

SC No. 686/2024
STATE Vs. RAJ KUMAR
FIR No. 332/2024
PS (Mahendra Park)

31.07.2025

Present: Sh. Dushyant Siwatch, Ld. Chief PP for the State.
Sh. Bhupender Singh & Gaurav Rana, Ld. Counsel
for the Complainant.
Sh. Vikash Verma, Yogita & Ajay Kumar Sharma, Ld.
Counsels for accused.
Accused produced from JC.

Argument heard on charge.

Ld. Counsel for the accused argued that offence under section 308 (4) BNS is made out against the accused as there is no previous complaint of complainant in this regard, filed by him at any point of time. However, he conceded for charge framing under section 109(I) BNS.

Per contra, Ld. Chief PP for the State, duly assisted by the counsel for the complainant argued that for the purpose of framing charge under section 308(4) BNS, prior complaint of complainant is not *sine qua non*. He further argued that prima facie case is clearly made out under section 308(4) BNS against the accused as well.

Record perused.

After having gone through the FIR, statements of the witnesses recorded u/s 161 Cr.P.C. and other material and documents available on the record, a prima facie case under Section 109(I)/308(4) BNS are made out, however, no offence

under section 54 BNS is made out against the accused, in the present facts and circumstances.

Accordingly, charge for the offence under section 109(I)/308(4) BNS has been framed against accused to which he pleaded not guilty and claimed trial.

Be listed for PE on **04.10.2025**.

Let summons be issued to complainant namely Vishal S/o Sh. Harinath Chauhan, through IO concerned alongwith IO and MHC(M) for next date of hearing.

(VANDANA)
Addl. Sessions Judge-02(North)
Rohini Courts Delhi
31.07.2025