

CNR No.:DLNT01-012848-2023

SC No. 777/2023

STATE Vs. Satyabhan

FIR No. 675/2023

PS Shahbad Dairy

U/s: 302/392/394/397/411 IPC

01.04.2024

Present: Dr. Raj Rani, Ld. Addl. PP for State.
Accused Satyabhan produced from J/C.
Sh. Rohit Lakhra, Ld. Counsel for accused.
IO / Inspector Sachin in person.

Fresh Vakalatnama on behalf of accused filed in the Court today. Same be taken on record.

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 charge against accused Satyabhan, therefore, prima facie the offences punishable under section 302/394/397/411 IPC are made out against accused, therefore, charges for the appropriate sections may kindly be framed.

Ld. Counsel for accused have submitted that accused have been falsely implicated in the present FIR case. It is further submitted that allegations against the accused is false, frivolous and are completely vague. It is therefore, prayed that accused Satyabhan may kindly be discharged.

Submissions heard. Record perused.

Perusal of the file shows that allegations against accused Satyabhan are that on an unknown date prior to 18.07.2023

at DDA Park, Sector-28, Rohini, Delhi, he committed robbery of a mobile phone make Infinix from the possession of the complainant Smt. Shobha W/o Sh. Kailash and while committing the said robbery, caused multiple injury on the person of Ms. Shobha by using deadly weapon i.e., knife. Further, the allegations against the accused are also that on the aforesaid unknown date prior to 18.07.2023, accused committed murder of Santosh Kumar Mishra S/o Sh. Naryan Mishra by causing multiple stab injuries with knife on his person. It is further alleged against accused that on 19.07.2023, he got recovered the robbed mobile phone make Infinix belonging to complainant which was kept on a double bed in his room which he had retained the same in his possession knowing or having reasons to believe the same to be stolen property belonging to complainant Smt. Shobha.

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 302/394/397/411 IPC** against accused **Satyabhan**. Charges for the offences under section **U/s 302/394/397/411 IPC** is framed against accused to which he pleaded not guilty and claimed trial.

Be put up for PE on **03.07.2024**.

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

(Sushil Kumar)
Addl. Sessions Judge-04
North District Rohini Courts Delhi
01.04.2024 ^(R)