

CNR No. : DLNT01-010901-2022
SC No. : 865/2022
STATE Vs. SHIVAM @ MODA AND ANR.
FIR No. 596 /2022
PS Adarsh Nagar
U/s. 302/34 IPC

12.01.2023

Present: Sh. Sanjay Jindal, Id. Addl. PP for the State.
Both accused persons produced from JC.
Ld. counsel for the accused persons

The matter is listed for arguments on charge.

Ld. counsel for both the accused persons has conceded on the point of charge and has submitted that charge under appropriate Sections of 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 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.....”

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 302/34 IPC** is made out against both the accused persons as there is strong suspicion that they had committed the said offences, to which they pleaded not guilty and claimed trial.

Put up for PE on **18.04.2023. Let public witnesses be summoned first for the said date.**

(Shivaji Anand)
Addl. Sessions Judge: 04 (North)
Rohini Courts: Delhi:12.01.2023^(R)

