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100 suspicions don't make a proof: Judge acquits two

Were Accused Of Murder Attempt During Delhi Riots

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New Delhi: "From a hundred rabbits you can't make a horse, a hundred suspicions don't make a proof." Quoting these lines from Russian author Fyodor Dostoevsky's novel, 'Crime and Punishment', additional sessions judge Amrithabh Rawat discharged two men from the charge of attempt to murder in a north-east Delhi violence case on Monday.

"Both the accused persons are discharged of the offences under Section 307 (attempt to murder) IPC and Arms Act," said the order.

JUDGE

The Case: Prosecution wants charges framed against Babu & Inraan for allegedly being part of an armed unlawful assembly that rioted on Feb 25, 2020, near Mayapuri. Claims both fired at one Rahul with the intention or knowledge to cause his death.

Where is Rahul? His statement is not on record. The State is... saying police never saw Rahul. That being the case, who is going to say who shot whom and by whom and where? How is the gunshot injury established? From a hundred rabbits you can't make a horse.

—Amrithabh Rawat, additional sessions judge, quoting from Fyodor Dostoevsky's 'Crime and Punishment'



In Delhi HC on Tuesday pulled up a petitioner for using the phrase "Tom, Dick and Harry" in his petition, saying such "sling language" was not permissible in pleadings. The petitioner withdrew his plea and was not fined by the court. P7

The court had earlier observed that according to criminal jurisprudence, there must be some material against the accused persons to

frame a charge. "Presumption can't be stretched to make the shape of proof," it said.

> | Changes were taken, P 10

Accused say the charges against them were false

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the prosecution wanted to read off charges against the two men - Babu and Inraan - for being members of an unlawful assembly which was armed with weapons and participated in the rioting on February 25, 2020, near Mayapuri. Despite the police's warning, they refused to leave the area, flouting the prohibitory orders under Section 144 CrPc, it was argued.

The accused said the charges were false. The court, however, found a prima facie case and sufficient grounds for presuming that both accused persons had committed rioting and other offences under sections 143, 144, 147A and 148 CrPc

being part of an unlawful assembly, armed with weapons and committing rioting. When the court enquired if these offences were the reason why the accused were before it, the state denied it, adding that they had committed their act with the intention or knowledge to cause the death of a gunshot victim.

"The gunshot injury is stated to be caused to Rahul but where is he. His statement is not on record," judge noted. His order also highlighted that the police had, after carrying out a long investigation, concluded that the Rahul, alleged to have been shot at by a mob, including the two men, had given a wrong address and a wrong mobile phone number in his medico-legal case (MLC). "So, by the time the police arrived at the hospital, the alleged victim, Rahul, had vanished. It is not as if Rahul gave any initials name and then vanished," it observed. The state

IN THE COURT OF APPEALS
OF THE STATE OF DELAWARE
NEW DELHI, INDIA
S. 133(1) AND 133(2)

New Delhi: The Delhi High Court on Tuesday pulled up a petitioner for using "Tom, Dick and Harry" in the petition and said such language is not permissible in pleadings before the court.

A single-judge bench of Justice Prathiba M. Singh was hearing a petition filed by Group Captain Avul Hasnain against the National Company Law Tribunal (NCLT) and the National Company Law Appellate Tribunal (NCLAT), on the ground that wrong procedures are being adopted by these tribunals.

The petitioner was appearing in person. The court noted that the petitioner appeared to have drafted the petition on his own. The court also noted that a perusal of paragraph 8(f) shows that there is a language to be used in this petition. "The said paragraph reads as under: (f) The Appellate Tribunal cannot permit any person — Tom, Dick, and Harry — to represent and defend the respondent in any suit of NCLT as the rules do not permit," the court noted.

The court further said the petition is liable to be dismissed, however, the petitioner later wished to withdraw it. "Such language is not permissible before the court. Accordingly, this petition is liable to be dismissed. If the petitioner is aggrieved by any order of the NCLT or NCLAT, he may seek a proper petition and only then, file the same," the court said.

The court added that the petition is dismissed as withdrawn with liberty to avail of his remedies in accordance with the law.

IN THE COURT OF APPEALS OF THE STATE OF DELAWARE NEW DELHI, INDIA S. 133(1) AND 133(2)