

Matter is taken up through physically as well as virtually

SC 308/21

FIR No: 104/21

PS: Mehrauli

State vs. Manoj Kumar @ Mannu

04.12.2023

Present: Sh.Gurbhej Singh Guraya, Ld. Chief Public prosecutor for the State.

Accused Manoj Kumar @ Mannu produced from JC (but on bail in this case).

Sh. Tariq Hashmi, Ld. LAC for accused.
Sh. Nawalendra Kumar, Ld. Counsel for complainant/victim.

I have heard the learned Chief Public Prosecutor for the State as well as the learned counsel for the accused on the point of charge and perused the chargesheet, the statements recorded under Section 161 Cr.P.C and other materials available on record.

Ld. Counsel for accused submits that accused has been falsely arrested in this case and no case is made out against him. It is further submitted that he has no intention to cause death of Gaurav Kumar Mishra and caused injuries to him.

On the other hand, learned Chief Public Prosecutor for the State has argued that allegations against the accused are not general but specific and prima facie case is made out against him as per the FIR and statement of witnesses for the offences under Section 308/34 IPC.

It is clear that at the stage of consideration for 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 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 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 injured and other materials available on record, prima facie, charge under Section 308/34 IPC is made out against the accused and as such, charge is accordingly framed.

Put up for prosecution evidence on **04.01.2024**.

The witnesses mentioned at Sl. No.1,4, 5, 6,7 & 8 in the list of witnesses along with IO and MHC(M) be summoned for the above said date.

(MADHU JAIN)
Principal District & Sessions Judge (South)
Saket Courts, New Delhi : 04.12.2023