

SC No.157/2017
State Vs. Sunita & anr.
FIR No.74/16
PS : Hauz Qazi

23.01.2018

Present : Sh. N.N. Tripathi, Ld. Substitute Addl. PP for the State.
Accused Sunita Kashyap and Akash @ Pak Pak are present on bail.
Sh. Pradeep Kumar Anand, Ld. Counsel for both the accused persons.

Arguments are heard. Record is perused.

Ld. Counsel for accused, in all fairness, concedes that the case is fit for framing of charge for all the alleged offences.

The version of the prosecution is that on 24.03.2016 at about 03.00 p.m. at House No. 1608, Gali Boriyan, Himmat Garh both the accused persons namely Sunita Kashyap and Akash @ Pak Pak in furtherance of their common intention voluntarily obstructed HC Sunil Kumar and Constable Muddin (who are public servant) in the discharge of their public functions as public servant. It is also alleged that the accused persons named above used criminal force and caused hurt upon HC Sunil Kumar with intent to prevent or deter him for discharging his duty as public servant or in consequence of the attempt of HC Sunil Kumar to perform his duty. It is also alleged that the accused persons similarly caused injuries on the head of

HC Sunil Kumar by piece of brick with such intention and under such circumstances that if by the said act, both the accused persons had caused the death of said HC Sunil Kumar, both the accused persons would have been guilty of culpable homicide not amounting to murder.

It is well settled that at the stage of framing of charge the court is required to evaluate the material and documents on record with a view to find out whether the facts emerging therefrom taken at their face value disclose the existence of the ingredients constituting the alleged offence. The court is not supposed to meticulously examine and assess in detail the material placed on record by the prosecution to assess whether there is sufficient ground for conviction of the accused. Strong suspicion, at the initial stage of framing of charge, is sufficient to frame charge. Reference is made to the judgments of Hon'ble Supreme Court titled as *Superintendent and Remembrance of Legal Affairs, West Bengal Vs. Anil Kumar Bhunja* AIR 1980 SC 52, *State of Delhi Vs. Gyan Devi* AIR 2001 SC 40, *State of Bihar Vs. Ramesh Singh* AIR 1977 SC 2018 and *Soma Chakravarty Vs. State* AIR 2007 SC 2149.

The material on record discloses that a *prima facie* case for the offences under Sections 186, 353, 332 and 308 read

with Section 34 of IPC is made out against accused persons namely Sunita Kashyap and Akash @ Pak Pak.

Charge is framed against accused persons namely Sunita Kashyap and Akash @ Pak Pak. Charge is read over and explained to accused persons. Accused persons plead not guilty and claim trial.

The case is fixed for PE on 24.04.2018.

PWs Dr. Deepika, HC Sunil and Roop Kumar be summoned for the next date of hearing.

(Ashish Aggarwal)
ASJ-03 (Central)/THC/23.01.2018