

CNR No. DLNT01-012406-2019
SC No. 713/19
FIR No. 407/19
PS- Jahangirpuri
State Vs. Pawan etc
U/s 302/34 IPC and 25/27/54/59 Arms Act

29/11/2021

Present: Sh. Sanjay Jindal, Id Additional PP for the State.
All three accused produced from JC.
Sh. S.K Jha, Id counsel for accused Pawan.
Sh. R.S Sharma and Ms. Farzana, Id counsels for
accused Yogesh and Harish.

Matter is fixed for arguments on the point of charge. Ld
respective counsels for accused persons have conceded on the point of
charge and have submitted that charge under appropriate sections 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.....”*

CNR No. DLNT01-012406-2019
SC No. 713/19
FIR No. 407/19
PS- Jahangirpuri
State Vs. Pawan etc
U/s 302/34 IPC and 25/27/54/59 Arms Act
-2-

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 u/s 302/34 IPC against all the three accused persons and u/s 25/27 Arms Act against accused Yogesh and Pawan is made out there is strong suspicion that accused has committed the said offences. Separate charge has been framed accordingly against the accused persons, to which they pleaded not guilty and claimed for trial.

RE-notify for P.E on **28.02.2022**. Issue summons to the complainant and notice for appearance to the IO for assistance of Id Additional P.P for State.

(Shivaji Anand)
Addl. Sessions Judge: 04 (North)
Rohini Courts: Delhi:29/11/2021(M)