

S.C. NO.58916/16.
STATE VS ABHIMANYU @ MANNU.
PS-BHALSWA DAIRY.
FIR NO. 795/15.

12.07.2016

Present: Sh. Ashok Kumar, Ld. Addl. PP for the State.
Accused Abhimanyu @ Mannu is in JC.
Shri Anshul Gupta, ld. Counsel for the accused.
SI Rajender Kumar in person on behalf of IO.

Arguments on the point of charge heard from ld. counsel for accused and Ld. Addl. PP for the State.

Ld. counsel for the accused submits that no case is made out against accused in respect of offences u/s. 411/365/397 and 379 IPC, as there is no material on record against the accused.

On the other hand, ld. Addl. PP submits that there is sufficient material on record to frame the charge against the accused.

I have perused the rukka, the statement of the prosecutrix U/s. 164 Cr.P.C., statement of other PWs u/s. 161 Cr.P.C. and other material on record.

It is settled law that detail examination of evidence at the stage of framing of charge is not permitted and court can shift and weigh the evidence only for the limited purpose to ascertain whether a prima facie case is made out from the material on record against the accused.

A perusal of the material on record shows that a prima facie case is made out against the accused in respect of offences punishable u/s.457/302/377/34 and Section 376 D IPC.

A prima facie case is also made against accused in respect of offence u/s. 411 IPC.

Accordingly, charges have been framed against the accused to which he pleaded not guilty and claimed trial.

Put up for PE on 06.09.2016.

Prosecutrix be summoned thorough IO, who shall remain present on the next date of hearing.

(Bimla Kumari)
ASJ : Spl. FTC (North)
Rohini Courts : Delhi:12.07.2016