

**IN THE COURT OF PAWAN KUMAR MATTO,  
ADDITIONAL SESSIONS JUDGE (SPECIAL JUDGE  
NDPS), NORTH EAST DISTRICT, KARKARDOOMA  
COURTS, DELHI**

**SC No. 357/2022**

**State Vs. (1). Pradeep; (2). Chander Pal;**

**(3). Geeta; (4). Manoj; & (5). Anuj**

**FIR No. 303/2022**

**PS: Karawal Nagar**

**U/s: 304-B/498-A/34 of IPC**

**22.12.2023**

**ORDER ON CHARGE**

1. Briefly stating that in the case in hand, the chargesheet has been filed under Section 304-B/498-A r/w Section 34 of IPC, when the matter was fixed for hearing arguments on charge.

2. I have heard Ld. Counsels for the parties.

3. Sh. Masood Ahmad, Ld. Addl. PP for State and Sh. Hansraj Singh, Ld. Counsel for the complainant have submitted that the marriage of the deceased Beauty and the accused Pradeep was solemnized on 05.02.2022 and she had expired on 24.06.2022. It is also submitted in the case in hand that at 02:15 PM, call to Police was made by the accused Chander Pal, wherein he had told that his daughter-in-law had committed suicide and DD No.74A was recorded in this regard. Thereafter, on the statement of the complainant Arun Kumar (father of the deceased) recorded on dated 25.06.2022 by the SDM, the FIR was registered and statement of Prince Pradhan (brother of the deceased) was recorded by the SDM on dated 25.06.2022. It is

also submitted that the accused Pradeep was arrested and chargesheet against other accused has been filed without arresting them. It is further submitted that on arrival of Police, broken bangles of the deceased and broken LED was found in the house of the accused Pradeep, which show the marks of violence and blood stains on the hand of the deceased was also found and injury on the neck of the deceased was also visible. It is also submitted that from the statement of the complainant, namely, Arun Kumar recorded by the SDM, it is clear that the accused used to demand Rs.20 lakhs and XUV Car and father of the deceased had spent Rs. 45-50 lakhs on the marriage of his daughter and gave the Creta car to the accused Pradeep, at the time of marriage. It is further submitted that the accused Pradeep used to say that the Creta Cars are owned by the Balmikis of his area and the Creta Car is not as per his standard and he wanted XUV 700 vehicle. Complainant has also mentioned in his statement that Rs.9 lakhs and ornament of gold and silver were also given by him, but the accused used to demand Rs.20 lakhs and XUV 700 vehicle and accused used to beat to the deceased and the deceased was pregnant by three months and the mother of the accused, namely Geeta used to force his daughter (deceased) to do the household works even during her pregnancy. Complainant has also alleged that on 24.06.2022 at 11:20 AM, his daughter called to her brother Prince Pradhan and told him that this accused Pradeep speaks lie and he has illicit relations with many girls and she also asked her brother to take her in the house of her parents. It is further

submitted that at the same moment accused Pradeep snatched the phone of the deceased and told to the son of the complainant that he was coming to meet him at Ghaziabad and thereafter, the phone of the deceased was switched off. Thereafter, the father of the deceased had made call to the deceased on her phone, but her phone was switched off and then he called the accused Chander Pal (father of the accused Pradeep), who had handed over the phone to some child, but he did not arrange his talk with the deceased and submitted that this accused Pradeep had arrived at the house of brother of the deceased at 12:30 PM and as per his plan, he had received call from the other accused alleging that Beauty had committed suicide. The statement of the brother of the deceased, namely, Price Pradhan was also recorded by the SDM. It is also submitted that thereafter, the brother of the deceased had arrived at Mavi hospital, but, he did not find the deceased Beauty at there. It is also submitted that thereafter, brother of the deceased reached at the matrimonial house of the deceased, where he found that dead body of the deceased lying on the bed and submitted that that the LED in the said room was found to be broken and broken bangles were seen in the same room of the house of the accused, wherein the deceased was allegedly found dead and stains of blood were found on the hand of the deceased, from which, it may be inferred the violence had taken place before death of the deceased. It is also submitted that postmortem report of the deceased also reveals that there are injuries on the left forearm, left wrist joint and also on the right hand. Postmortem report also reveals that extravasation of the

