

DELHI

# Maruti arson: defence says charges against workers 'contradictory'

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Concluding her arguments in connection with 13 of the accused in the Maruti violence case at

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charges levelled against the accused and also alleged a "nexus" between the police and the Maruti company.

Seeking to demolish the charges invoked against the 13 accused represented by her, Ms. John pointed out that Section 149 (unlawful assembly) and Section 120B (criminal conspiracy) of the Indian Penal Code were "inherently incompatible" and could not be put together.

## 'Incompatible sections'

"While the criminal conspiracy as defined in Section 120B of the IPC must precede the crime, the Section 149 of the IPC is invoked when unlawful assembly, object and crime take place simultaneously. Both these sections are incompatible and cannot be invoked together," said Ms. John, arguing in the court of Additional District and Sessions Judge R.P. Goyal.

Referring to deposition of one of the prosecution witnesses, she further argued that the situation inside the company was peaceful till 7 p.m. and negotiations were going on, therefore there could be no criminal conspiracy.

"Also, the accused were office-bearers of the workers' union and their presence on the company's premises could not be termed as unlawful assembly," contended Ms. John, who has appeared pro bono in the case.

## No evidence

She also rejected the charges under Section 436 (mischief by fire or explosive substance) saying that the prosecution had failed to establish as to who had lit the fire. She asserted that the charge of destruction of evidence under Section 201 of the IPC also did not hold water as the prosecution had failed to identify the people who allegedly set the CCTV cameras on fire.

## ‘Unholy nexus’

Accusing nexus between the police and the Maruti company, Ms. John questioned as to what business the police had to visit the Japanese hostel to record the statements of the injured management officials. “Many of those injured have accepted that the police visited the company's Japanese hostel to record their statements. It points to unholy nexus between the police and the Maruti company,” said Ms. John.

She further argued that seven to eight days’ delay in recording the statements of the victims, witnesses naming the workers alphabetically, failure to hold Test Identification Parade and bogus recovery of match box pointed to “dishonest investigation”.

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<http://www.thehindu.com/news/national/Delhi/Maruti-company-defence-claims-unholy-nexus-between-police-and-maruti-company/article14811111.html>

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