

28.01.2020

Pr: Ms. Kiran Bala, Ld. Addl. PP for the State.

Accused is present on bail.

Sh. G.S. Bhatia, Ld. Counsel for accused.

The case is listed for consideration of charge.

It is argued by Ld. Defence counsel that the accused has been falsely implicated in this case. It is stated that the incident did not take place in the manner it is narrated in the complaint of the complainant and there was no recovery of any video clipping as alleged by the complainant and that he has been falsely implicated due to previous enmity and hence he is entitled to be discharged.

Per contra, Ld. Addl. PP for the State has controverted the contention of Ld. Defence counsel.

I have perused the complaint of the complainant on the basis of which this FIR was registered. At this stage, the said statement of the complainant cannot be disbelieved. The contentions of Ld. Counsel for the defence are matter of trial.

It is settled law that at the stage of consideration of charge, this court is not required to assess, evaluate and to weigh the prosecution evidence in a criminal case as it is done at the final stage. It is not open for this Court to sift and weigh the evidence as if a mini trial is being conducted and charge can be framed on the basis of grave suspicion and the evidential value of the statement of witnesses recorded during the course of investigation is required to be seen at the time of appropriate trial. A roving and fishing inquiry is impermissible and it is sufficient if the prosecution is able to show prima facie the commission of offence and the involvement of the accused persons.

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After going through the entire material, there is prima facie ground to proceed against both the accused u/s 328/377/506 IPC. Charge is accordingly framed against the accused to which he pleaded not guilty and claimed trial.

List this case for PE on 14.05.2020. Let witnesses including complainant be called for the said date.

(Rakesh Kumar-IV)
ASJ-02-cum-Special Judge,
(NDPS), North West
Rohini:Delhi/28.01.2020