blood was present over the left frontal region. Postmortem report also reveals that there is a developing fetus of 3-4 months in the uterus of the deceased. It is also submitted that accused Pradeep is the husband of the deceased, Chander Pal is the father-in-law, Geeta, mother-in-law, Manoj and Anuj are the sons of paternal aunt of the accused Pradeep, who are living in the house adjoining to the house of the accused Pradeep and there is a passage from inner side between the house of Manoj, Anuj and house of accused Pradeep. It is further submitted that call details records of accused Pradeep, deceased Beauty, accused Chander Pal were also seized. From the call details records, it is proved that on the date of her death, deceased Beauty had called to her brother at 11:20 AM. It is also submitted that accused Manoj was away at Muzzafarnagar as he is serving in UP Police and accused Anuj is working at a shop which is situated in the same house. It is submitted that since the accused Chander Pal did not arrange talk of the complainant with the deceased at 12:45 PM, it clearly shows that the deceased was no more in the world at that time and statement of the Suman (mother of the deceased) was also recorded which reveals that the marriage between deceased and the accused Pradeep was solemnized on dated 05.02.2022 and the mother of the accused Pradeep had had given slapped on the face of the deceased. It is further submitted that after her marriage, the deceased Beauty lived in her matrimonial home and deceased lived at her parental house for about 40 days and returned to her matrimonial home on 16.06.2022 and she had expired on dated 24.06.2022. It is further submitted that after

filing of the supplementary chargesheet, statements of Sanjeev and Reena (who were Chacha and Chachi of the deceased) were also recorded on dated 21.03.2023, which clearly shows that the accused used to demand dowry and they have also alleged that Manoj and Anuj, who are sons of Bua of accused Pradeep also used to harass the deceased Beauty. The Ld. Addl. PP for the State has submitted that deceased had committed suicide in view of harassment on account of dowry, as, big car and money were demanded, so, offence u/s. 304-B/498-A/34 of IPC is made out against the accused.

4. The Ld. Counsel for the complainant has also submitted that the injury on the neck of the deceased is also visible and submitted that the deceased was strangulated with the gold chain worn by her at the time of her death. He has also submitted that the blood on the hands of the deceased is also visible in a photograph. In the statement of Tanu, it is mentioned that the deceased was lying on the floor and submitted that no one had seen the deceased in hanging condition and submitted that a false story is concocted by the accused regarding hanging by the deceased and submitted that the accused Pradeep, after hatching a conspiracy, had strangulated the deceased with the help of other accused. It is also submitted that the scaled site plan placed on record by the prosecution reveals that the said handle of the almirah, whereon the deceased is stated to be hanged herself was fixed at the height of 140 cm and the height of the deceased was 155 cm, as mentioned in the postmortem report and submitted that it is not probable that the deceased would have hanged

herself with the handle of the almirah, which is fixed at the height of 140 cms from the floor and submitted that even the chunni, with which, the deceased is stated to have hanged herself is found to be intact, so, it is not a case of suicidal death and further submitted that the this accused Pradeep had committed murder with the help of the accused Chander Pal and his wife and concocted a false story of hanging by the deceased and submitted that since from the statement of the complainant recorded by the IO, it is clear that this is not a case of the suicide and hanging and it is also submitted that mark of injuries on the neck of the deceased, mark of violence in the room, wherein the dead body of the deceased was found, broken bangles are also found in the same room and broken LED was also found in the said room and since, the deceased was pregnant at the time of her murder, so, charges under Section 304-B/34, 498-A/34 & 315/34 of IPC and alternative charge under Section 302/34 of IPC are liable to be framed against the accused.

5. On the other hand, Sh. Harvinder Singh, the Ld. Counsel for the accused submitted that in the case in hand the deceased had committed suicide on dated 24.06.2022 and FIR was registered on the basis of the statement of the father of the deceased recorded by the SDM on dated 25.06.2022 and submitted that the accused Manoj was not named in the said statement and further submitted that merely the name of accused Anuj was mentioned, but no specific role in commission of any offence is attributed to Manoj & Anuj and further submitted that the delay in lodging of FIR create doubts in the version of the

prosecution. He has also submitted that only for the reason that Anuj and Manoj are the sons of paternal aunt (bua) of the accused Pardeep, they have been falsely implicated in the present case. He has further submitted that the SDM had recorded the statement of Sh. Arun Kumar and also Prince on dated 25.06.2022.

