

**IN THE COURT OF AVINASH YADAV JUDICIAL MAGISTRATE
Ist CLASS, SAMALKHA (UID No. HR-0443)**

CRN No. : HRPPA1-00-0003-2018.

CIS No. : CHI/2 of 2018.

Criminal Case No. : 6 of 2018.

Date of Institution: 03.01.2018/04.01.2018.

Date of Order : 08.02.2018.

State	Versus	1. Naveen s/o Sh. Om Parkash, r/o Pana Udyan Model Town, North West, Delhi. 2. Wasim s/o Akhtar, R/o Kandhla, Shamli, UP. 3. Shahjad s/o Ali Hasan, R/o Kandhla, Shamli, UP. 4. Wajid s/o Akbar, r/o Kandhla, Shamli, UP. 5. Rashid s/o Yamin, R/o H.No.144, Ward No.2, Kalandar Shah, New Basti Peer, Kandhla, Shamli, UP. 6. Rahish s/o Abdul Gani, R/o New Basti, Electricity House, Kandhla, Shamli, UP.
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... Accused

Case FIR No. : 197 dated 28.10.2017

Under Sections: 379-A, 328, 34 IPC.

Police Station: Sanoli.

Present: Ms. Mamta Rathee, APP for the State.

**(Avinash Yadav)
Judicial Magistrate Ist Class,
Samalkha 08.02.2018.**

P.T.O.

Accused Wasim, Rashid, Shahjad, Naveen, Wajid and Rahis in custody.

Commitment Order :

Accused, as named above, have been sent by the SHO of police station Sanoli to face trial in a case FIR No.197 of 2017 u/s 379-A, 328 read with section 34 of Indian Penal Code, 1860 (hereinafter to be referred as 'IPC') at Police Station Sanoli, Panipat.

2. Shorn of unnecessary details, allegations in brief are that the present case was registered on the complaint of complainant Deepak s/o Mohan Lal, R/o Gali No.1, Vikas Nagar, who gave the following statement. He alleged that on 17.10.2017, at around 01:30 in the morning, he was present at Grain Market, Panipat. One of the boys aged 23-24 years came to him and another boy was standing away. The boy asked him that two packets of potato are to be transported and taken to Dhaba and asked the complainant what would be fare. The amount was settled at Rs.300/-. It is further alleged by the complainant that thereafter loading the vegetable, he started in his rickshaw. When they reached near Chhajpur drain, both

the boys asked the complainant that they would like to drink beer and he should have taken fruity. The complainant stopped his rickshaw at Jalalpur turn near drain. The boys gave fruity to him and themselves started having beers. The complainant became unconscious while he was having fruity. When the complainant regained his consciousness at 06:00 pm, he found his E-rickshaw missing along with mobile No.99960-60334 and Rs.2,000/-. The complainant further alleged that in the state of consciousness, he reached his house. The complainant requested for legal action. On these allegations, FIR was registered under sections 379-A, 328 read with section 34 IPC on 02.10.2017.

3. Investigation was carried out. Statements of the witnesses were recorded. Rough site plan was prepared. Accused were arrested.

4. Copies of challan thereof were supplied to the accused free of cost in compliance of section 208 Cr.P.C. on 15.01.2018.

5. The suave submissions and sure assertions of both the parties have been heard besides perusing the case file minutely.

6. From the above said facts, the essential ingredients of Section 379-A, 328 R/W section 34 IPC have been prima facie made out. The offence Under Section 379-A, 328 of IPC is exclusively triable by the Ld. Court of Sessions. Therefore, this case is committed to the Court of Ld. District & Sessions Judge, Panipat for 09.02.2018. Ld. District Attorney stands informed through Ld. APP to be present in the Court of Ld. District & Sessions Judge. Accused are directed to to be produced before the Court of Ld. District & Sessions Judge, Panipat on **21.02.2018** at 10:00 a.m. Calendra of witnesses be prepared accordingly. The file complete in all regards be sent to the Court of Ld. District & Sessions, Panipat.

**Announced in open court:
on 08.02.2018**

**(Avinash Yadav)
Judicial Magistrate Ist Class,
Samalkha**

Note: All the 4 pages have been checked and signed.

**(Avinash Yadav)
Judicial Magistrate Ist Class,
Samalkha-08.02.2018.
UID No. HR-0443**

Virender Kumar, Stenographer Gr-II

Present: Ms. Mamta Rathee, APP for the State.
Accused Wasim, Rashid, Shahjad, Naveen, Wajid and
Rahis in custody.

Heard. Offence punishable under Section 379-A and 328 of
IPC prima facie made out which is exclusively triable by the Court of
Sessions. Vide separate order of even date, the case has been committed to
Ld. Sessions Judge, Panipat. Ld. District Attorney stands informed
through Ld. APP to be present in the Court of Ld. District & Sessions
Judge. Accused are directed to be produced before the Court of Ld.
District & Sessions Judge, Panipat on **21.02.2018** at 10:00 a.m. Calendra
of witnesses be prepared accordingly. The file complete in all regards be
sent to the Court of Ld. District & Sessions, Panipat.

**Announced in open court:
on 08.02.2018.**

**(Avinash Yadav)
Judicial Magistrate Ist Class,
Samalkha**