

CNR No.:DLNT01-008791-2012
SC No. 504/2023
STATE Vs. Vicky & Ors.
FIR No. 351/2023
PS Mukherji Nagar
U/s: 186/353/332/323/308/34 IPC

24.01.2025

Present: Sh. Sanjay Jindal, Ld. Addl. PP for the State.
All three accused persons namely Vicky, Sonu and Deepak in person on bail.
Sh. Vikash Verma and Ms. Yogita, Ld. Counsels for all three accused persons.

Arguments on the point of the charge heard at length from both sides.

Record Perused.

Ld. Addl. PP for the State has submitted that there is sufficient material to frame charges against accused persons namely Vicky, Sonu and Deepak, therefore, charges for the offences punishable under section 186/353/332/323/308/34 IPC may kindly be framed against above-named accused persons.

Ld. Counsel for accused persons has submitted that accused persons are innocent and they have been falsely implicated in the present FIR case. It is argued that nothing has been recovered from the possession of accused persons. It is argued by Ld. Counsel for accused persons that there is no incriminating evidence against all accused persons. It is further argued that doctor has opined injury of complainant as simple in nature, therefore, the offence punishable under section 308 IPC is not made out. It is prayed that above-named accused persons

may kindly be discharged from the present FIR case.

Submissions heard. Record perused.

It is the case of prosecution that on 29.03.2023 at about 08:45 PM on police barricade near police booth, Indira Vikas Colony, Delhi, accused Deepak came on the scooty without wearing helmet and without number plate at a very speed from Mukherjee Nagar and was heading towards Nirankari Colony. He was asked to stop scooty and was directed to produce documents, however, he could not do so and did not give any satisfactory reply. In the meantime, accused persons namely Vicky and Sonu reached at the spot and started pressurizing police officials to release accused Deepak and his scooty. They were asked not to violate the law and follow the procedure but they started quarreling with the police officials. Allegations against accused persons are that they had voluntarily obstructed on duty police officials, used criminal force, assaulted, caused hurt with Dandas, fists and leg blows and made an attempt to commit culpable homicide not amounting to murder and also torned uniforms of on duty police officials namely HC Rahul and HC Gagan and torned their uniform. Further, as per the MLC of HC Rahul, he has got multiple injuries including a lacerated wound 2x1 cm over right parital region. Further, the MLC of HC Gagan also shows multiple injuries.

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.....”

At the stage of framing of charge, this Court has to see whether there is prima facie ground for proceeding against the accused. It is axiomatic that even the strong suspicion that the accused has committed the crime, is sufficient to frame the charges. It is also well settled that the standard of proof adhered to at the final decision of the case is not to be adopted at the stage of framing of charge. The Court is not to appreciate or weigh the evidence, which the prosecution proposes to lead during the trial. Even, otherwise, the veracity of the Complainant can only be ascertained after recording his / her evidence in the Court.

Considering the facts and circumstances of the case and in view of the above discussion, this Court is of the considered view that prima-facie case is made out for the offences punishable **under section 186/353/332/323/308/34 IPC** against accused persons namely Vicky, Sonu and Deepak. Charges for the offences punishable under section **under section 186/353/332/323/308/34 IPC** is framed against accused persons namely Vicky, Sonu and Deepak to which they pleaded not guilty

and claimed trial.

Be put up for PE on **05.06.2025**.

Let PWs whose names have been mentioned in the list of prosecution witness at serial no.1 and 2 along with IO be summoned for NDOH.

(Sushil Kumar)
Addl. Sessions Judge-04
North District Rohini Courts Delhi
24.01.2025 ^(R)