6. He further submitted that the Counsel for the complainant has submitted that the ligature mark on the neck of the deceased reveals the impression of the chain of gold worn by the deceased at the time of her death and submitted that the Ld. Counsel for the complainant has made wrong submissions in the court that the accused Pradeep had strangled the deceased with the gold chain worn by the deceased.

7. He has further submitted that it was not probable to strangle the deceased with the gold chain worn by the deceased and further submitted that supplementary chargesheet was also filed in this case, wherein, the statements of Sanjeev (chacha of the deceased Beauty) and Reena (chachi of the deceased Beauty) were recorded. It is also submitted that the statements of Sanjeev and Reena were recorded by the IO on dated 21.03.2023 and delay in recording of their statements creates serious doubts about the story of the prosecution and further submitted that the statements of these two witnesses Sanjiv and Reena were recorded to make case of the prosecution to be strong against Manoj and Anuj and submitted that Manoj is working in UP police and he was posted at Muzaffarnagar (Uttar Pradesh) at the time of alleged occurrence and since he was

posted in security, so, he was not granted leave and he did not visit his house for about two months prior to the demise of the deceased and also submitted that on receiving the information regarding the demise of the deceased, he took special leave and came on that day at his home and submitted that initially the complainant had not leveled any allegation against him in his statement recorded by the SDM and it is the Reena and Sanjeev (whose statements under Section 161 Cr.PC were recorded on dated 21.03.2023), wherein, they had levelled false allegations that they used to torture to the deceased mentally and submitted that the prosecution has claimed that the deceased used to tell about her life to her Chacha Sanjeev and Chachi Reena, but no call detail record of Sanjeev and Reena are placed on the record by the IO and submitted that neither Anuj nor Manoj were present in the house of the accused Pardeep, at the time of death of the deceased and submitted that the statement of Jitender Sharma was also recorded, in whose vehicle the deceased was taken to the Mavi Hospital after commission of suicide by the deceased.

8. He has further submitted that it is alleged that the accused used to demand for money and XUV 700, but there are inconsistencies in the statements of the complainant recorded by the SDM and also by the IO, as in his statement recorded by the SDM on dated 25.06.2022, he had alleged that Creta car was given in the marriage of deceased. Whereas, no such Creta car was given in the marriage. He also submitted that the prosecution has claimed that the money was demanded by the accused and

the brother of the deceased Prince had given the same. Prosecution has placed on record certain proofs of payment which reveals that the Prince, who is brother of the deceased had paid Rs.1,000/- to Abhishek and Rs.1,000/- were paid to Monu and Rs.2,000/- were paid by him to Fatima and submitted that all these payments were made online by Prince. But, neither Abhishek nor Monu or Fatima have any relation with the accused. He further submitted that since the deceased had seen certain messages on the mobile phone of accused Pardeep, which were sent by his friend, namely, Manish Bainsla to his girlfriend from the phone of accused Pradeep, so deceased suspected that accused Pardeep is having extra marital relation with some other girl and in view of such misunderstanding, she had committed suicide.

9. It is further submitted by the Ld. Counsel for the accused that from various chat on the phone between the deceased and accused Pradeep (which have been placed on record), it is clear that there were cordial relations between the deceased and her husband Pradeep and further submitted that in the said chatting, it is nowhere mentioned that demand of dowry was ever made by any accused or any harassment was done by any of the accused. He has also submitted that even the call details records of Prince, who is brother of the deceased reveal that there was talk between the deceased and Prince was held at 11:20 AM and said call continued for 703 seconds and it is alleged that the deceased was not allowed to tell about the illicit relations of accused Pradeep with other girl and submitted that this story is concocted. He has

further submitted that even the call details records of the accused Pradeep and chatting of the accused Pradeep with deceased reveals that on the date of occurrence, he had chatted with the brother of the deceased and told that the deceased had read certain messages relating to the friend of accused Pradeep with the girl friend of friend of the accused Pradeep and submitted that accused Pradeep was fearing in view of same, the deceased got annoyed.

10. He has also submitted that two opinions of the doctors are there on the record, from which, it is clear that this is a case of suicidal death and not of the homicidal death. He has further submitted that this is a case of suicidal death and the counsel for the complainant has wrongly tried to make it a case of strangulation. He has also submitted that statements of CHACHA and CHACHI of deceased have also been recorded on dated 21.03.2023 that too after a considerable period of the date of occurrence, so, on the basis of the same, no charge against the accused Manoj and Anuj can be framed against them and they are liable to be discharged and submitted that no offence u/s. 302, 304-B or 498-A of IPC is made out and prayed for discharge of the accused, as, the deceased had committed suicide in view of suspicion in her mind regarding extra marital relation of Pradeep with some other girls.

