

**IN THE COURT OF SH. SUSHIL ANUJ TYAGI,
ADDITIONAL SESSIONS JUDGE-04:CENTRAL,
TIS HAZARI: DELHI**



SC No.:88/2023

FIR:648/2022

PS: DBG Road

State Vs Deepak @ Deepu

U/s: 307 IPC

CNR No.: DLCT01-002205-2023

ORDER ON CHARGE

12/05/2023

Present: Mr. Mohd. Iqar, ld. Addl.PP for the State.
Accused produced from JC.
Mr. Kamlesh Kumar, ld. LAC for accused.

1. Authority letter issued from Secretary, DLSA, Central District has been filed on behalf of ld. LAC counsel. Be taken on record.
2. Arguments on the point of charge heard.
3. Record Perused.
4. Ld. Addl.PP has submitted that there is sufficient material on record for framing of charge U/s 307 IPC against the accused persons.
5. Ld. Counsel for accused person has argued that accused has been falsely implicated in the present case. It is further argued that the nature of injury caused is simple as per the MLC and section 307 IPC is not made out. It is therefore,

prayed that the said section is not made out in the present case and accused may be discharged.

6. The brief facts of the case are that the present FIR was registered on the statement Smt. Bimla Devi that on 18.10.2022 in the afternoon, her son Deepak and her neighbour Hari Bawaria had quarrel with each other and both of them left from the spot stating that they will go to police. At around 4.30 p.m., the accused Deepak @ Deepu who is son of Hari Bawaria came in the gali in inebriated condition and started abusing. On hearing the sound, son of complainant namely Sunil came in the gali upon whom the accused inflicted knife blows and attempted to cause his death. After causing injuries, the applicant fled away from the spot.
7. Injured was taken to RML Hospital where he was medically examined vide MLC dated 18.10.2022 at 6.13 p.m. which records the following injuries upon the injured :-
 1. *Incised wound (R) Ear Pinna (2x1x0.5 cm)*
 2. *Abrasion (L) Eyebrow 1x1 cm*
 3. *Incised wound (R) Lumb on region 2x0.5x0.5cm*
 4. *Incised wound (L) Arm 3x10 cm x 0.5 cm*
 5. *Incised wound (L) forearm 3x1.5x1 cm*
 6. *Incised wound (L) over (L) side of chest- 1x0.5x0.5 cm and 0.5x0.3x0.5 cm*
8. During investigation, the accused was arrested and weapon of offence i.e. blood stained knife was recovered at the instance of the accused upon which the FSL result is still

pending.

9. At this stage, of framing of charge, this Court has to see whether there is sufficient ground for proceeding against the accused. It is axiomatic that even the strong suspicion that the accused has committed the crime, is sufficient to frame the charges. It is also well settled that the standard of proof adhered to at the final decision of the case is not to be adopted at the stage of framing of charge. The court is not to appreciate or weigh the evidence, which the prosecution proposes to lead during the trial.
10. There is prima facie case made out for framing of a charge **U/s 307 IPC** against the accused and there is sufficient material on record to proceed against the accused person.
11. Accordingly, charges are framed in the aforementioned sections against the accused person namely Deepak @ Deepu to which he pleaded not guilty and claimed trial.
12. List this case for PE for 11/08/2023. Witnesses at Sl. No. 2, 4 and 14 be summoned for the next date of hearing.

(SUSHIL ANUJ TYAGI)
ASJ-04/CENTRAL/DELHI
12/05/2023_(mk)