

**IN THE COURT OF MS. POONAM CHAUDHRY, ADDITIONAL  
SESSIONS JUDGE-02 (CENTRAL), THC, DELHI**

**SC No. 27719/16**

**FIR No. 91/2013**

**PS Karol Bagh**

**State Vs. Laxmi Kant Mandal Etc.**

**17.11.2018**

**ORDER ON CHARGE**

Present: Sh. Jitendra Sharma, Ld. Addl. PP for State.

All accused on bail.

Sh. Atul Kumar, Ld. counsel for accused Laxmi Kant and  
Hardadhan Samant @ Haru.

Sh. Anil Kumar, Ld. counsel for accused Rakesh Kumar

Arguments on the point of charge heard.

1. Vide this order I proceed to dispose off, the submissions made by Ld. Addl. PP and Ld. counsel for accused on point of charge.
2. Ld. Addl. PP contended that there is sufficient material on record to proceed against accused.
3. According to the prosecution accused abducted Nimai Manna and Sikanto and had confined the said victims in a room forcefully

and had beaten them and also threatened them with dire consequences to kill. All the three accused persons had beaten victims with kicks and blows. The victims Nimai Manna and Sikanto were trying to escape from the window when victim Nimai Manna fell and died whereas Sikanto sustained grievous injuries. According to postmortem report of deceased Nimai Manna cause of death was haemorrhage and shock consequent upon blunt force trauma to pelvis, left lower limb abdomen. Injuries were possible in a fall from height. As per MLC of Sikanto he sustained grievous injuries.

4. It is settled legal position that at the stage of framing of charge, the court has to see whether prima facie case is made out against the accused. In this regard, it is held in ***Amit Kumar Vs Ramesh Chander 2012 (9) SCC 460*** as under:-

***“19. At the initial stage of framing of a charge, the court is concerned no with proof but with a strong suspicion that the accused has committed an offence, which, if put to trial, could prove him guilty. All that the court has to see is that the material on record and the facts would be compatible with the innocence of the accused or not. The final test***

*of guilt is not to be applied at that stage.”*

5. In my view on the basis of material on record, prima facie case is made out against all accused for the commission of offence u/s 365/342/506/306/34 IPC.
6. Accordingly, be listed for framing of charge on **05.12.2018**.

**(Poonam Chaudhry)**

**ASJ: Central-02:Delhi/17.11.2018.**