11. In rebuttal, Sh. Masood Ahmad, Ld. Addl. PP for the State has submitted that in the case in hand, the marriage of the deceased with Pradeep was solemnized on dated 05.02.2022 and she has committed suicide on dated 24.06.2022 i.e. within the

seven years of marriage. He has also submitted that the statements of complainant was recorded by the SDM on dated 25.06.2022, wherein, he has alleged that all the accused including the accused Manoj and his brother used to harass the deceased and submitted that the supplementary charge-sheet was also filed in this case, wherein, statement of Sh. Sanjiv Kumar (Chacha of the deceased) and Smt. Reena (Chahchi of the deceased) were also recorded, who have stated therein that accused Manoj and Anuj also used to harass the deceased, so, prima facie case u/s. 304-B/498-A/34 of IPC against all the accused.

12. Sh. Hans Raj Singh, Ld. Counsel for the complainant has submitted that in the case in hand, blood on the hand of the deceased and broken bangles of the deceased are also found in the room, wherein, the deceased is alleged to have committed the suicide and broken LED TV was also found in the house of the accused and submitted that since, the deceased was pregnant, so, prima facie case punishable u/s. 302/304-B/315/498-A/34 of IPC is also made out against all the accused.

13. I have given thoughtful consideration to the submissions made by the Ld. Counsels for the parties and perused the record.

14. The perusal of the record reveals that in the case in hand, the FIR has been registered on the statement of father of the deceased recorded by the SDM on dated 25.06.2022, wherein, he has stated that the marriage of his daughter Beauty was solemnized on dated 05.02.2022 with Pradeep and he had spent Rs. 45-50 lakhs on her marriage and the age of his daughter was

about 23 years and she was pregnant by three months. He has alleged that after one month of her marriage, her husband, her mother-in-law Geeta, father-in-law Chanderpal started mentally harassing her. He has also stated that mother-in-law of Beauty namely Geeta and husband of the deceased Pradeep used to abuse Beauty and during the period of her pregnancy, his daughter used to feel bad smell from the food and she was also harassed on this account. He has also stated that accused Pradeep had told his daughter Beauty that Creta car is owned by Balmikies of his area and his status cannot be maintained with this Creta car and he demanded big car. He has also stated that he had given all the necessary articles for daily use and ornaments of gold and silver were given to the accused, worth value of which was about Rs.9 lakhs. He has also stated therein that a Creta car was also given in the marriage and about Rs. 7 lakhs in cash were also given. He has alleged that after the marriage of Beauty, an XUV 700 vehicle and Rs.20 lakhs were demanded and in view of the same, his daughter Beauty was beaten and for the same reason, she became sick and at the time of her death, she was pregnant by 3 months. He has also stated therein that his daughter Beauty was made to do work entire day by her mother-in-law and she did not provided food to her. He has also stated that on dated 24.06.2022 at 11:20 AM, his daughter Beauty had phoned on the phone of his elder son Prince Pradhan and told him that accused Pradeep Kasana speaks lie. He is having relations with many girls and he had also misled her and also asked her to take her at the house of her parents and alleged that

accused Pradeep Kasana had snatched away her mobile phone from her and told to the son of this complainant that he was coming to him at Ghaziabad and thereafter, Beauty was desirous to make talk with him, but, her phone was switched off and at 12:43 PM, he had phoned on the phone of Chander Pal and asked him to arrange talk with Beauty, but, Chander Pal Kasana did not arrange talk on phone with his daughter Beauty and he had given phone to some other and at 1:21 PM, Chander Pal Kasana had phoned to the complainant and told that health of Beauty was deteriorated and she was being taken to hospital and asked to the complainant to come, on which, the complainant had asked to his son Prince Pradhan to go to Mavi Hospital, but, his son Prince Pradhan did not get Beauty at there and thereafter, his son Prince Pradhan went to the house of the accused, where, the dead body of Beauty was found. The complainant has also stated that he suspected that his daughter Beauty was killed by Pradeep Kasana, Geeta (mother-in-law of Beauty), Chander Pal Kasana (father-in-law of Beauty) and two sons of Bua of Pradeep namely Anuj and his brother Manoj and he has also prayed therein that he wants action against Pradeep Kasana, Geeta (mother-in-law of Beauty), Chander Pal Kasana (father-in-law of Beauty) and two sons of Bua of Pradeep namely Anuj and his brother.

