

SC 365/2022
STATE Vs. GAURAV KUMAR @ SATHIYA
FIR No. 188 /2022
PS Adarsh Nagar

28.07.2022

Present: Sh. Sanjay Jindal, Id Additional PP for the State.
Both accused persons are produced from JC.
Sh. Suresh Tomar, Ld. Counsel for A1.
Sh. Rajesh Kumar, Ld. Counsel for A2.

The matter is listed for arguments on charge.

Ld. Counsel for the accsued 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 302/34 IPC is made out against the accused persons namely Gaurav Kumar @ Sathiya and Ajay Kumar @ Jhabbu and 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 04.11.2022.

(Shivaji Anand)
Addl. Sessions Judge: 04 (North)
Rohini Courts: Delhi:28.07.2022