

**Case No.938/2019**  
**FIR No.174/2019**  
**u/s 376D IPC**  
**PS: DBG Road**  
**State Vs. Nitin Kumar @ Akash and others**

**08.01.2020**

Present:

Sh. Ateeq Ahmad, Ld. Addl. PP for the State.

Accused Nitin Kumar @ Akash and Bharat @ Sonu are produced from JC with counsel Sh. Nitin Ahlawat.

Ms. Lakshmi Raina, ld. Counsel for DCW.

Arguments on charge heard.

Ld. counsel for both accused has argued that the both accused persons have nothing to do with the alleged offence and they have been falsely implicated in the present case and there is no incriminating evidence against the accused persons to proceed further and make a submission that both the accused persons may kindly be discharged.

Per contra, ld. Addl. PP for the State submitted that there is sufficient material on record to proceed against both the accused persons. Heard.

Record perused. Having heard the submission made by ld. counsel for accused as well as ld. Addl. PP for the State and after gone through the case file, this court is of the considered view that prima facie, there are sufficient material on record to proceed against both the accused Nitin Kumar @ Akash and Bharat @ Sonu for offence punishable

**u/s 376D IPC.** Accordingly, charge **u/s 376D IPC** is hereby framed against both the accused persons to which both the accused persons pleaded not guilty and claimed trial. Reliance is placed upon the case law laid down by Hon'ble Supreme Court of India in case of "*Kanti Bhadra Saha Anr Vs. State of West Bengal*" wherein it has been held that :

"there is no legal requirement for the trial court to write a reasoned or lengthy order for framing the charges."

The said proposition of law has also been reiterated by the Hon'ble Supreme Court in case of "*Munni Devi Vs. State of Rajasthan, Crl.A. No.1138/2001 decided on 06.11.2001*" that no detailed order is required to be passed at the time of framing of the charge.

PWs Prosecutrix, D.O., Doctor and I.O. be summoned for next date of hearing.

Be put up for P.E. on **04.02.2020**.

**(SATISH KUMAR)**  
**ASJ/SFTC-2(CENTRAL),**  
**TIS HAZARI COURTS, DELHI.**  
**08.01.2020**