vikram that they joined this mob in furtherance to the pre plan and objective of this mob, which killed deceased

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Shahbaz and, in all possibility, the said Muslim boy would be none other than the victim deceased Shahbaz.

15. This mob including accused persons, defied the proclamation made u/s 144 Cr. P.C., which is punishable u/s 188 IPC and a complaint u/s 195 Cr.P.C. has been made in this respect. Section 153 A clause 1 (b) makes a person liable if such person commits any act which is prejudicial to the maintenance of harmony between different religious, racial, language or regional groups or castes or communities, and which disturbs or is likely to disturb the public tranquillity. The act of accused persons certainly falls in such category, which was prejudicial to the maintenance of harmony between Hindu and Muslim community.
16. The wrist watch recovered from accused Aman, was identified in judicial TIP as wrist watch of deceased Shahbaz. Accused Aman has been identified as a part of the mob, responsible for killing of Shahbaz. Section 412 IPC makes one liable, who dishonestly receives or retains any stolen property, the possession whereof he knows or has reason to believe to have been transferred by the commission of dacoity. The wrist watch was apparently taken away either by Aman or any other member of this mob, during this incident, which satisfies the requirement of S. 391 read along with S.390 IPC. It was so done as per objective of the mob.

**Decision**

17. Hence, on the basis of evidence placed on the record, I find that all accused persons are liable to be charged for offences punishable u/s 120-B IPC read with 147/148/302/341/395 IPC as

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well as for offences punishable u/s.147/148/302/341/395 IPC read with Sec. 120B and 149 IPC and u/s. 188 IPC; u/s. 153-A IPC read with Section 149 IPC. Accused Aman is further liable to be charged for offence punishable u/s 412 IPC.

Ordered accordingly.

Announced in the open court **(PULASTYA PRAMACHALA)**  
today on 08.07.2023 **ASJ-03(North East)**  
**(This order contains 14 pages) Karkardooma Courts/Delhi**