

SC No.:375/2021
FIR: 62/2021
PS:Kamla Market
State Vs Hamja Ahmed

25/07/2022

Present: Mr. Mohd. Iqrar, learned Addl.PP for the State.
Accused in person on bail.
Mr. Rashid Hashmi, learned counsel for accused.

Learned Substitute Addl.PP for State has submitted that there is sufficient material to frame charge **U/s 307 IPC** against the accused.

Learned counsel for the accused has argued that the accused has been falsely implicated in the present case and no offence, as alleged, has been committed by the accused. It is, therefore, prayed that the accused may kindly be discharged.

Heard. Perused.

In the present case, it is the case of the prosecution that as per statement of complainant / victim Uzair, the accused had earlier threatened him not to meet and talk with one Insha. That on 06/03/2021 at about 9:00 AM when complainant was sitting in the playground of school, accused came alongwith his co-associates and took out a knife from his pocket and attacked twice on the person of complainant. The injured / complainant was shifted to hospital where his treatment was carried out and MLC was prepared, which revealed the following injuries:-

(1) Superficial lacerated wound over neck(muscle intact), (2) lacerated wound over left hand b/w 3rd and 4th proximal phalanx approx. 5 x 3 cm, (3) Abrasions over neck, (4) Abrasions over right hand, & (5) Abrasions over right hand index finger

At the stage of framing of charge, this Court has to see whether

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there is sufficient ground for proceeding against the accused. It is axiomatic that even the strong suspicion that the accused has committed the crime, is sufficient to frame the charges. It is also well settled that the standard of proof adhered to at the final decision of the case is not to be adopted at the stage of framing of charge. The Court is not to appreciate or weigh the evidence, which the prosecution proposes to lead during the trial.

Considering the facts and circumstances of the case, this Court is of the considered view that prima-facie case is made out U/s 307 IPC against accused and accordingly, charge under the aforesaid section is framed against the accused to which he pleads not guilty and claims trial.

Status report with regard to FSL result has been filed by the IO stating that result of FSL is still not ready. IO has submitted that he has been transferred from the concerned PS.

Accordingly, issue notice to concerned SHO to file status report regarding steps taken for obtaining FSL result for the next date of hearing.

List the matter for PE for 14/11/2022. Witnesses at Sl.No.1 and 11 be summoned for the next date of hearing.

(Sushil Anuj Tyagi)
ASJ-04/Central/Delhi
25/07/2022 (mk)