

CNR No.:DLNT01-009035-2023
SC No. 519/2023
STATE Vs. Ajay Mann & Ors.
FIR No. 580/2023
PS Shahbad Dairy
U/s: 186/341/353/332/308/34 IPC

07.12.2024

Present: Sh. Sanjay Jindal, Ld. Addl PP for State.
Accused persons namely Ajay Mann, Kartik Mann
and Ajay Tushir in person on bail.
Sh. Parvinder Sehrawat, Ld. Counsel for all
accused.
IO / ASI Balwan Singh in person.

Arguments on the point of the charge heard at length
from both sides.

Record Perused.

Ld. Addl. PP for the State has submitted that there is
sufficient material to frame charges against accused persons namely
Ajay Mann, Kartik Mann and Ajay Tushir, therefore, charges for
the offences punishable under section 186/341/353 /332/308/34 IPC
may kindly be framed against above-named accused persons.

Ld. Counsel for accused persons has submitted that
accused persons are innocent and they have been falsely implicated
in the present FIR case. It is argued by Ld. Counsel for accused
persons that there is no incriminating evidence against all accused
persons. It is further argued that doctor has opined injury of
complainant as simple in nature, therefore, the offence punishable
under section 308 IPC is not made out. It is prayed that above-
named accused persons may kindly be discharged from the present
FIR case.

Submissions heard. Record perused.

It is the case of prosecution that on 13.06.2023 at about 12:15 PM at near Bus Stand 972, Bawana Road, Prahlad Pur, Delhi, accused persons namely Ajay Mann, Kartik Mann and Ajay Tushir, in furtherance of their common intention, voluntarily obstructed complainant HC Bir Singh (Working in CRPF) while he was discharging his official duty and wrongfully restrained him by obstructing his way while putting their car bearing registration no.DL11CD5738 in front of the ambulance driven by Complainant HC Bir Singh. It is also the case of prosecution that on the afore-said date, time and place, all three accused persons, in furtherance of there common intention, assaulted and caused hurt to complainant HC Bir Singh and caused multiple injuries on his person with Dandas, fists and leg blows.

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.....”

At the stage of framing of charge, this Court has to see whether there is prima facie ground for proceeding against the accused. It is axiomatic that even the strong suspicion that the

accused has committed the crime, is sufficient to frame the charges. It is also well settled that the standard of proof adhered to at the final decision of the case is not to be adopted at the stage of framing of charge. The Court is not to appreciate or weigh the evidence, which the prosecution proposes to lead during the trial. Even, otherwise, the veracity of the Complainant can only be ascertained after recording his / her evidence in the Court.

Considering the facts and circumstances of the case and in view of the above discussion, this Court is of the considered view that prima-facie case is made out for the offences punishable U/s 186/341/353/332/308/34 IPC against accused persons namely Ajay Mann, Kartik Mann and Ajay Tushir. Charges for the offences punishable under section U/s 186/341/353/332/308/34 IPC is framed against accused persons namely Ajay Mann, Kartik Mann and Ajay Tushir to which they pleaded not guilty and claimed trial.

Be put up for PE on 28.04.2025.

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

(Sushil Kumar)
Addl. Sessions Judge-04
North District Rohini Courts Delhi
07.12.2024 ^(R)