15. The SDM had recorded statement of son of this complainant namely Prince Pradhan, who has stated therein that marriage condition of Beauty was not good and alleged that her in-laws used to harass her mentally and she was also abused and alleged that Pradeep Kasana usually used to say that Creta car

was not as per his status. He has also alleged that Pradeep used to demand big car and diamond ring and some time, he used to beat his sister Beauty for money. He has also stated that Beauty had told him that in-laws of Beauty used to harass her mentally and Beauty used to remain sick and she was pregnant by three months and Beauty was made to do work entire day and she was not provided food and Beauty was abused. He has also alleged that on dated 24.06.2022, he had received phone of Beauty and she had told him that Pradeep Kasana is having extra marital relations with many girls and in view of the same, he used to beat and abuse her and she had also asked him to take her to the house of her parents and on this, Pradeep Kasana had snatched away phone of Beauty, then Prince Pradhan had phoned to Beauty, but, her phone was found to be switched off and at 12:30 PM, Pradeep Kasana had come to him and gave clarification and after sometime thereof, Pradeep Kasana had told him that he had received the phone call from his house and told that the health of Beauty is deteriorated and asked him to go to the hospital and Prince Pradhan and Pradeep Kasana went to the hospital. But, Beauty was not there, from where, Prince Pradhan was taken at the house of the accused, where, he found the dead body of his sister Beauty. He has also observed the marks of injuries on the entire body of Beauty and mark of cut in the hand and swelling on her head and he also observed that she was beaten mercilessly and suspected that Beauty was killed by way of beatings by Pradeep Kasana, Geeta (mother-in-law of Beauty), Chander Pal Kasana (father-in-law of Beauty) and two sons of Bua of Pradeep

namely Anuj and his brother and prayed for taking action against them.

16. The statements of Sanjeev Kumar (Chacha of Beauty) and Reena (Chachi of Beauty) were also recorded on dated 21.03.2023, wherein, Sanjeev Kumar has deposed about the cruelties committed by the accused. He has also alleged that both the sons of Bua of Pradeep namely Anuj and Manoj also used to mentally harassed Beauty and they also used to beat Beauty and also alleged that the mother-in-law of Beauty and her husband used to demand big car and set of gold and diamond and also stated that Beauty had also told them in case of failure of compliance of such demands, she would be killed. Similar, statement was also given by Reena (Chachi of deceased Beauty) on dated 21.03.2023.

17. Ld. Counsel for the accused has submitted that statements of Chacha and Chachi of the deceased Beauty were recorded, after considerable gap and submitted that there is nothing on record in the statement of complainant and his son Prince Pradhan recorded by the SDM on dated 25.06.2022, from which, charge against Anuj and Manoj may not be framed. But, in the considered opinion of this court, only in view of delay in recording of the statement of Sanjeev Kumar and Reena, their testimonies cannot be ignored at this stage.

18. Ld. Counsel for the complainant has submitted that deceased Beauty was killed by way of strangulation by the gold chain worn by the deceased Beauty and stain of blood on the hand of the deceased also shows that she was beaten. He has also

submitted that since, the height of the handle of the almirah was about 140 cm, whereas, the height of deceased Beauty was about 155 cm, so, this is a case of murder, but, as the postmortem report reveals that cause of death is ASPHYXIA AS A RESULT OF ANTE MORTEM HANGING and subsequent opinions of two doctors also reveal that cause of death is hanging, so, this court does not find any force in such submissions made by the counsel for the complainant.

19. Ld. Counsel for the accused has submitted that chat between the deceased and the accused Pradeep shows that relations were cordial between them, so, it was not probable for him to commit murder the deceased nor the deceased had ever made any reference regarding any demand of dowry and submitted that in view of such messages, it is clear that it is not a case of homicidal death and the deceased had committed suicide, as, she suspected that her husband Pradeep had extra marital relation with other girls. But, at the stage of framing of charge, this court cannot go into the probative value of the material on record. The statements of Sh. Arun Kumar, Prince Pradhan, Suman w/o Arun, Sanjeev Kumar (Chacha of deceased Beauty) and Reena (Chachi of deceased Beauty) cannot be ignored, wherein, the allegations of cruelties, demand of dowry and harassment are levelled against all the accused.

