

SC 661/2023
STATE Vs. KAMAL KISHORE ETC
FIR NO.480/2023
PS S.P. Badli

15.04.2026

Present: Sh. J.S. Malik, Ld. Substitute Addl. PP for the State.
Accused Kamal Kishore and Jatin produced from JC,
through VC.
Remaining accused in person on bail.
Sh. Antriksh, Sh. Dhruv Kapur, Sh. Aman Thakran and
Sh. Satyam Pandey, Id. Counsels for accused Anju,
Jatin, Kamal, Asha @ Renu, Kavita and Amit.
Sh. Siddhanth Kr. Singh, Id. Counsel for accused
Mukesh and Seema.
Mr. Varun, son of the complainant in person.
IO Inspector Gian Chand in person.

1. Detailed arguments on the point of charge have already
been heard from Ld. Addl. PP for the State and from Id. Counsels
for all accused persons.

Order on Charge

2. Briefly stated, the present FIR has been registered
under Section 302/120B/201/34 IPC on the statement of
deceased's father Sh. Sushil Kumar that his son Arun Kumar got
married with Anju @ Renu D/o Rajender on 09.03.2023. That on
22.05.2023 his father in law Rajender Singh was admitted in
RML Hospital and Arun Kumar went for the help of ill father-in-
law. That at about 5.30 p.m., Sh. Sushil Kumar received a call

from his deceased Arun Kumar that he was encompassed by his in laws at their house at Badli, Delhi. Thereafter, the mobile phone of Arun Kumar was reported to be switched off. The brother of deceased and the complainant reached at Badli Village and found Arun Kumar in unconscious condition at first floor of the house. He was taken to BSA Hospital, Rohini by the PCR van where he was declared brought dead.

ARGUMENTS ON BEHALF OF ACCUSED PERSONS

3. Accused Kamal Kishore and Jatin:

Ld. Counsels for accused **Kamal Kishore and Jatin Kishore** conceded for framing of charge against both of them under Section 302/201/120B IPC.

Accused Anju @ Renu, Asha, Kavita and Amit :

Though, Ld. Counsel concedes for framing charge under Section 201 IPC against accused **Anju @ Renu, Asha, Kavita and Amit** but he argued that no offence under Section 302/120B IPC is made out against them. It is argued by Ld. Counsel for the accused persons that mere presence of accused persons at the spot does not make them liable for the offence under Section 302/120B IPC.

Accused Mukesh and Seema:

Similar argument were addressed by Ld. Counsel Sh. Siddhanth Kr. Singh, for accused **Mukesh and Seema**. He further argued that disclosure statement of co-accused persons Jatin Kishore and Kamal Kishore itself revealed that accused Mukesh had no role whatsoever in the alleged offence. Ld. Counsel has further argued that there is no evidence on record that accused

Seema was involved in the alleged offence. It has been further argued that no specific allegations have been made against her even in the charge-sheet or in the disclosure statements of co-accused persons and they have been falsely implicated. Hence, prayer was made to discharge accused Mukesh and Seema.

Accused Pradeep Grover:

It was argued by accused Pradeep Grover that he is innocent and has been falsely implicated in this case. He further argued that he has already moved an application for allowing him to become an Approver.

In addition, Ld. Counsels for all the accused persons have argued that the death of deceased happened due to sudden fight, so offence under Section 302 IPC is not made out, rather offence under Section 304 IPC is made out.

ARGUMENTS ON BEHALF OF STATE

4. Per contra, Ld Addl. PP for State assisted by ld. Counsel for the complainant has argued that argued that earlier the FIR was registered under Section 304 IPC but investigation revealed that ingredients of Section 302 IPC is attracted and accordingly offence under Section 302 IPC was added.

It was further argued that there were multiple injuries i.e. 27 external injuries found on the body of the deceased, which indicate brutal way the deceased was attacked by the accused persons. It was further argued that infact deceased was called by accused persons at their house after hatching conspiracy to kill him. It was further argued that the body of the deceased was

found in the house of accused persons, where all the accused persons were present there, as endorsed by the CDR details.

Regarding accused Pradeep Grover, it was further argued by Ld. Addl. PP that accused Pradeep Grover is visible in CCTV footage threatening the deceased and it was further argued by him that in view of the above, all the accused persons are liable to be charged under Section 302/201/120B IPC.

5. Heard. Record perused.

FINDINGS

6. 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.

7. 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*.

8. As per the charge-sheet, the case of the prosecution is that deceased Arun left for RML Hospital at about 7.00 am in the morning stating that his father in law is admitted in the hospital and he has to go there. Thereafter, father of the deceased received one call from the deceased saying that “papa aap jaldi aa jao inhone mujhe Badli sasural wale ghar par gher rakha hai”. The complainant/father of deceased further stated that “iske baad maine jitni baar apne ladke Arun ko phone milane ki koshish ki toh mere bete Arun ka phone switch off aaya”.

The body of the deceased was found in the house of accused persons. All the accused persons are relative to each other except accused Amit and Pradeep Grover, who were also present in the house of accused persons at the time of alleged incident.

So far as argument of Id. Counsel for accused that no offence under Section 302 IPC is made out and instead offence under Section 304 IPC, prima facie is made out, I am not convinced with Id. Counsel for accused as at the stage of charge only prima facie case is to be seen. Prima facie, it cannot be said that it was a sudden fight as alleged and not conspiracy as from the disclosure statement of all accused persons it appears that they were supposed to teach him (deceased) a lesson as he was having some obscene chats/photos of his wife/accused Renu.

With regard to offence under Section 120B IPC, the submissions of Id. Counsel for accused persons does not stand anywhere in the eyes of law, as for the offence under Section 120B IPC, it is not necessary that all the accused persons must act in a similar way.

Further, as per the postmortem report, it was opined that “death was due to combined effect of cerebral damage and hemorrhagic shock consequent to multiple injuries to the body, all the injuries were ante mortem in nature, fresh before death and caused by blunt force”. There are 27 external injuries found on the body of the deceased.

With respect to the offence under Section 201 IPC, prima facie it is apparent from the record that accused persons tried to hide the body of the deceased at the first floor of their

house, washed the body of the deceased and changed his shirt to disappear the evidence. Accused persons neither made call to the police or any person, rather they kept the body of the deceased on the first floor without intimating the family members of the deceased.

9. Regarding accused Pradeep Grover, it is further observed that accused **Pradeep Grover** on one hand has moved an application to become Approver in this case and on the other hand when Ld. Addl. PP argued that he can be seen in the video footage having altercation with deceased, then he submits that he concedes for framing of charge and he will explain his presence in the said video, at the time of evidence.

Accordingly, his application to become Approver stands dismissed.

10. Thus, after having gone through the FIR, statements of the witnesses recorded u/s 161 Cr.P.C., postmortem report, and other material documents available on the record, ***a prima facie case under Section 302/201/120B is made out against all accused persons.***

11. Put up for formal framing of charge on 18.04.2026.

(Vandana)
Addl. Sessions Judge-02(North)
Rohini Courts Delhi
15.04.2026