

State Vs. Rahul @ Langda
CNR No.: DLCT01-010083-2023
SC No. 424/2023
FIR No. 358/2023
PS Sarai Rohilla

23.03.2026

Present : Mr. Amit Dabas, Ld. Addl. PP for the State.
Mr. Jitender Kumar Singh, Ld. Counsel for the
accused, namely, Rahul @ Landa.
Accused Rahul @ Langda is present.

ORDER ON CHARGE

1. By means of this order, this Court would determine whether the accused, namely, Rahul @ Langda (*hereinafter referred to as the 'accused'*) is to be charged for the offence(s) alleged against him in the chargesheet or for any other offence or the accused is to be discharged.

2. Succinctly, the case of the prosecution is that on 22.05.2023 on receipt of information/PCR call *vide* DD No. 14A, the concerned police officials reached near Punjab & Sindh Bank, Inderlok, Delhi, where one Aactiva Scooty bearing registration No. DL-7SBM-3771 and one Honda Amaze car bearing registration no. HR-55AC-9878 were found present at the said spot. Correspondingly, it is the case of the prosecution that the complainant Santosh (*hereinafter referred to as the 'complainant'*) was also found present at the spot and that the window of the said Amaze car was found in a broken state at that point of time. At that point of time, the complainant is asserted to have informed the police officials that one of the two accused persons had sustained injury while committing offence and that he could be apprehended, if endeavoured. Consequently, the concerned police officials proceeded in the search of the accused

persons, one of whom, was found hiding in bushes in a park and was identified by the complainant as one of the perpetrators of the offence and who had brandished *chaku* at him at the time of such commission. Consequently, the said person was apprehended/arrested and his identity was revealed as Rahul. Correspondingly, it was determined that the aforementioned scooty was also a stolen property in e-FIR No. 010469/2023, PP Madipur. Subsequently, statement of the complainant was recorded, wherein he *inter alia* asserted that he used to work as driver with Uber in his aforesaid vehicle bearing registration no. HR-55AC-9878. As per the complainant, on 22.05.2023, he was present in Inderlok area at around 03:30 a.m., as he was dropping one of his passengers. Further, as per the complainant, while he was resting in his car, subsequently, at around 04:15/04:30 a.m., two persons suddenly approached towards the left side of his vehicle and before he could comprehend, broke the left window of his car. Correspondingly, as per the complainant, one of the said persons brandished *chaku* at him, whilst his companion robbed the complainant of his mobile phone of VIVO make containing Jio SIM bearing no. 8368399838 and IMEI numbers 869296062361955 and 869296062361948. Thereafter, the said two persons tried to flee towards Inderlok, from the spot, on their Honda Activa Scooty bearing registration No. DL-7SBM-3771, however, while they were driving in a zig-zag manner as the complainant was chasing them, the said scooty collided with the complainant's vehicle and thereafter, both the said persons fled from the spot on foot. Markedly, under such facts and circumstances, the instant FIR came to be registered and investigation ensued. Notably, during the ensuing investigation,

the accused Rahul was arrested, his disclosure statement was recorded, statements of various witnesses were recorded, search for co-accused Imran was conducted and at the behest of accused Rahul, the robbed mobile phone was recovered from the house of accused Imran. However, at that point of time, accused Imran was found absconding and was subsequently, declared a proclaimed offender by the Ld.MM-04, Central, Tis Hazari Courts, Delhi *vide* order dated 14.09.2023. Relevantly, under such facts and circumstances, instant chargesheet/supplementary chargesheet came to be filed.

3. Ld. Addl. PP for the State submitted that the facts and circumstances specified under the chargesheet, including the documents/material placed on record, are sufficient to demonstrate a *prima facie* case against the accused for the commission of offence(s) levelled against him as well as, to consequently, proceed with the framing of charge(s).

4. *Per contra* Ld. Counsel for the accused submitted that no case/charge against the accused is even *prima facie* established and that the accused has been falsely implicated in the present case. Ld. Counsel further submitted that there are gross lacunae in the investigation process, belying the entire story put forth by the prosecution. Further, it was submitted by the Ld. Counsel that the police officials have wrongfully named the accused in the present case, solely with an endeavor to falsely implicate in the present proceedings.

5. The arguments of Ld. Counsel for the accused and that of Ld. Addl. PP for the State have been heard as well as record(s)/material placed on record, thoroughly perused.

