

SC No. 45/2026
State Vs. Shejan @ Malik
FIR no.230/2025
PS Ambedkar Nagar

21.05.2026

ORDER ON THE POINT OF CHARGE

Present: Sh. Arun Kumar Singh, Ld. Additional PP for the State.
Accused in person.
Sh. Mirza Maaz Baigh, Ld. Counsel for accused.

1. Matter is listed for arguments on the point of charge.
2. I have heard Ld. Counsel for the accused and Ld. Additional Public Prosecutor for the State on the point of charge and carefully perused the charge-sheet and material placed on record.
3. The case of the prosecution, in brief, is that the present FIR was registered on the complaint of complainant Azim on 19.05.2025. It is alleged that on 18.05.2025 at about 03:00 PM, the complainant alongwith his friends Allen and Karan was standing near Tarawati Hospital and making reels when some boys came there and started quarrelling with him. It is alleged that the said persons assaulted and beat the complainant. Among the assailants, the complainant identified accused Shejan @ Malik, Chota Kanchi (Vikas Kanchi) and Aash. It is alleged that accused Shejan and Chota Kanchi were wearing knuckles/punches and assaulted the complainant, while

co-accused Aash allegedly hit the complainant with the handle of a knife on his head and body. Upon the complainant raising alarm, public persons gathered and the assailants fled from the spot.

4. During investigation, the complainant was medically examined and the MLC reflects the following injuries: laceration over central parietal scalp measuring approximately 1 x 0.5 x 0.5 cm, laceration over posterior parietal scalp measuring approximately 2 x 1 x 0.5 cm, abrasion over left eyebrow, bruise inside left upper lip, abrasions over back of body and bruises over right hand knuckles. The injuries were opined to be simple in nature caused by blunt object/force/surface impact. Upon completion of investigation, charge-sheet was filed against accused Shejan @ Malik for offences punishable under Section 110 BNS read with Section 3(5) BNS, while investigation qua other accused persons was kept pending.

5. Ld. Counsel for the accused has argued that no offence under Section 110 BNS, corresponding to Section 308 IPC, is made out from the allegations and material on record. It is contended that the injuries sustained by the complainant are admittedly simple in nature and there was no intention or knowledge attributable to the accused to cause culpable homicide. It is further argued that even as per the prosecution case, the alleged knife was not used from the sharp side and the complainant was allegedly struck only with the handle thereof. Reliance has been placed upon the judgments titled *Raju @ Rajpal & Ors. Vs. State, CrL.A. 208/2011 decided on 17.07.2014* and *State Vs. Kamlesh Bahadur, CRL.L.P. 515/2019 decided on*

12.09.2023, to contend that the intention and knowledge of the accused are to be inferred from the nature of weapon used, nature of injuries caused, body part targeted and surrounding circumstances. It is argued that the incident arose suddenly, without premeditation or previous enmity, and therefore Section 110 BNS is not attracted.

6. Per contra, Ld. APP for the State has argued that at the stage of framing of charge, the Court is only required to see whether a prima facie case is made out from the material collected during investigation and not whether the prosecution case would ultimately result in conviction.

7. It is a settled principle of law that at the stage of framing of charge, the Court is not required to meticulously appreciate evidence or conduct a roving enquiry into the merits of the prosecution case. The Court is only required to examine whether the material placed on record, if taken at its face value, discloses the ingredients of the alleged offence and raises a grave suspicion against the accused. At this stage, the prosecution material is to be presumed to be true and the Court is not expected to conduct a mini-trial or determine the probative value of the evidence. If the material placed before the Court gives rise to a strong suspicion regarding the commission of an offence, charges are liable to be framed.

8. However, while considering whether an offence under Section 110 BNS is made out, the Court must prima facie examine whether the act complained of was committed with such intention or knowledge and under such circumstances that if

death had ensued, the offence would amount to culpable homicide not amounting to murder. Thus, the essence of Section 110 BNS lies not merely in the factum of assault, but in the existence of intention or knowledge to cause death or such bodily injury as was likely to result in death. Such intention or knowledge is to be gathered from the nature of weapon used, severity of blows, part of body targeted, nature of injuries sustained and the attendant circumstances of the occurrence.

9. In the present case, the material on record reveals that the injuries suffered by the complainant have been opined to be simple in nature. The MLC does not disclose any grievous or life-threatening injury. The injuries are primarily abrasions, bruises and lacerations caused by blunt force impact. Significantly, even as per the prosecution version, though one of the accused was allegedly carrying a knife, the complainant was hit with the handle thereof and not with the sharp-edged portion. Had there been any intention to commit culpable homicide, the weapon could have been used in a far more dangerous manner and upon vital parts of the body so as to cause fatal injuries. The material further indicates that the incident arose out of a sudden quarrel and there is no allegation of prior planning or premeditation.

10. It is also pertinent to observe that merely because some of the injuries were sustained on the head of the complainant, the same would not ipso facto attract the offence punishable under Section 110 BNS/Section 308 IPC. The seat of injury is undoubtedly a relevant circumstance; however, it cannot be examined in isolation divorced from the overall facts and

circumstances of the case. The Court is required to assess the entirety of the incident including the nature of weapon used, the force employed, the severity and character of injuries, the manner of assault, the surrounding circumstances, and the intention or knowledge attributable to the accused. In the present case, despite the injuries being on the scalp region, the injuries have been opined to be simple in nature and there is no material suggesting that the blows were inflicted with such force or intention so as to endanger life or cause death. The prosecution material further indicates that the incident arose out of a sudden quarrel without premeditation. Therefore, merely because the complainant suffered simple injuries on the head would not by itself be sufficient to bring the case within the ambit of Section 110 BNS, in the absence of the requisite intention or knowledge contemplated under the said provision.

11. The surrounding circumstances, the nature of injuries, the manner of assault and the conduct attributed to the accused do not prima facie indicate the existence of the requisite *mens rea* necessary to attract Section 110 BNS. Merely because some force was used during the quarrel would not by itself bring the act within the ambit of attempt to commit culpable homicide. The injuries sustained by the complainant, though sufficient to constitute “hurt”, cannot at this stage be said to have been inflicted with such intention or knowledge as contemplated under Section 110 BNS. Therefore, I am of the considered view that the essential ingredients of Section 110 BNS, 2023 are not prima facie made out against the accused.

12. At the same time, the allegations and medical record clearly disclose that the complainant sustained simple injuries as a result of the assault allegedly committed by the accused. The material on record prima facie establishes voluntary causing of hurt by the accused to the complainant. Accordingly, a prima facie case for offence punishable under Section 115(2) BNS, 2023 is made out against accused Shejan @ Malik.

13. Accordingly, charge for the offence punishable under Section 115(2) BNS, 2023 is framed against accused Shejan @ Malik, to which he pleads not guilty and claims trial.

14. Since the offence under Section 115(2) BNS, 2023 is triable by the Court of Judicial Magistrate First Class under the Bharatiya Nagarik Suraksha Sanhita, 2023, the file be placed before the Ld. Principal District & Sessions Judge, South District, Saket Courts, New Delhi on **02.06.2026 at 02:00 PM** for assignment to the Court of competent jurisdiction having territorial jurisdiction over PS Ambedkar Nagar.

15. Copy of this order be supplied to the accused free of cost as per rules.

(SAMAR VISHAL)
ASJ-02/SOUTH/SAKET COURTS
NEW DELHI/21.05.2026