

CNR No. DLNT01-008770-2025
SC No. 450/2025
STATE Vs. SHIVAM ALIAS SONU AND ANR.
FIR No. 787/2024
PS: Jahangir Puri

04.08.2025

Present : Sh. Vikas-II, Ld. Addl. PP for the State with IO SI
Ankit Kumar.

Accused Shivam in JC.

Accused Ritik on bail with counsel Sh. Gautam
Singh.

Sh. Akhilesh Kumar Meena and Sh. Manish Kumar
Meena, counsel for accused Shivam.

Arguments addressed on charge.

During the course of arguments, Ld counsels for the
accused has conceded to the allegations against the accused
persons so far as the charge is concerned.

Ld. Addl. PP for the State submits that prima-facie
there is sufficient material available on record to frame charge
against the accused persons, as their presence on the spot is not
disputed. Further more, the nature of injuries sustained by the
injured person has been opined to be grievous.

Perusal of the charge-sheet and statements of
complainant reveals that there are clear cut allegations that on
06.12.2024 at about 10.30 PM, near K Block Park, 1800-2000
Wali Gali, Jahangir Puri, Delhi, within the jurisdiction of PS
Jahangir Puri, Delhi, during quarrel, accused persons with their
co-accused persons Vicky and Ashish @ Fauji (who are
absconding) and CCL B (identity withheld), in furtherance of
their common intention, gave multiple knife blows to

complainant Bhupender @ Raj on his stomach, with an intention to kill him.

It is settled proposition of law that at the time of framing of charge, the Court is not required to marshal evidence and only grave suspicion is to be seen and when grave suspicion arises, charge can be framed against the accused. Reliance can be placed upon *Alpana Dass CIT 132 (2006) DLT 85*.

In the case of *Union of India v. Prafulla Kumar Samal 1979 SSC (3) 609*, their lordship laid down the parameters that must weigh in the mind of the Court while considering the issue on charge. It was observed as under :

"(i) That the Judge while considering the question of framing of charges under Section 227 of the Code has the undoubted power to shift 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;

(ii) 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.

(iii) 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.

(iv) That in exercising his jurisdiction u/s.227 of the Code the Judge which under the present Code is a senior and experienced Court cannot act merely as a Post Office or a mouthpiece 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.”

On the basis of material available on record especially a clear and categorical averment giving not only the details of the incident, but the background against which this incident took place, which is sufficient to establish a prima facie case for the offences punishable U/s 109 (1) / 3 (5) BNS, which in any case is made out against the accused persons. Accordingly, a formal charge is separately framed against both the accused persons for the offences punishable U/s 109 (1) / 3 (5) BNS, to which they pleaded not guilty and claimed trial.

Arguments addressed on bail application as well. Put up for orders on the bail application on 06.08.2025.

Put up for PE on 22.09.2025. Witness Rahul and Bhupender be summoned for next date i.e. 22.09.2025.

(NISHA SAHAY SAXENA)
Principal District & Sessions Judge
North District/Rohini Courts/Delhi
04.08.2025(k)