

SC No.19/2024
State Vs. Rajesh & Ors.

08.02.2024

Present : Sh. Mohd. Iqrar, Ld. Chief PP for the State.

All three accused persons are present on bail in person.

Sh. Rajiv Pratap Singh, LAC for all three accused persons.

Sh. Neeraj Kumar, Ld. Counsel for all three accused persons through VC.

Fresh authorization filed by LAC counsel on behalf for all the three accused persons. Since the accused persons have engaged a new counsel from DLSA, the earlier counsel Sh. Neeraj Kumar is discharged from this case.

Arguments heard of both the sides on the point of charge and perused the chargesheet as well as the material available on record.

Ld. Counsel for accused persons submits that they have been falsely implicated in this case and no case is made out against them.

On the other hand, Ld. Chief PP for the State has argued that there are specific allegations against the accused persons and prima facie case is made out against them as per the FIR and statement of witnesses for the offences u/s 452/308/34 IPC. However, prima facie from the statement of the witnesses and other evidence on record, no offence under Section 201 and

506 IPC is made out against the accused persons.

It is the settled proposition of law that at the stage of framing of charge, the Court is not required to meticulously judge the truth, veracity and effect of evidence which the prosecution proposes to adduce nor any weight is attached to the probable defence of the accused. The Court is not required to assess if there is sufficient ground for conviction or whether the trial is definitely going to end in the conviction of the accused. It is only to be considered if there is a strong suspicion which leads the Court to think that there are grounds for presumption that the accused had committed an offence.

In view of the above arguments and also the statement of the complainant/injured and other materials available on record, prima facie, charge under Section 452/308/34 IPC is made out against all the accused persons. Charge is accordingly framed. All three accused persons have pleaded not guilty to the charge and claimed trial.

Put up for PE on **11.03.2024**. Let the public witnesses be summoned for next date.

(RENU BHATNAGAR)
Principal District & Sessions Judge
Shahdara, KKD Delhi/08.02.2024