

State vs . Dharmender & Others. on 7 June, 2012

It is admitted **case** of the prosecution that accused Dharmender was involved in the criminal activities since 1990 and prior to FIR No. 20/10, he was found involved in the robbery **case** in the year 1995. In other words, accused Dharmender was not found involved during the period 1996 to 2009. It means accused Dharmender was not involved in any criminal activities during the long 13 years. Since, the alleged property was acquired in the year 2010, it means that the same could not be acquired SC No. 23/2011 Page no. 22 of 29 [State vs. Dharmender & others.](#)

36. PW Ravinder Singh in his statement stated that accused had purchased a second hand Santro car in the sum of ` 2.80 lac in the year July 2010 and accused had paid ` 1.80 lac in cash and balance amount paid in instalments of ` 6800/- per month. However, on April 3, 2011 accused had paid the balance amount of ` 74,800/- in one go and took the no objection certificate from him.

37. Admittedly, the robbery in **case** FIR No. 248/10 was committed on December 8, 2010 and he was arrested on December 16, 2010 and remained in custody till February 2011 when the charge-sheet was filed. It is not clear when accused had got bail in the said **case**. If the robbery was committed in December 2010, it means the amount of ` 1.00 SC No. 23/2011 Page no. 25 of 29 [State vs. Dharmender & others.](#)

38. Now coming to the properties of accused Dinesh Tiwari. As per prosecution version, accused had acquired a plot measuring 150 sq yards in Janta Vihar area with one Mukesh Prajapati in the sum of ` 11.50 lac in the year 2008. It was also alleged that in the year 2008 he had sold a plot measuring 50 sq yards to Mr. Prahlad Garg. It means that both the said properties were acquired by the accused Dinesh Tiwari from the organized crime committed by him prior to 2008. As per the charge-sheet filed by the prosecution, accused Dinesh Tiwari was involved in 5 robbery **cases** during the period 1992 to 1995. However, prosecution has not filed the copy of charge-sheet of all the said **cases** except in **case** FIR No. 580/95 wherein prosecution has filed the copy of sentence order. The booty of said crimes cannot be used after long 13 to 16 years i.e. in the year 2008 to acquire the said properties. After 1995, accused Dinesh Tiwari was found involved in robbery **case** in the year 2005 in **case** FIR No. 1061/05 PS Shalimar wherein a robbery of ` 3.00 with some jewellery had taken place. But in the said **case** nothing was recovered from accused Dinesh. During his disclosure statement, accused disclosed that he had spent his booty amount on food and making the payment to his advocates. In other words, it is admitted **case** of the prosecution that no property was acquired from the booty of said **case**. After 2005, accused Dinesh

Tiwari was found involved in SC No. 23/2011 Page no. 26 of 29 [State vs. Dharmender & others.](#)