

SC No. 179/19  
State vs Mukesh etc.  
FIR No. 350/16  
P.S : Seelampur

17.09.2019

Present: Sh. D.K. Singh, Ld. Addl. P.P for State.  
All accused on bail with Ld. Counsel.

Arguments on charge heard.

It is submitted by Ld. Addl. PP for State that as per the allegations of the prosecution, accused persons in furtherance of their common intention caused injury with danda and Suas' (ice breaking instrument) on the head and chest of complainant Iqrar s/o Gaffar with such an intention or knowledge and under such circumstances that if by their aforesaid act, they caused death of said Iqrar, they would be guilty of murder and it is prayed that charges under Section 307/34 IPC is made out against the accused persons and same may be framed.

On the other hand, Ld. Counsel for accused persons has argued that accused persons are innocent and have nothing to do with the alleged offence and they have been falsely implicated in this case by the police. It is further argued that there is no direct or indirect evidence against the accused persons. It is argued that there is no legal or acceptable evidence and so there are no sufficient grounds to frame a charge.

It is settled law that at the stage of framing of charge court has to see prima facie case and minute evaluation of evidence cannot be done. At this stage, court has to see only material collected by the prosecution during investigation and defence of the accused has nothing to do with framing of charge as the defence has to be taken at the stage of trial and not at the stage of framing of charge.

After going through the record and arguments, at this stage, this

court comes to the conclusion that there is sufficient material against accused Mukesh @ Fauji, Abhishek @ Anda and Bittu to frame charge u/s 307/34 IPC. Charge framed accordingly, to which accused persons pleaded not guilty and claimed trial.

Put up for PE on 03.12.2019.

(LALIT KUMAR)  
ASJ-03/NE/KKD / 17.09.2019