

CNR no. DLNT01-001860-2022

Session Case no. 161/2022

FIR no. 815/2021

PS-Swaroop Nagar

State Vs-Gulshan

U/s-308/34 IPC

26/04/2022

Present :Sh. Sanjay Jindal, Id Additional P.P for State.

:Accused is produced from J.C.

At the request of accused that due to his poor financial condition, he is unable to engage the services of a private counsel, Sh. Suresh Bhardwaj, Advocate, mobile no. 9818103919, is appointed as Amicus Curiae on behalf of the accused. Let Id. Amicus Curiae be informed accordingly.

Ld Amicus Curiae has conceded on the point of charge and has submitted that charge under appropriate Sections of law may be framed against the accused.

At the request of accused that due to his poor financial condition, he is unable to engage the services of a private counsel, Sh. Suresh Bhardwaj, Advocate, mobile no. 9818103919, is appointed as Amicus Curiae on behalf of the accused. Let Id. Amicus Curiae be informed accordingly.

Ld Amicus Curiae has conceded on the point of charge and has submitted that charge under appropriate Sections of law may be framed against the accused.

I have 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

CNR no. DLNT01-001860-2022

Session Case no. 161/2022

FIR no. 815/2021

PS-Swaroop Nagar

State Vs-Gulshan

U/s-308/34 IPC

:2:

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.

From the material available on record including the statements of witnesses recorded u/s 161 CrPC, a prima facie case for the offences u/s 308/323/34 IPC is made out against the accused. Charge for the said offences has been framed separately against to the accused to which he pleaded not guilty and claimed trial.

Put up for PE on **27/07/2022. Let public witnesses be summoned first as per list of witnesses for the said date.**

(Shivaji Anand)

Addl. Sessions Judge: 04 (North)

Rohini Courts: Delhi:26/04/2022