

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



SC No.:314/2023

FIR:67/2023

PS: Kamla Market

State Vs Lallu Sharma @ Kalu

U/s: 302 IPC

CNR No.: DLCT01-007266-2023

ORDER ON CHARGE

12/07/2023

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

1. Authority letter issued by Secretary DLSA has been filed. Be taken on record.
2. Arguments on the point of charge heard.
3. Record Perused.
4. Id. Addl.PP has submitted that there is sufficient material on record for framing of charge U/s 302 IPC against the accused.
5. Id. Counsel for accused person has argued that accused has been falsely implicated in the present case. It is therefore, prayed that the said section is not made out in the present case and accused may not be charged for the same.
6. Briefly, the case of the prosecution is that on 25/02/2023 at pavement at about 4:37 PM in front of Kali Badi Mandir near SKV School at DDU Marg, Delhi, when injured

Parvesh Bajaj was passing and he told something to accused who was sitting on the footpath. On this, accused Kalu dragged him down on the ground and severely beat him with legs and fists blows. Thereafter, injured became unconscious and accused fled from the spot. The injured was taken to Lok Nayak hospital where the deceased later on 01/03/2023 died during treatment due to the injuries caused by the accused.

7. 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.
8. There is prima facie case made out for framing of a charge **U/s 302 IPC** against the accused person and there is sufficient material on record to proceed against the accused person.
9. Accordingly, charge is framed in the aforementioned section against the accused person namely Lallu Sharma @ Kalu to which he pleaded not guilty and claimed trial.
10. List this case for PE for **08/09/2023**. Witnesses at Sl. No. 1 & 2 be summoned for the next date of hearing.

(SUSHIL ANUJ TYAGI)
ASJ-04/CENTRAL/DELHI
12/07/2023^{MK}