

FIR No. 41/2023
PS- H.N. Din
State Vs. Suhail @ Sahil

03.11.2023

Present : Sh. R.K. Gurjar, Ld. Addl. PP for the state.
Sh. S.A. Imran, Counsel for accused.

1. Ld. Counsel for accused has submitted that cognizance was wrongly taken by the court and therefore, this matter cannot proceed further as per law. He has relied upon the judgment of Hon'ble High Court of Delhi, in this regard.

2. Ld. Addl. PP for the state has submitted that as such cognizance is not barred in the present case as offence punishable u/sec. 506 is also made out based on contents of charge-sheet. Besides that, complaint of complainant is forwarded with the charge-sheet. Therefore, mandate of Sec. 195 CrPC is complied with.

3. Arguments heard. Record perused.

4. I find force in the contentions of Ld. Addl. PP for the state.

5. Reliance is placed upon by me in this case titled as *Gurcharan Singh Arora Vs. The State, 2002 SCC Online Delhi 10*, wherein liberty is granted to the police to file charge-sheet along-with complaint of complainant in offences punishable u/sec. 195A IPC. Besides that, offence punishable u/sec. 506 IPC, is also involved in the present case. Therefore, cognizance is not barred.

6. Arguments on charge heard. Record perused.

7. After perusal of record, I find sufficient material on record to frame the charge upon accused persons.

8. Hence, in view of submissions made by counsel for accused as well as Ld. Addl. PP for the state, prima facie case u/sec. 195A/506/34 IPC, is made out against accused. Therefore, charge u/sec. 195A/506/34 IPC, is framed against accused, to which he pleaded not guilty and claimed trial.

9. Matter is now fixed for Prosecution Evidence.

10. Issue summons to complainant, IO and MHC(M) alongwith case property, returnable by next date of hearing.

Matter adjourned.

Put up for PE on 22.12.2023.

[PRASHANT SHARMA]
ASJ-02, South-East/Saket/Delhi
03.11.2023_(ak)