

SC 695/2022
STATE Vs. SANJAY @ HABIBUL ETC. (3)
FIR No. 187 /2022
PS Narela Ind. Area
U/s. 392/397/411/34 IPC

18.08.2023

Present: Sh. Pankaj Kumar Ranga, Ld. Addl. PP for the State.
Accused Sanjay @ Habibul (A1) produced from JC in some other case.
Remaining accused persons are present on bail.
Sh. Sunil Tomar, Ld. counsel for accused Sanjay Habibul(A-1)
Sh. Mayank Chauhan, ld. counsel for Accused Sahil @ Payare (A-2).
Sh. S. P. Dhankar & Ms. Ruchika Gupta, Ld. counsels for accused Bablu Sheikhu @ Badal (A-3).

The matter is listed for arguments on charge.

Ld. Counsels for the accused persons have conceded on the point of charge and have 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. Additional P.P and ld counsels for accused persons, a prima facie case for the **offences U/s. 392/34 IPC & U/s. 397 IPC** is made out

against the accused person namely **Sanjay Habibula**, offence U/s. **411 IPC** is made out against the accused persons namely **Sahil @ Payare and Bablu Sheikh**, 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 **22.12.2023**. Issue summons to Pws mentioned in the list of witnesses at serial no. 1 & 2 for the next date of hearing.

(Sushil Kumar)
Addl. Sessions Judge- 04
North District Rohini Courts Delhi
18.08.2023