

07.05.2026

ORDER ON CHARGE

Present: Dr. Sarita Rani, Ld. Addl. PP for the State.

All the accused persons are on bail in person with Ld.

Counsel Sh. Arvind Kumar.

Arguments on behalf of the accused persons:

1. It was argued by the Ld. Counsel for the accused persons that accused persons are unaware of the fact that wife of Lalit Kumar Gupta belongs to the SC community. Ld. Counsel for the accused persons also relied upon one judgment arguing that when the accused persons were not aware of regarding caste of the complainant then no question arises for insulting her. It was further argued by the Ld. Counsel for the accused persons that in the site plan, mark B is missing where the alleged witness was said to be present in order to bring the case within the purview of the public review. Besides the above, it was also argued that mere holding the hands of the complainant (as alleged) does not tantamount to offence under section 74/76 BNS. Therefore, he prays for discharge of the accused persons for all the offences.

Arguments on behalf of the State:

2. Ld. Addl. PP for the State argued that there are specific allegations against the accused persons, whereby, the complainant was insulted by the accused persons for being

belonging to SC community. It was further argued that the judgment relied upon by the Ld. Counsel for the accused persons is not applicable arguing that the accused persons are residents of the same locality where the complainant has been residing, therefore, accused persons are well aware of the fact that the complainant belongs to the SC community. She further prayed that in view of the specific allegations against the accused persons of assaulting, abusing and trying to disrobe the complainant, hence, the offences under IPC for which accused persons have been charge-sheeted are also made out against the accused persons.

3. Record perused.

Findings:

4. 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.

5. In the case of **West Bengal Vs. Anil Kumar (1979) 4 SCC 274** the Hon'ble Supreme Court held that *"the standard of test, proof and judgment which is to be applied finally before finding the accused guilty or otherwise is not exactly to be applied at the stage of Section 227 or 228 of the Code...."*

6. 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 therefrom taken at their face value disclose the existence of all the ingredients constituting the alleged offence prima facie.

7. Coming to facts in hand, there are statements of the accused persons recorded during the investigation which indicate that accused persons were well aware of the the fact that the complainant belongs to lower caste. It has been specifically

stated in the statements that, “Lalit Baniya hai aur uski pati chhoti jati ki hai”.

8. Further, it was argued by the Ld. Counsel for the accused persons that mark B is missing where the alleged witness was said to be present in order to bring the case within the purview of the public review. I am of the opinion that at the stage of charge, only prima facie case is to be seen and merely mark B is missing in the site plan, the entire evidence can not be ignored, otherwise also, it is matter of evidence. Further, in the complaint, the complainant has specifically alleged that all the accused persons forcibly trespassed into the office and abused her in filthy language and also insulted her by calling her from her caste by all the accused persons. Therefore, prima facie, **offence under section 79/333/3(5) BNS and section 3(1)(S)/3(1)(W)(i) SC/ST are made out against all the accused persons.**

9. Besides the above, it has been further complained that accused Rajesh caught hold her hand and his son Vikram slapped her and both of them tried to pull her wearing saree, accordingly, prima facie, **the offence under section 74/76 BNS is also made out against accused Rajesh and offence under section 115(2) BNS is made out against accused Vikram as well.**

10. Put up for framing of charge on 08.07.2026.

(VANDANA)
Addl. Sessions Judge-02(North)
Rohini Courts Delhi
07.05.2026