

CNR No. : DLNT01-006929-2022
SC No. : 617/2022
STATE Vs. ALAMVEER HUSSAIN
FIR No. : 288 /2022
PS : Swaroop Nagar
u/s: 302 IPC

06.10.2022

Present: Sh. Sanjay Jindal, Id. Addl. PP for the State.
Accused produced from JC.

Accused has orally prayed for providing a counsel/Amicus at State expenses due to his poor financial condition and his inability to engage a private counsel and pay fees.

Heard.

In view of the same, Ms. Shivali Gautam, Id. counsel present in Court today, is appointed as Amicus Curiae on behalf of accused Alamveer Hussain for representing him in the present case.

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 of law may be framed against the accused.

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 material on record, it is clear that a prima facie case for the offence **u/s 302 IPC** is made out against the accused as there is strong suspicion that he had committed the said offences, to which he pleaded not guilty and claimed trial.

At this stage, it is submitted by Id. Addl. PP for the State that FSL result in the present case is still awaited.

Issue notice to SHO through DCP concerned to obtain the FSL result and file the same positively on or before the next date of hearing. In view of the same, let a priority letter be also issued to Director, FSL Rohini, with direction to expedite the FSL result of the present case.

Put up for PE on 17.01.2023. Let public witnesses be summoned first for the said date.

(Shivaji Anand)
Addl. Sessions Judge: 04 (North)
Rohini Courts: Delhi:06.10.2022(R)