

SC 432/2025
STATE Vs. AMIT YADAV ETC
FIR NO. 208/2025
PS S.P. Badli

16.03.2026

Present: Dr. Sarita Rani, Ld. Addl. PP for the State.

Accused Amit Yadav, Nitin Yadav, Ganesh Sharma and Krishan Kumar produced from JC.

Accused Satish Kumar @ Satte in person on bail.

Accused Suresh Yadav in person, who is stated to be on anticipatory bail.

Sh. Gajraj Singh and Sh. Vansh Jindal, Id. Counsels for accused Satish Kumar @ Satte.

Sh. Sumit Shokeen, Id. Counsel for accused Krishan Kumar, through VC.

Sh. Amit Rana, Id. Counsel for accused Yadav, Nitin Yadav, Ganesh Sharma and Suresh Yadav.

IO Inspector A.K. Jha in person.

Fresh vakalatnama on behalf of accused Amit Yadav, Nitin Yadav, Ganesh Sharma and Suresh Yadav filed.

Same are taken on record.

Arguments on the point of charge concluded on behalf of State as well as on behalf of all accused persons.

ORDER ON CHARGE

1. Ld. Counsel for accused Amit Yadav, Nitin Yadav, Suresh Yadav and Ganesh Sharma concedes charge levelled against them in the charge-sheet.

2. Ld. Counsel for accused Satish Kumar @ Satte has conceded charge under Section 238(a) BNS, however, he submits that all other offences are not made out against accused Satish Kumar @ Satte and it is prayed that he be discharged in all other offences. Ld. Counsel has argued that accused has been falsely implicated and he has nothing to do with the alleged offence.

It is argued by ld. Counsel for accused Krishan Kumar that accused has been falsely implicated in the present case. It is argued that there is no evidence against accused Krishan Kumar except the disclosure statement of co-accused persons.

3. Per contra, it is argued by Ld. Addl. PP for the State that accused Krishan Kumar took Rs.15,000/- from co-accused persons to bring the deceased at the spot of incident. She further argued that CCTV footage is also there which shows accused Krishan Kumar visiting the spot of incident. Regarding accused Satish Kumar @ Satte, Ld.Addl. PP stated that all the offences for which he has been charged, are made out against him.

4. I have heard the arguments addressed by ld. Defence counsels as well as from Ld. Addl. PP for the State.

5. At the very outset it is pertinent to note the case law on the point of charge and the considerations to be kept in mind for framing charge. It is a settled law that at the stage of charge, only prima facie case is to be looked into and the court is not to marshal the evidence and meticulous examination of the material

on record is not required and the court is required to examine the question only prima facie. In the case of ***Union of India Vs. Praful Kumar and Anr. (1979) 3SCC76*** it was held as under:

1. *that the judge while considering the question of framing the charges U/s 228 of the Code has the undoubted power to sift and weigh the evidence for the limited purpose of finding out whether or not a prima facie case against the accused has been made out.*
2. *where the materials placed before the court disclose grave suspicion against the accused which has not been properly explained, the court will be fully justified in framing a charge and proceeding with the trial.*
3. *the test to determine a prima facie case would naturally depend upon the facts of each case and it is difficult to lay down a rule of universal application. By and large, however, if two views are equally possible and the judge is satisfied that the evidence produced before him while giving rise to some suspicion but not grave suspicion against the accused, he will be fully within his right to discharge the accused.*
4. *that in exercising his jurisdiction U/s 227 of the Code the judge which under the present Code is a senior and experienced Code cannot act merely as a post office or a mouth piece of the prosecution, but has to consider the broad probabilities of the case, the total effect of the evidence and the documents produced before the court, any basic infirmities appearing in the case and so on. This however does not mean that the judge should make a roving enquiry into the pros and cons of the matter and weigh the evidence as if he was conducting a trial.*

In the case of ***West Bengal Vs. Anil Kumar (1979)4 SCC 274*** the Hon'ble Supreme Court held that "*the standard of test, proof and judgment which is to be applied finally before finding the accused guilty or otherwise is **not** exactly to be*

applied at the stage of Section 227 or 228 of the Code....”

6. From the above discussion it seems well settled that at the stage of charge court is required to evaluate the material documents on record with a view to finding out if the facts emerging there from taken at their face value disclose the existence of all the ingredients constituting the alleged offence *prima facie*.

7. After having gone through the FIR, statements of the witnesses recorded u/s 161 Cr.P.C. and other material and documents available on the record, a prima facie case under Section under Section 61/103(1)/140(1)(3)/142/238(a)/3(5) BNS is made out against accused **Amit Yadav and Nitin Yadav**.

Further, a prima facie case under Section 49 BNS read with Section 103(1) and 238(a) BNS is made out against accused **Ganesh Sharma**.

Further, a prima facie case under Section 61 BNS read with Section 140(1)(3)/142 BNS is made out against accused **Krishan Kumar**.

Further, a prima faice case under Section 61/103(1)/238(a) BNS is made out against accused **Suresh Yadav**.

Further , a prima facie case under Section 238(a) BNS is made out against accused **Satish Kumar @ Satte** and he is discharged from rest of the offences alleged against him in the charge sheet as there is nothing on record against him indicating that he was involved in the offence of murder.

8. Accordingly, charge under Section **238(a) BNS** has been framed against accused **Satish Kumar @ Satte**, charge under Section **61 BNS** read with Section **140(1)(3)/142 BNS** has been framed against accused **Krishan Kumar**, charge under Section under Section **61/103(1)/238(a) BNS** has been framed against accused **Suresh Yadav**, charge under Section **49 BNS read with Section 103(1) and 238(a) BNS** has been framed against accused **Ganesh Sharma** and charge under Section **61/103(1)/140(1)(3)/142/238(a)/3(5) BNS** has been framed against accused **Amit Yadav and Nitin Yadav**. All the accused persons pleaded not guilty and claimed trial.

9. Be listed for PE on **12.05.2026**.

PWs mentioned at serial no. 1 & 2 alongwith IO and MHC (M) be summoned for the NDOH.

(Vandana)
Addl. Sessions Judge-02(North)
Rohini Courts Delhi
16.03.2026