

CNR No.:DLNT01-002560-2025
State Vs Arbaz
SC No. 137/2025
FIR No. 854/2024
PS Bhalaswa Dairy
U/s. 109(1) BNS & U/s. 25/27 Arms Act

15.12.2025

Present: Sh. Sanjay Jindal, Ld. Addl. PP for the State.
IO / SI Mahesh Kumar in person.
Accused Arbaz produced from J/C.
Sh. Nikhil Sharma, Ld. Counsel for accused.

Notice issued to DCP concerned seeking FSL result pertaining to Ballistic report received back with the report that the same is not ready as yet.

Let fresh notice be issued to DCP concerned with the directions to make efforts for expediting the FSL result and to file the status report qua the same on NDOH.

In the present case, arguments on charges for the offences punishable under section 25/27 Arms Act shall be heard only after receiving of Ballistic report from FSL as well as sanction under section 39 Arms Act from DCP concerned. In the absence of Ballistic report from FSL as well as sanction under section 39 Arms Act, charge for the offence punishable 25/27 Arms Act cannot be framed.

Arguments on the point of charge for the offence punishable under section 109 (1) BNS heard.

Ld. Counsel for accused has submitted that accused Arbaz wants to concede on the point of charge and has submitted that charge under appropriate Sections in law may be framed against accused.

....Contd2/-

Perused the record including the statement of witnesses recorded during investigation.

In case titled as Bhawna Bai Vs. Ghanshyam and others, (Criminal Appeal No. 1820 of 2019) Arising out of SLP(Crl.) No. 6964 of 2019, Hon'ble Supreme Court of India has observed in para 16 of the said judgment as under:-

“Para 16.....For framing the charges under Section 228 CrI.P.C, the judge is not required to record detailed reasons. As pointed out earlier, at the stage of framing the charge, the court is not required to hold an elaborate enquiry; only prima facie case is to be seen. As held in Knati Bhadra Shah and another V. State of West Bengal (2000) 1 SCC 722, while exercising power under Section 228 CrI. P.C, the judge is not required record his reasons for framing the charges against the accused.....”

In view of the afore-said case law, detailed reasons for framing of charge are not required to be given.

On perusal of the afore-mentioned material on record and after hearing Ld. Addl PP for state and Ld. Counsel for accused, a prima facie case for offence punishable **U/s 109 (1) BNS** is made out against accused Arbaz that there are strong suspicion that he had committed the said offences. Accordingly, charges has been framed against accused Arbaz for the offences punishable **U/s 109 (1) BNS** to which he pleaded not guilty and claimed trial.

It is made clear that arguments with respect to the offence punishable under section 25/27 Arms Act shall be heard only after receipt of ballistic result as well as sanction under section 39 Arms Act by way of supplementary charge.

....Contd3/-

Let PWs whose names have been mentioned in the list of prosecution witness at serial no.1, 2 and 3 be summoned along with IO / SI Mahesh Kumar for NDOH.

Be awaited for awaiting of supplementary charge-sheet qua Ballistic report and any sanction under section 39 Arms Act as well as for PE on **08.04.2026**.

(Sushil Kumar)

Addl. Sessions Judge-04

North District Rohini Courts Delhi

15.12.2025 ^(R)