20. As, in case '*Union of India vs. Prafulla Kumar Samal*', (1979) 3 SCC 4, the Hon'ble Supreme Court of India was pleased to observe that:-

*"(1) That the Judge while considering the question*

*of framing the charges under Section 227 of the Code has the undoubted power to sift and weigh the evidence for the limited purpose of finding out whether or not a prima facie case against the accused has been made out.*

*(2) Where the materials placed before the Court disclose grave suspicion against the accused which has not been properly explained the Court will be fully justified in framing a charge and proceeding with the trial.*

*(3) The test to determine a prima facie case would naturally depend upon the facts of each case and it is difficult to lay down a rule of universal application. By and large however if two views are equally possible and the Judge is satisfied that the evidence produced before him while giving rise to some suspicion but not grave suspicion against the accused, he will be fully within his right to discharge the accused. (4) That in exercising his jurisdiction under Section 227 of the Code the Judge which under the present Code is a senior and experienced court cannot act merely as a Post Office or a mouthpiece of the prosecution, but has to consider the broad probabilities of the case, the total effect of the evidence and the documents produced before the Court, any basic infirmities appearing in the case and so on. This however does not mean that the Judge should make a roving enquiry into the pros and cons of the matter and weigh the evidence as if he was conducting a trial."*

21. The Apex Court, in the case of ***Sajjan Kumar v. C.B.I. (2010) 9 SCC 368***, held that at the time of framing of charge, the Court has to look at all the material placed before it and determine whether a prima facie case is made out or not, and the Court is not required to consider the evidentiary value of the evidence as any question of admissibility or reliability of

evidence is a matter of trial. The relevant portion of the judgment is reproduced below:

“21. On consideration of the authorities about scope of Sections 227 and 228 of the Code, the following principles emerge:

(i) The Judge while considering the question of framing the charges under Section 227 of the Cr.P.C. has the undoubted power to sift and weigh the evidence for the limited purpose of finding out whether or not a prima facie case against the accused has been made out. The test to determine prima facie case would depend upon the facts of each case.

(ii) Where the materials placed before the Court disclose grave suspicion against the accused which has not been properly explained, the Court will be fully justified in framing a charge and proceeding with the trial.

(iii) The Court cannot act merely as a Post Office or a mouthpiece of the prosecution but has to consider the broad probabilities of the case, the total effect of the evidence and the documents produced before the Court, any basic infirmities etc. However, at this stage, there cannot be a roving enquiry into the pros and cons of the matter and weigh the evidence as if he was conducting a trial.

(iv) If on the basis of the material on record, the Court could form an opinion that the accused might have committed offence, it can frame the charge, though for conviction the conclusion is required to be proved beyond reasonable doubt that the accused has committed the offence.

(v) At the time of framing of the charges, the probative value of the material on record cannot be gone into but before framing a charge the Court must apply its judicial mind on the material placed on record and must be satisfied that the commission of offence by the accused was possible.

(vi) At the stage of Sections 227 and 228, the Court is required to evaluate the material and documents on record with a view to find out if the facts emerging therefrom taken at their face value discloses the existence of all the ingredients constituting the alleged offence. For this limited purpose, sift the evidence as it cannot be expected even at that initial stage to accept all that the prosecution states as gospel truth even if it is opposed to common sense or the broad probabilities of the case.

(vii) If two views are possible and one of them gives rise to suspicion only, as distinguished from grave suspicion, the trial Judge will be empowered to discharge the accused and at this stage, he is not to see whether the trial will end in conviction or acquittal.”

22. So far as statutory law on framing of charge and discharge is concerned, the same is governed by Section 228 and 227 of Cr.P.C. respectively. These provisions read as under:

**“227. Discharge.** If, upon consideration of the record of the case and the documents submitted therewith, and after hearing the submissions of the accused and the prosecution in this behalf, the Judge considers that there is not sufficient ground for proceeding against the accused, he shall discharge the accused and record his reasons for so doing.

**228. Framing of Charge.** (1) If, after such consideration and hearing as aforesaid, the Judge is of opinion that there is ground for presuming that the accused has committed an offence which—(a) is not exclusively triable by the Court of Session, he may, frame a charge against the accused and, by order, transfer the case for trial to the Chief Judicial Magistrate or any other Judicial Magistrate of the first class and direct the accused to appear before the Chief Judicial Magistrate, or, as the case may be, the Judicial Magistrate of the first class, on such date as he deems fit, and thereupon such Magistrate shall try the offence in accordance with the procedure for the trial of warrant-cases instituted on a police report; (b) is exclusively triable by the

Court, he shall frame in writing a charge against the accused.

