

05.08.2025

Present: Shri Dushyant Siwatch, Ld. Chief Prosecutor for the State.
Accused produced from JC alongwith Ld. Counsel Sh. Pankaj.

Vide this order, I shall adjudicate upon the point of framing of charge qua the accused Raju Mahto.

During the course of arguments, it has been argued on behalf of accused that the accused has been falsely implicated in the present case and there is no incriminating evidence against the accused. It has been further argued that there is no eye witness to the incident in question and as per the FIR, it has been stated that the deceased had committed the suicide as she was under stress and FIR has been registered after 3 days of the incident in question. It has been further argued that the complainant and the accused were both friends and hence, it is prayed that the offence U/Sec.302 IPC is not made out against the accused in the present case.

Per-contra, it has been argued on behalf of Ld. Chief Prosecutor for the State that there is sufficient incriminating material against the accused. It is further argued that the clothes and the weapon of offence have also been recovered at the instance of the accused and the accused was also last seen in the house of the deceased prior to the commission of offence.

Arguments heard. Record perused and considered.

As per the charge-sheet, the allegations against the accused are that a PCR Call vide DD No.130-A, dated 21.01.2024 was received at PS Bindapur and the Caller had

informed that at H.No.E 36-37, Sahyog Vihar, Uttam Nagar near MCD Govt. School, D.K. Mohan, Delhi, there are injuries over the neck of a lady. She is not talking and someone had attacked upon her. Police official reached at the spot and came to know that the injured was taken to Indira Gandhi Hospital where the doctor declared her brought dead vide MLC No.10785/24 and as per the said MLC, Multiple superficial to deep cut throat wounds were present on the anterior aspect of neck. The postmortem of the deceased was got conducted vide PM No.141/2024 dated 22.01.2024 in which the cause of death was opined as 'due to traumatic asphyxia associated with Hemorrhagic shock as a result of compression of chest and abdomen'. The statement of the grandson of deceased Jitender recorded wherein he stated that he had suspicion upon the accused regarding the death of his grandmother/deceased as he stated that his brother Dheeraj had told him on a phone that he had purchased one mobile phone for Rs.2,500/- from the accused and he had given Rs.1,500/- to the accused and Rs.1,000/- was remained to be paid to him. Thereafter, on 21.01.2024, accused Raju had called his brother Dheeraj and asked him for the remaining amount and also threatened him that if he would not pay the remaining amount, he would take the same from his grandmother. However, during the investigation, it was found that when the accused Raju asked the deceased to pay the remaining amount, she started abusing and so he got angry and sat over the chest of the deceased Rajwati and hit her neck from a sickle and after that he left the house and called the elder brother of Dheeraj i.e. complainant Jitender and asked him to meet nearby the house and he offered him liquor and thereafter, he had gone to the house of the complainant alongwith him and tried to manipulate the entire sequence. It is

further seen that the clothes worn by the accused at the time of commission of offence and weapon of offence i.e. *Sickle* were also got recovered during investigation. Further, as per the subsequent opinion, the injuries sustained on the neck of deceased could have been inflicted by weapon of offence with applying minimal force of infliction.

Thus, from the catena of judicial principles, it is established that at this stage of framing the charge, a Court of law is not required to hold elaborate inquiry and only a prima facie case is to be seen. Further, the mandate of Section 228 of CrPC indicates the absence of requirement of recording of '*detailed reasons*'. At that stage, the only object of the Court is to arrive at a satisfaction as to the existence of sufficient grounds for proceedings against the accused.

Hence, in the light of legal pronouncement and after hearing the parties as well as considering the material collected during the course of investigation and submitted before this Court in the form of charge-sheet, this Court of the considered opinion that at this stage, there is strong and grave suspicion that accused has committed offence punishable u/s 302 IPC and prima facie a case is made out against him for the said offence. Accordingly, re-list the matter for framing of formal charges on 10.09.2025.

(Gurmohina Kaur)
ASJ-05/South-West District,
Dwarka/ Delhi/05.08.2025