

FIR No. 71/25
PS Vasant Kunj (North)
U/s 109 (1) BNS
State vs Karan

14.05.2025.

Present: Sh. Shiv Kumar, Ld. Addl. PP for the State.
Accused Karan produced from custody.
Sh. Jitendra Rexwal, Sh. Sunil Kumar and Sh. Sahil
Khan, Ld. Counsels for the accused.

Heard on the point of charge and perused the record.

Ld. Counsel submitted that the victim and the accused used to live together. The victim was pressurizing the accused to marry with her but the accused refused. The accused thereafter stopped meeting the victim due to this reason the victim inflicted injuries on herself with the knife and falsely implicated the accused. The finger prints from the knife or from the crime were not lifted only because the injury is self inflicted. The statement of the victim was also recorded after considerable delay. There is no public witness joined.

It is submitted that keeping in view these facts, it is clear that no offence punishable under section 109 (1) BNS is made out. It is prayed that accused be discharged.

Ld. Addl. PP for the State submitted that police got the information about the incident vide DD No. 4A that injured had been admitted to AIIMS Trauma Centre, Delhi after sustaining injuries in the incident. The statement of the injured was recorded after she became fit and she informed that it was the accused who stabbed her with the knife. The Doctor has opined the nature of injury as grievous and also that injury is sufficient to cause death in ordinary course of nature.

Ld. Addl. PP further submitted that there is no delay in recording the FIR as the injured was not fit and the incident took place in the house there was no other person available. The police attempted to record the statement of the injured but the Doctor declared the patient unfit for statement and thereafter there was operated upon. She was discharged from the hospital only on 06.03.2025 and thereafter her statement was got recorded u/s 164 Cr. PC on 28.03.2025.

Ld. Addl. PP for State further submitted that prima facie offence punishable u/s 109 (1) BNS is made out against the accused. It is prayed that he be charged accordingly.

After hearing the arguments and going through the record, I find that there is evidence on record to show that the victim has been stabbed with a knife and the knife was found on the spot. According to the statement of the victim, it was the accused who stabbed her. At the stage of framing of charge, only prima facie view is to be taken. The evidence is not to be weighed minutely to find out as to whether trial will culminate in acquittal or conviction. If the evidence collected raises strong presumption against the accused then charges be framed.

In the presence case, as per the statement of the victim, she has been stabbed by the accused with a knife. This fact that she has been stabbed has been corroborated by the medical evidence. The injuries have been opined to be grievous and sufficient to cause death in ordinary course of nature. So far as the delay in recording the statement of the victim is concerned, the medical record itself provides sufficient reasons as to why her statement could not be recorded earlier. So far as the question of non joining of public witness(es) is concerned, as per the

evidence the incident has taken place in the house where there was none else was presence except the child of the victim. Hence I do not find any merit in the contention of the Ld. Defence Counsel even otherwise the evidence collected makes out prima facie case against the accused that it was he who stabbed the victim causing grievous injury on her person, which are sufficient to cause death in ordinary course of nature.

Prima facie offence punishable u/s 109 (1) BNS is made out against the accused.

Accused is accordingly charged, to which he pleaded not guilty and claimed trial.

Now to come up for prosecution evidence on **14.07.2025**.

PWs Ms. Manisha, Ms. Suman, Dr. Irtiqah Sheikh Senior Resident, Dr. Anupriya S Nair Senior Resident, MHCM and IO be summoned for the next date.

A letter be also sent to the Director, FSL, Delhi to expedite the examination of exhibits and submit the report before **14.07.2025**.

(Virender Kumar Bansal)
Principal District & Sessions Judge
New Delhi District
Patiala House Courts/ND/14.05.2025