

SC 856/2022
STAE Vs. MUMTAZ ALI
FIR No. 674 /2022
PS Adarsh Nagar
U/s. 302/392/397/411 IPC

31.01.2023

Present: Sh. Sanjay Jindal, Id. Addl. PP for the State.
Accused produced from JC.
Sh. Tarun Shokeen, Id. counsel for accused.

The matter is listed for arguments on charge.
Id. Counsel for the accused has conceded on the point of charge and has submitted that charge under appropriate Sections in law may be framed against the accused.

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 Crl.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 Crl. 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 afore-said material on record and after hearing Id Additional P.P for State and Id counsel for accused, a prima facie case for the offences U/s 302 IPC, U/s. 392/397 IPC & U/s. 411 IPC is made out against the accused, there are strong suspicion that he had committed the said offences. Accordingly charges have been framed against him separately, to which he pleaded not guilty and claimed trial.

Put up for P.E on **04.05.2023**. **All the public witness be summoned for the next date of hearing.**

Ld. counsel for accused moved an application for grant of interim bail of accused.

Ld. counsel for accused submitted that marriage of sister of accused has been fixed for 20.02.2023 and there is no male member in his family except his father (who is 73 years old) to manage the marriage arrangements and prayer is made out for grant of interim bail.

Heard.

Notice of the interim bail application be issued to the IO/SHO concerned with directions to file the detailed reply of the interim bail application and also verify the documents and filed the report. **IO is also directed to appear in person on the next date of hearing.**

Put up for appearance of IO and arguments on the bail application on **09.02.2023**.

(Shivaji Anand)
Addl. Sessions Judge: 04 (North)
Rohini Courts: Delhi:31.01.2023_(RB)