

SC 256/2019
STATE Vs. HARSH @ DEEPAK @ JONI
FIR No. 485 /2018
PS Bawana

24.08.2022

Present: Sh. Sanjay Jindal, Id. Addl. PP for the State.
Accused person namely Ankit Mann is on bail.
Accused persons namely Harsh @ Deepak @ Joni, Manoj @ Toni,
Pradeep @ Bhagat @ Monu and Rahul are produced from JC.
Sh. Akshay, Ld. counsel for all the accused persons.

The matter is listed for arguments on charge.

Ld. Counsel for the accused has conceded on the point of charge and has submitted that charge under appropriate Sections in law may be framed against the accused persons.

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 afore-said material on record and after hearing Ld officiating Chief P.P and Id counsels for accused persons, a prima facie case

for the offences **U/s 307/34 & U/s. 120B read with Section 307 IPC** is made out against all the accused persons and offences **U/s 27 Arms Act** is made out against accused persons namely Harsh @ Deepak @ Johny, Manoj @ Tony and Pradeep @ Bhagat @ Monu and offences **U/s 174A IPC** is made out against the accused persons namely Rahul, Manoj @ Tony and Pradeep @ Bhagat @ Monu there are strong suspicion that they had committed the said offences. Accordingly charges have been framed against them separately, to which they pleaded not guilty and claimed trial.

Put up for P.E on 05.11.2022. **All the public witness be summoned for the next date of hearing.**

(Shivaji Anand)
Addl. Sessions Judge: 04 (North)
Rohini Courts: Delhi:24.08.2022_(RB)