6. Before proceeding further, this Court deems it pertinent to observe the settled law¹ that at the stage of framing of charges, neither can the truth, veracity and effect of the prosecution case be meticulously² judged, nor can any weight to be attached to the probable defence of the accused. On the contrary, at such a stage, only the sufficiency of ground for proceeding against the accused, on a general consideration of materials placed before the Court by the investigating police officer is relevant. In fact, the probative value³ of the material on record cannot be gone into, and the material placed on record by the prosecution has to be accepted as true at that stage. Needless to mention that the superior courts⁴ have persistently deprecated the practice of holding a mini trial at the time of framing of charge. Relevant to further note that it is trite law⁵, at the stage of framing of charge, only the police report is required to be considered and the defence of the accused⁶ cannot be looked into. Further, though, sifting of evidence is permissible⁷, however, scanning of evidence in detail is not. Concomitantly, even the inconsistency⁸ in the material produced by the prosecution⁹ or defect in investigation¹⁰, cannot be looked into for discharge of an accused, in the absence of full-fledged trial. Needless to further emphasize¹¹ at the stage of charge, court is not even

¹ *State of Bihar v. Ramesh Singh*, AIR 1977 SC 2018

² *Amit Kapoor v. Ramesh Chander*, (2012) 9 SCC 460

³ *Soma Chakravarty v. State*, (2007) 5 SCC 403

⁴ *Indu Jain v. State of M.P.*, (2008) 15 SCC 341

⁵ *State Anti-Corruption Bureau, Hyderabad & Anr. v. P. Suryaprakasam*, (1999) SCC (Cri.) 373 and *State of Orissa v. Debendra Nath Padhi*, 2005 (1) SCC 568

⁶ *State of Gujarat v. Dilipsinh Kishorsinh Rao*, 2023 SCC OnLine SC 1294

⁷ *State of Maharashtra v. Priya Sharan Maharaj & Ors.*, (1997) 4 SCC 393

⁸ *Sheoraj Singh Ahlawat v. State of U.P.*, (2013) 11 SCC 476

⁹ *Sheoraj Singh Ahlawat v. State of U.P.*, (2013) 11 SCC 476

¹⁰ *State of Tamil Nadu by Inspector of Police v. N. Suresh Ranjan & Ors.*, (2014) 11 SCC 709

¹¹ *Bhawna Bai v. Dhanshyam & Ors.*, (2020) 2 SCC 217

required to record detailed reasons for framing charge, rather¹², a very strong suspicion founded upon materials placed before the Court, which leads it to form a presumptive opinion as to the existence of factual ingredients constituting the offence alleged, may justify the framing of charges. In fact¹³, it is only when no case is made out even after presuming entire prosecution evidence, can an accused be discharged. Needless to accentuate¹⁴ at the stage of framing of charge, the sufficiency of materials for the purpose of conviction is not the requirement.

7. Therefore, being wary of the aforesaid principles, in light of the arguments addressed by the Ld. Counsel for accused as well as that by the Ld. Addl. PP for the State, this Court outrightly observes that from the facts and circumstances of the case, material and the documents placed on record, including the contents of the chargesheet/supplementary chargesheet, statements of witnesses, photographs, seizure/recovery memo(s) and other material brought on record, *prima facie* case under Sections 392/34 IPC read with 397 IPC and 427/34 IPC stands established against the accused, namely, Rahul @ Langda. Further, from the perusal of case record, it is revealed that there is strong suspicion and sufficient material/ground(s) to proceed against the said accused, besides there are witness(es) who can depose against him. In so far, as the contention of the Ld. Counsel for the accused regarding alleged lacunae in investigation process is concerned, this Court is conscious of the settled law¹⁵ that mere defect in investigation cannot be a ground

¹² *Supdt. and Remembrance of Legal Affairs, West Bengal v. Anil Kumar Bhunja*, AIR 1980 SC 52 and *Sajjan Kumar v. CBI*, (2010) 9 SCC 368

¹³ *Manjit Singh Viridi v. Hussain Mohammed Shattaf*, (2023) 7 SCC 633

¹⁴ *Sonu Gupta Vs. Deepak Gupta & Ors.*, (2015) 3 SCC 424.

¹⁵ *State of Tamil Nadu by Inspector of Police v. N. Suresh Ranjan & Ors.*, (2014) 11 SCC 709

for discharge. Further, the contentions of the Ld. Counsel for the accused pertaining to the presence of the complainant being doubtful at the spot or that the accused was falsely implicated in the present case or that the accused is a victim in the present case and has been falsely implicated are concerned, same, in the concerned opinion of this Court are all subject matters of trial, which cannot be delved in detail at this stage.

8. Accordingly, in view of the foregoing, charges under **Section 392/34 IPC** read with **Section 397 IPC** and **Section 427/34 IPC** are framed against the accused, namely, Rahul @ Langda. The said charges are read out to the accused in vernacular language and upon the accused comprehending the same, has pleaded not guilty and claimed trial.

9. List for PE on **04.06.2026**.

10. **Issue summons** against **PW Santosh (at Sl. No. 1); PW Karanjeet Singh (at Sl. No. 2); PW ASI Shyam Singh (at Sl. No. 5);** along with the **concerned IO ASI Rajeev** for the next date of hearing.

(Abhishek Goyal)
ASJ-03, Central District,
Tis Hazari Courts, Delhi
23.03.2026