

SC No.146/2023
State Vs. Rishabh @ Nikku

06.02.2024

Present : Sh. Mohd. Iqrar, Ld. Chief PP for the State.
Accused is present on bail alongwith Ld. Counsel
Sh. I.K. Khare.
IO/SI Ram Singh in person.

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 submits that accused has been falsely implicated in this case and no case is made out against him.

On the other hand, Ld. Chief PP for the State has argued that there are specific allegations against the accused and prima facie case is made out against him as per the FIR and statement of witnesses for the offences **U/s 509/354/308/506 IPC**. He has further argued that in addition to the offences as stated in the charge-sheet, charge for offence under Section 392 IPC is also made out against the accused as on the day of incident he had taken away the mobile phone of the complainant.

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 **U/s 509/354/308/506/392 IPC** is made out against the accused. Charge is accordingly framed. Accused has pleaded not guilty to the charge and claimed trial.

Put up for PE on **29.02.2024**. Let the complainant be summoned for next date.

MHC(M) is directed to produce DVRs and CDs of the case on next date. IO is bound down for next date.

(RENU BHATNAGAR)
Principal District & Sessions Judge
Shahdara, KKD Delhi/06.02.2024