

Matter is taken up physically as well as through VC

SC No. 131/2025

FIR No. 488/23

PS : Tigri

State Vs. Ritu Lohiya & Ors.

02.04.2025

Present:- Sh. Sanjay Mishra, Ld. Substitute Addl. PP for State.

All the accused persons are present on bail.

Sh. Pankaj Kumar Gupta, Ld. Counsel for all the accused persons.

Heard arguments on the point of charge.

Counsel for the accused persons submit that injuries opined in the MLC are only simple in nature and no case under Section 308 IPC is made out. He further argues that there is only one victim and rather the injuries were suffered by all the accused persons and there is also a cross case pending against the complainant and his family members. He further submits that neither there is any eye witness to the incident nor any CCTV footage has been seized by the IO and it is totally a made up story.

Per contra, Ld. Substitute Addl. PP for State submits that at the stage of framing of charge, only prima-facie case is to be seen by the Court. He further submits that the Court is not required to evaluate the evidence so minutely and the same has to be done at the time of final decision of the case. He further submits that victim has taken the name of all the accused persons in his statement.

It is well settled principle of law that at the time of framing of charge, the Court is only required to see a prima-facie case. The case of the prosecution is at the threshold and merely that

no public witnesses have joined or no CCTV footage has been seized by the IO and in these circumstances, the case of the prosecution cannot be thrown away at its threshold raising the presumption that accused persons have not committed any offence merely because the nature of injury is simple is no ground to presume that accused persons had no intention to cause injury. Section 308 IPC defines that whoever does any act with such intention or knowledge and under such circumstances that, if he by that act caused death, he would be guilty of culpable homicide not amounting to murder.

In the present case, the complainant has specifically stated in his statement that he was hit with some steel type punch on his head which prima facie show the commission of offence under Section 308 IPC.

In view of the statement of the injured and other materials available on record, prima facie, charge under Section 308/323/341/506/34 IPC is made out against the accused persons and as such, charge is accordingly framed. Charge has been framed against the accused persons separately to which they pleaded not guilty and claimed trial.

Witnesses at Sr. No. 1 to 3 be summoned for next date of hearing.

List the matter for PE on 14.05.2025.

(MADHU JAIN)

Principal District & Sessions Judge (South)
Saket Courts, New Delhi : 02.04.2025