

CNR no. DLNT01-006512-2020
Session case No. 264/2020
FIR no. 304/2020
PS-Bawana
State Vs-Jamna Prasad & Ors.
U/s-307/34 IPC

23/05/2022

Present: Sh. Sanjay Jindal, Id. Addl. PP for the State.
All the accused are present on bail except accused Suresh Gillu (A-2), who is absent.
Sh. Diwakar Chaudhary and Sh. Rakesh Kumar, Id. counsels for all the accused persons.

Supplementary charge-sheet qua accused Kali Charan (A4) has already been received.

Co-accused persons has submitted that accused Suresh @ Gillu (A2) is present outside the court but since he has not brought any identification document with him today, he is not allowed to enter inside the court premises.

Ld. counsel for the accused persons have already conceded on the point of 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

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:2:

Shah and another V. State of West Bengal (2000) 1 SCC 722, while exercising power under Section 228 Crl. 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 material on record, it is clear that a prima facie case for the offences u/s 307/34 IPC is made out against all the accused as there is strong suspicion that they had committed the said offence. Separate charge for the said offence has been framed against all the accused persons today, to which accused Jamna Prasad, Banti and Kali Charan pleaded not guilty and claimed trial. **Since accused Suresh @ Gillu (A2) could not appear before the court today due to the aforesaid reason, let charge may be got signed from him on next date of hearing.**

Put up for signing of charge by A2 on **06/06/2022**.

(Shivaji Anand)
Addl. Sessions Judge: 04 (North)
Rohini Courts: Delhi:23/05/2022(A)