

SC 704/2022
STATE Vs. SHEIKH MAINUDDIN AND ANR. (2)
FIR No.247 /2022
PS Bhalswa Dairy
U/s. 392/394/395/397/412/34 IPC

16.05.2023

Present: Sh. J. S. Malik, Ld. Substitute Addl. PP for the State.
Both the accused persons are present on bail.
Ld. counsel for both the accused persons.

The matter is listed for arguments on charge.
Ld. Counsel for the accused 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 Crl.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 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 afore-said material on record and after hearing Ld Additional P.P for State and ld counsels for accused persons, a prima facie case for the offences **U/s 412 IPC , U/s. 395/394/34 are made out against the accused persons namely Sheikh Mainuddin**

and Vikas 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 **17.10.2023**. **All the public witness be summoned for the next date of hearing.**

(Shivaji Anand)
Addl. Sessions Judge: 04 (North)
Rohini Courts: Delhi:16.05.2023_(RB)