(2) Where the Judge frames any charge under clause (b) of Sub Section (1), the charge shall be read and explained to the accused and the accused shall be asked whether he pleads guilty of the offence charged or claims to be tried.”

23. The Hon'ble Supreme Court of India in *Asim Shariff v. National Investigation Agency (2019) 7 SCC 148*, was pleased to observed that at the stage of framing of charge, the Trial Court is not expected to hold a mini trial for the purpose of marshalling the evidence on record. The relevant observations are as under:

“18. Taking note of the exposition of law on the subject laid down by this Court, it is settled that the Judge while considering the question of framing charge under Section 227 CrPC in sessions cases(which is akin to Section 239 CrPC pertaining to warrant cases) has the undoubted power to sift and weigh the evidence for the limited purpose of finding out whether or not a prima facie case against the accused has been made out; where the material placed before the Court discloses grave suspicion against the accused which has not been properly explained, the Court will be fully justified in framing the charge; by and large if two views are possible and one of them giving rise to suspicion only, as distinguished from grave suspicion against the accused, the trial Judge will be justified in discharging him.

24. The Hon'ble Supreme Court in *Bhawna Bai v. Ghanshyam (2020) 2 SCC 217*, had observed as under:

"13. ...At the time of framing the charges, only prima facie case is to be seen; whether case is beyond reasonable doubt, is not to be seen at this stage. At the stage of framing the charge, the court has to see if there is sufficient ground for proceeding against the accused.

While evaluating the materials, strict standard of proof is not required; only prima facie case against the accused is to be seen.”

*12 In a subsequent decision i.e. in Union of India vs. Prafulla Kumar Samal, (1979) 3 SCC 4, this Court after adverting to the conditions enumerated in Section 227 of the Code and other decisions of this Court, enunciated the following principles:-*

*"(1) That the Judge while considering the question of framing the charges under Section 227 of the Code has the undoubted power to sift and weigh the evidence for the limited purpose of finding out whether or not a prima facie case against the accused has been made out.*

*(2) Where the materials placed before the Court disclose grave suspicion against the accused which has not been properly explained the Court will be fully justified in framing a charge and proceeding with the trial.*

*(3) The test to determine a prima facie case would naturally depend upon the facts of each case and it is difficult to lay down a rule of universal application. By and large however if two views are equally possible and the Judge is satisfied that the evidence produced before him while giving rise to some suspicion but not grave suspicion against the accused, he will be fully within his right to discharge the accused. (4) That in exercising his jurisdiction under Section 227 of the Code the Judge which under the present Code is a senior and experienced court cannot act merely as a Post Office or a mouthpiece of the prosecution, but has to consider the broad probabilities of the case, the total effect of the evidence and the documents produced before the Court, any basic infirmities appearing in the case*

*and so on. This however does not mean that the Judge should make a roving enquiry into the pros and cons of the matter and weigh the evidence as if he was conducting a trial."*

25. Thus, from the law discussed herein above, it is crystal clear that at the time of framing of charge, the court cannot go into the probative value of the material brought on record by the prosecution and the grave suspicion are sufficient to frame the charge.

26. Since, the marriage of the deceased Beauty and Pradeep was solemnized on dated 05.02.2022 and Beauty had committed suicide on dated 24.06.2022 i.e. within the seven years of her marriage and allegations of cruelty, demand of big car and demand of money are also levelled by the complainant, his son Prince Pradhan, Ms. Suman W/o of Arun Kumar, Sanjeev Kumar (Chacha of deceased Beauty) and Reena (Chachi of deceased Beauty), so, this court is of the considered opinion that prima facie case punishable u/s. 304-B/34 & 498-A/34 of IPC is made out against all the accused namely Pradeep Kasana, Chander Pal Kasana, Geeta, Manoj and Anuj and charges, in the same sections, are liable to be framed against them.

**Announced in the open court  
on 22<sup>nd</sup> day of December, 2023.**

**(PAWAN KUMAR MATTO)  
Addl. Sessions Judge (Special Judge NDPS)  
North East District/KKD Courts/Delhi**