

CNR No.DLCT01-012265-2019
SC No.123/2021
FIR No.131/2018
PS Subzi Mandi
U/s 308/34 IPC
State Vs. Chatar Pal @ Sanju & Anr.

06/10/2022

Present: Sh. Gyan Prakash Ray, Ld. Addl. PP for the State.
Accused Chatar Pal @ Sanju and Nand Kishore @ Pinchu are present.
Sh. Rajesh Kumar Pandey, Ld. Counsel for both accused.

Vakalatnama has been filed by counsel for both accused.

Arguments on the charge heard. Perused the material available on record.

During the course of arguments on charge, it was submitted by counsel for both accused that both accused have been falsely implicated in the present case and there is no incriminating evidence against both accused and both accused be discharged in the present case.

On the other hand, it was argued by Addl. PP for the State that there is sufficient material available on record for the purpose of framing the charge against both accused.

It is well settled law that at the stage of framing charge, the allegations made in the complaint/FIR and other material relied by the police in report under Section 173 Cr.P.C. only has to be taken into consideration taking the evidence collected on its face value. At this stage, the Court is not expected to screen evidence or to apply the standard as to whether the prosecution will be able to prove the case against the accused on trial or not.

It is the case of prosecution that on 22/04/2018 at about 11:30 PM in front of H.No.T-1209, Malkaganj, Subzi Mandi, Delhi, both accused in furtherance of their common intention had attacked on the complainant Sonam with wooden dandas and caused grievous injuries on her head.

There is sufficient material available on record for the purpose of

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framing the charge against both accused. Prima-facie case for the offence u/s. 308/34 IPC is made out against both accused. Accordingly, charge framed, read over and explained to both accused, to which they pleaded not guilty and claimed trial.

Put up the matter for PE on 09/12/2022. Date of 09/12/2022 is given at specific request and convenience of both accused and counsel.

Two public/ material witnesses including the complainant be summoned for the next date of hearing.

IO be also summoned, for the next date of hearing.

Order be uploaded on the website of the Delhi District Court.

(Vijay Shankar)
ASJ-05, Central District
Tis Hazari Courts, Delhi
06/10/2022(G)