

SC 429/2022
STATE Vs. HARI KISHOR PRASAD @ KUNAL
FIR No. 201 /2022
PS S.P. Badli

15.11.2022

Present: Sh. Sanjay Jindal, Id. Addl. PP for the State.
Accused has been produced from JC.
Ms. Neelima Dubey, Ld. Amicus Curia for accused.

The matter is listed for arguments on charge.

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 365/302/201 IPC** is made out against the accused **Hari Kishor Prasad @ Kunal** as there are strong suspicion that he had committed the said offences. Accordingly charges need to be framed against him accordingly.

At this stage, accused has filed an application with respect to his confession. Same is taken on record. He has further submitted that

matter be disposed off today itself.

Ld. Additional PP for State submits that this is not in appropriate form.

Heard.

Accused has stated that he wanted to confess his guilt as per the charges in this regard. He has also given one handwritten application. Accused was queried as to why he wanted to plead guilt, whereupon he submitted that his wife and minor daughter are starving as they do not have monetary source. He has further submitted that he is under trial, he is not permitted to work in the Jail and earn. He has further answered that if he pleads guilty then he would be in position to work and earn in the jail, so that he could monetarily help with wife and minor daughter.

Accused was admitting guilt only to provide help to his wife and minor daughter. The same is discarded. Subsequently, the accused had some discussion with the Ld. counsel and accused pleaded not guilty.

Accused has submitted that he is willing to work in the Central Jail No. 2, Tihar, Delhi. Heard. Separate statement of accused has been recorded in this regard.

Copy of order sent to concerned Jail Superintendent to file the reply in this regard within a week.

Put up for P.E on **15.02.2023**. **All the public witness be summoned for the next date of hearing.**

(Shivaji Anand)

Addl. Sessions Judge: 04 (North)

Rohini Courts: Delhi: 15.11.2022^(RB)